

ORDINANCE NO. 19-05-09-15

CERTIFICATE OF OCCUPANCY PROCEDURES

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE CITY OF CORINTH UNIFIED DEVELOPMENT CODE (“UDC”), BY REPEALING SECTION 2.10.07, “CERTIFICATE OF OCCUPANCY” OF SUBSECTION 2.10 “ZONING PROCEDURES” OF SECTION 2, “ZONING REGULATIONS” OF THE UDC, AND ADOPTING A NEW SECTION 2.10.07 “CERTIFICATE OF OCCUPANCY”; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR VIOLATIONS THEREOF AS MORE SPECIFICALLY SET FORTH HEREIN; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas is a home rule municipality located in Denton County, Texas created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City is authorized to adopt regulations governing the development of land within the City and its extraterritorial jurisdiction in the interest of the public health, safety and welfare of its citizens; and

WHEREAS, the City adopted the Unified Development Code (“UDC”) which specifies the requirements necessary to obtain a Certificate of Occupancy; and

WHEREAS, the Planning and Zoning Commission held a public hearing at which persons with interest were provided an opportunity to provide public input and comments and reviewed proposed amendments to existing regulations and procedures for obtaining a Certificate of Occupancy within the City as provided within the UDC; and

WHEREAS, after holding the public hearing, the Planning and Zoning Commission considered the proposal to amend the Zoning Ordinance and voted to amend the procedure for obtaining a Certificate of Occupancy within the City; and

WHEREAS, after holding a public hearing at which persons with interest were provided an opportunity to provide public input and comments, the City Council has reviewed the proposed amendments to the procedures to obtain a Certificate of Occupancy as recommended for approval by the Planning and Zoning Commission and has determined that the incorporated amendments to the UDC are appropriate to aid with ensuring that the structures and associated use are both safe and appropriate; and

WHEREAS, the City Council has determined that the amendments proposed relating to Certificates of Occupancy will be beneficial to the public safety and welfare; and

WHEREAS, upon review and consideration of the foregoing factors, the City Council has determined that the City's Certificate of Occupancy procedures should be amended as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

**SECTION 2.
AMENDMENTS**

2.01. That the Comprehensive Zoning Ordinance, being a part of the City of Corinth Unified Development Code, Section 2.10.07 "Certificate of Occupancy", of Subsection 2.10 "Zoning Procedures", of Section 2, "Zoning Regulations" is hereby repealed in its entirety and a new Section 2.10.07 "Certificate of Occupancy" of Subsection 2.10 "Zoning Procedures" of Section 2 "Zoning Regulations", is hereby adopted to be read in its entirety as follows with all other sections of Subsection 2.10, "Zoning Procedures" not specifically amended hereby remaining in full force and effect:

"2.10.07 Certificate of Occupancy

(A) Required. Certificates of occupancy shall be required for any of the following:

- (1) Occupancy and use of a building hereafter erected or structurally altered.
- (2) Change in use of an existing building to a use of a different zoning classification.
- (3) Change in the occupancy and use of land to a use of a different zoning classification.
- (4) Change in any nonconforming use.
- (5) Change in occupant or business within a building.
- (6) Change in ownership of a business.

No such use, or change of use, shall take place until a certificate of occupancy has been issued by the Building Official stating that the building or proposed use of the building or premises complies with the building code, electrical code, plumbing code, and the provisions of the Unified Development Code.

(B) Procedure for new or altered structures. Written application for a certificate of occupancy for a new structure or the alteration of an existing structure shall be made at the same time as the application for a building permit for such a structure. The certificate shall be issued only after the

City has determined that no violations of the UDC or any other regulation or ordinance of the City exists following an inspection by the chief building official and city fire marshal, and that there are no outstanding invoices due to the city.

- (1) A temporary certificate of occupancy, for a period of time not to exceed one hundred and twenty (120) days may be issued by the building official if he/she finds that no substantial hazard will result from occupancy of any portion of the building structure, or suite within a structure prior to its completion. A written request by the applicant must be submitted stating the conditions needing to be completed, the reasons for the delay, and the expected date of compliance. Model homes may receive a temporary certificate of occupancy for the entire length of their use until such time that they are converted into a residential occupancy. The certificate of occupancy shall expire if the City denies the extension request.
- (2) When extenuating circumstances arise, such as extended periods of weather detrimental to construction, a temporary certificate of occupancy may be extended for a period of time not to exceed one hundred and twenty (120) days from the date of approval by the building official. The building official shall make such determination within ten (10) days of the submission of a written request of the applicant detailing the extenuating circumstances responsible for the delay, the steps being taken to expedite the completion of the project and their expected date of completion. The certificate of occupancy shall expire if the City denies the extension request.”

SECTION 3. PENALTY

Any person, firm or corporation who intentionally, knowingly or recklessly violates any provision of this Ordinance, the Unified Development Code, or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this Ordinance, the Unified Development Code, or Code of Ordinances, as amended hereby, governing the fire safety, zoning, or public health and sanitation shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 4. CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 5.
SAVINGS**

All rights and remedies of the City of Corinth, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

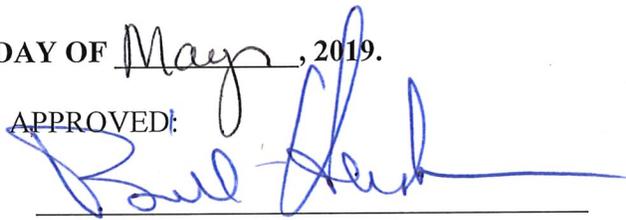
**SECTION 6.
SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

**SECTION 7.
EFFECTIVE DATE**

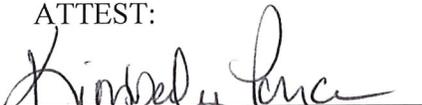
This Ordinance shall take effect upon its publication as required by law. The City Secretary is directed to publish the caption and penalty of this Ordinance as required by the City Charter and state law.

PASSED AND APPROVED THIS 9 th DAY OF May, 2019.

APPROVED: 

Bill Heidemann, Mayor

ATTEST:



Kimberly Pence, City Secretary

APPROVED AS TO FORM:



VDM Andy Messer, City Attorney

