

## Temporary Certificate of Occupancy Process

The certificate of occupancy (CO) is the final construction document issued by the building official to authorize occupancy of a structure upon completion of all building and construction related issues. Section 111.1 of the 2009 International Building Code (IBC) states that:

**"No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances or the jurisdiction."**

It is sometimes necessary to request a temporary certificate of occupancy (TCO) prior to the final certificate of occupancy being issued. It is sometimes possible for the building official to approve temporary occupancy of a structure. Section 111.3 of the 2009 International Building Code (IBC) states that:

**"The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid."**

This certification is intended to acknowledge that some building features may not be completed even though the building is safe for occupancy, or that a portion of the building can be safely occupied while work continues in another area. Temporary certificates should be issued only when incidental construction remains. All departments will view the issuance of a temporary certificate of occupancy as substantial an act as the issuance of the final certificate.

Upon request of the owner or authorized representative, the building official may issue a temporary certificate of occupancy for the temporary use and occupancy of a portion of a building prior to the completion and occupancy of the entire building provided such temporary occupancy or use will not in any way or manner jeopardize life or property. Such a certificate may be issued for a period not exceeding six (6) months, with a renewable fee to be collected.

Even with the best planning and communications, it is sometimes necessary to request to move furniture in or stock goods prior to the CO being approved and issued. These requests are considered on a case-by-case basis and require the approval of the Building and Fire Department. Before the request will be considered, installed fire alarm and/or sprinkler systems must have passed field acceptance tests. It is important to remember that an approval to stock is for goods only; it is not authorization for people to occupy or sleep in the structure.

The TCO requires all the same inspections as a certificate of occupancy as well as additional fees and submittals. For this reason, do not view the TCO as a short cut to occupying the structure.

The temporary certification of occupancy fee of \$300.00 (per address) is due at issuance and an additional fee of \$300.00 is required for any subsequent renewals. In some circumstances, escrow payment may be required for any unfinished work. When required, the value of the escrow payment will be set at 110% of the value of the work to be completed.

The expiration date of the temporary certificate of occupancy will be determined on a case-by-case basis. Unless otherwise noted the TCO will expire within 30 days of issuance. The expiration date shall be clearly noted on the TCO.

Before the TCO expires, a request for re-inspection is required from all applicable city departments.

After all departments have re-inspected the property, one of three things will happen:

- 1) All outstanding requirements will have been met and the permanent certificate of occupancy is issued.
- 2) Not all outstanding requirements have been met; another TCO is issued along with a renewal fee of \$300.00 and a new expiration date will be set.
- 3) Not all outstanding requirements have been met and another TCO has not been issued, a notice of violation or citation will be issued.

The following is a list of minimum requirements that must be met before consideration is given by the Building Official to allow the issuance of a Temporary Certificate of Occupancy. The list is not all-inclusive.

- A written request from the owner or owner's agent for the TCO (departmental clearance is required for any application for a TCO).
- No overhead lifting above floor(s) of occupancy.
- Building must be enclosed at all levels.
- Associated site and civil requirements must be substantially complete as approved by the city engineer.
- Code-required fire and life/safety systems, i.e., sprinklers, fire alarms, smoke detectors, fire rated floor systems, duct, shafts and penetrations, elevators, exit illumination, exits and exit stairways must be in place and functional on the level of occupancy considered as well as one story above and to grade level.
- Accessibility requirements must be complete and in compliance up to, throughout, and from the area under consideration.
- Parking, including accessible spaces, must be available for the occupancy of the area under consideration.
- Fire Sprinklers and standpipes must be functional on floors under construction and include proper design pressures on the floor of occupancy, the adjacent floor above and to grade.
- Other issues pursuant to field conditions.

Issuance of a TCO shall not be construed as a dismissal of a violation of any City of Rockwall codes or ordinance provisions.

Any person who violates or fails to comply with these requirements shall be guilty of a misdemeanor and shall be liable to a fine of not more than two thousand dollars (\$2,000.00). Each day such violation shall be permitted to exist shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided.