**City of Sandy Oaks, Texas**

**ORDINANCE NO. 2025-248**

**An Ordinance of the City Council of the City of Sandy Oaks, Texas Establishing CERTIFICATES OF OCCUPANCY**

**WHEREAS**, the City of Sandy Oaks, Texas is a Type A general law municipality incorporated and governed by Chapter 22 of the Local Government Code; and

**Whereas**, pursuant to the Texas Local Government Code, the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

**WHEREAS,** the City Council finds the City has commercial building codes regulating and governing conditions and maintenance of all property, commercial buildings, and commercial structures and desires to protect the public health and safety of its citizens pursuant to Texas Local Government Code Chapter 54 the City Council by establishing regulations for certificates of occupancies;

 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Sandy Oaks, TEXAS**, **that**:

**Section 1. Legislative findings.** The City Council of the City of Sandy Oaks finds that the above foregoing recitals are true and correct and are hereby incorporated for all purposes as official findings of the City Council of the City of Sandy Oaks.

**Section 2. Purpose and Enactment.** Regulations are hereby prescribed for requirements and procedures of certificates of occupancy for the use of any commercial building hereafter erected or structurally altered; change in use of an existing commercial building from the prior usage; or change in the use of land to use of a different use for the purpose of determining compliance requirements and that the commercial building or proposed use of a commercial building or land complies with all the commercial building and health laws and ordinances.

**Section 3. Certificates of Occupancy and Compliance**

General. No vacant land shall be occupied or used, except for agricultural uses, no commercial building hereafter erected or structurally altered shall be occupied or used, and no change of use of a commercial building or commercial structure from its prior use shall be used until a certificate of occupancy is issued by the Building Official, the City Administrator or designee.

Procedure for Certificate of Occupancy.Written application for a certificate of occupancy for a new commercial building or for an existing commercial building which is to be altered shall be made at the time as the application for the building permit for such commercial building and include the applicable fee as adopted by the City’s Master Fee Schedule in effect. Said certificate shall be issued after the Building Official, the City Administrator, or designee, orders the commercial building or commercial structure inspected and finds no violations of the provisions of this Ordinance or other regulations which are enforced by the City of Sandy Oaks. For new commercial buildings or commercial structures, said certificate may not be issued by the Building Official, the City Administrator, or designee, until after the erection or alteration of such commercial building or part thereof has been completed in conformity with the provisions of this Ordinance.

Contents. A Certificate of Occupancy shall contain the following: (1) building permit number; (2) the address of the commercial building; (3) the name and address of the owner; (4) a description of that portion of the commercial building for which the certificate is issued; (5) a statement that the described portion of the commercial building has been inspected for compliance requirements and that the commercial building or proposed use of a commercial building or land complies with all the commercial building and health laws and ordinances, and with the provisions of these regulations; (6) the name of the person issuing the certificate, i.e., the Building Official, City Administrator, or authorized designee; (7) the use(s) allowed; (8) maximum number of persons/occupants; and (9) issue date of Certificate of Occupancy.

Posting. The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official, City Administrator, or designee.

Record keeping. A record of all certificates shall be kept on file in the office of the City Secretary, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the commercial building affected.

Revocation. The Building Official, the City Administrator, or designee, may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this Ordinance whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the commercial building or commercial structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Ordinance or any other codes or regulations adopted by the City, and any amendments thereto.

Reoccupancy. Uses which are reoccupying an existing space or commercial building (i.e., no structural modifications) must comply with all the commercial building and health laws and ordinances, and with the provisions of these regulations, and with other applicable codes.

Temporary Certificate of Occupancy. Pending the issuance of a certificate of occupancy, a temporary certificate of occupancy may be issued by the Building Official, City Administrator, or designee for the period not exceeding six months during the completion of alterations or during partial occupancy of a commercial building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises, or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.

**Section 4. Penalty.** Any person or corporation violating or failing to comply with any provisions of this chapter shall be fined, upon conviction, not less than $10, nor more than $2,000, and each day any violation or non-compliance continues, shall constitute a separate offense.

**SECTION 5. REPEAL OF CONFLICTING Ordinances.** All City ordinances or parts of ordinances inconsistent or in conflict herewith, to the extent of such inconsistency or conflict, are hereby repealed**.**

**Section 6. Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase clause sentence paragraph or section.

**Section 7.** **Effective Date**. This Ordinance shall take effect immediately upon its publication as required by section 52.011 of the Local Government Code.

**Section 8. Publication.** The City Clerk is hereby authorized and directed to publish the caption of this Ordinance together with the penalty provision contained therein the manner and for the length of time prescribed by law.

**PASSED, APPROVED AND ADOPTED THIS \_\_\_\_\_ day of February 2025.**

**City of Sandy Oaks, Texas**

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Michael Martinez, Jr., Mayor

**ATTEST:**

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Delma Doyal, City Clerk