

SECTION 38. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

§ 38.1. General Requirements.

No permanent structure, including any and all improvements and appurtenances connected or attached thereto, may be constructed or otherwise located within the city limits prior to issuance of a Building Permit by the Building Inspector. No permanent structure constructed or otherwise located within the city limits may be occupied prior to issuance of a Certificate of Occupancy by the Building Inspector. No change in the existing conforming use of a permanent structure, or of land to a use of a different classification under this ordinance, and no change in the legally conforming use of a permanent structure or of land may take place prior to issuance of a Certificate of Occupancy by the Building Inspector.

(Ordinance 091096 adopted 9/13/16; Ordinance 071222-1(O) adopted 7/12/2022)

§ 38.2. Procedure for New or Altered Buildings.

Plans for any permanent structure to be constructed or otherwise located within the city limits must be approved by the Building Inspector who, upon approval, shall issue a Building Permit. A complete application for a Building Permit shall contain details of foundation, including form board survey, and structure sufficient to determine compliance with applicable provisions of the Building Code. Upon submission of a complete application, the Building Inspector shall issue a Building Permit. After issuance of a Building Permit and prior to issuance of a Certificate of Occupancy, the Building Inspector shall conduct a form board survey, foundation, plumbing, electrical and framing inspection. After such inspection, the Building Inspector shall issue a Certificate of Occupancy if the plans and the results of the inspection comply with the provisions of all applicable ordinances and regulations.

(Ordinance 091096 adopted 9/13/16; Ordinance 041222-2(O) adopted 4/12/2022)

§ 38.3. Procedure for Vacant Land or a Change in Use.

Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use, as herein provided, shall be made to said Building Inspector. If the proposed use is in conformity with the provisions of this ordinance, the Certificate of Occupancy therefor shall be issued with ten (10) days after the application for same has been made.

(Ordinance 091096 adopted 9/13/16)

§ 38.4. Contents of Certificate of Occupancy.

Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of the building and fire laws and ordinances. A record of

all Certificates of Occupancy shall be kept on file in the Office of the Building Inspector or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

(Ordinance 091096 adopted 9/13/16)

§ 38.5. Temporary Certificate.

Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Issuance of a temporary certificate shall not be construed to alter the respective rights, duties, or obligations of the owner or of the City relating to the use [or] occupancy of the premises or any other matter covered by this ordinance.

(Ordinance 091096 adopted 9/13/16)

§ 38.6. Certificates for Nonconforming Uses.

A Certificate of Occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this ordinance. Application for such Certificate of Occupancy for a nonconforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a lawful nonconforming use, but failure to apply for such Certificate of Occupancy for a nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this ordinance.

(Ordinance 091096 adopted 9/13/16)

§ 38.7. Required.

A permit shall be obtained from the city before commencing any construction including, but not limited to, grading, paving, utility installation, foundation work, or vertical construction. Requirements for permits related to buildings and structures are further defined in Chapter [3](#) of the Code of Ordinances. Permits may be issued in phases or groups depending on the applicant's development needs. All public improvements required by this chapter must be installed and accepted prior to filing a plat for record, unless otherwise specified in an approved facilities agreement or waived by approval of a variance.

Permit Types

1. Building permit. This permit allows for the installation of all proposed improvements, including, but not limited to grading, utility installation, paving, and vertical construction. This permit is further referenced in Chapter 3 of the Code of Ordinances. This permit is often the final permit to be issued in the development process.
2. Development permit. This permit allows for the installation of on-site and off-site public improvements. This permit is typically issued after a grading and erosion control permit and before a utility, paving, and/or foundation permit. This permit is typically issued to allow for the construction of required public improvements.
3. Grading and erosion control permit. This permit allows the applicant to install erosion control measures and begin the earth-disturbing activities associated with the development of the subject property. This permit is often the first permit to be issued in the development process.
4. Utility, paving, and/or foundation permit. This permit allows for the installation of on-site utilities, paving, and building foundations. This permit may be issued as a single permit or may be issued individually depending on the applicant's development needs.
5. Expiration. All permits referenced herein shall expire one year after issuance. If construction has not been completed within the allotted time period, another permit shall be required, and the required fees associated therewith shall be paid. If this provision conflicts with an expiration provision contained in another chapter, the more restrictive provision shall apply.

(Ordinance 071222-1(O) adopted 7/12/2022)