

That the Code of Ordinances of the Village of Claycomo, Missouri, is hereby amended by adding Chapter 9, Article IV - Occupancy, Section 9-49 – Certificate of Use and Occupancy, which reads as follows:

Chapter 9 – BUILDINGS AND BUILDING REGULATIONS

Article IV – Occupancy

Section 9-49 – Certificate of Use and Occupancy

Section 9-49.1. Required

No non-residential building or structure shall be used or occupied (occupy/occupied is defined as; to reside, operate a business, move property or equipment into), and no change in the existing occupancy classification of a building, structure or portion thereof shall be made, until the Village has issued a certificate of occupancy therefor as provided in this section. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this chapter or of any other ordinances. Certificates presuming to give authority to violate or cancel the provisions of this chapter or any other ordinances shall not be valid.

Section 9-49.2 Applicability

- (a) General Requirements for all Existing Structures:
 - a. On request, if a valid Certificate of Use and Occupancy is on file with the Village, a copy will be provided.
 - b. Existing structures that do not have a valid Certificate of Use and Occupancy require the owner to complete a Certificate of Use and Occupancy: Legacy Application, pay the applicable fees and schedule an inspection with the appropriate Building and/or fire Code Official.
 - c. If a change of use occurs on the premises as described in Section 9-49.3 Types (c), even if there is a valid Certificate of Use and Occupancy on file for the previous use, the owner must follow the procedures described Section 9-49.4 Certification Process.
 - d. Any owner or authorized agent requesting a re-issuance of an existing Certificate of Use and Occupancy must follow the same procedures described above for existing structures that do not have a valid Certificate of Use and Occupancy. At the Building or Fire Code Official's discretion, a re-issuance for a name change only may be granted without an inspection, then will be sent to the Board for approval.

Section 9-49.3. Types

- (a) Certificate of Use and Occupancy: Temporary - If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the building is completed, a temporary certificate of occupancy may be issued for the use of a portion of a building or structure prior to the completion of the entire building or structure. This certificate

also permits a property owner to access the property to do work, store tools, equipment or personal belongings on-site. A property owner may not use or occupy the property for any other purpose.

- (b) Certificate of Use and Occupancy: Legacy – For existing businesses to ensure minimal compliance with fire and life safety regulations. This is for businesses holding a valid Village of Claycomo Business License that were existing at the time of adoption of this ordinance.
- (c) Certificate of Use and Occupancy – This certification is for businesses that have met compliance with current adopted codes and shall remain valid until one of the following conditions require a new certificate of occupancy:
 - (1) Change of ownership
 - (2) New business
 - (3) Occupying additional space
 - (4) Occupying a new location
 - (5) A construction project modifying the structure is complete

Section 9-49.4 Certification Process

- (a) New non-residential buildings shall meet all requirements set by the adopted building and fire codes, and successfully meet compliance with appropriate building and fire inspections.
- (b) Existing Non-Residential buildings are to be inspected for compliance utilizing the adopted International Existing Building and fire Code.
 - (1) A building permit will be applied for, and Clay County Planning and Zoning will perform necessary inspections.
 - (2) The currently adopted International Existing Building Code sections 1401.5 Evaluation, 1401.6 Evaluation Process, 1401.7 Building Score, 1401.8 Safety Scores, and 1401.9 Evaluation of Building Safety shall be used.
 - (3) Structural members shall be evaluated to verify they are structurally sound and capable of supporting imposed loads in accordance with Chapter 16 of the currently adopted International Building Code for the proposed use at the time of the inspection.
 - (4) Accessibility requirements shall be in accordance with the “Change of Occupancy Classification” Section of the currently adopted International Existing Building Code (IEBC) that pertains to a Change of Occupancy unless otherwise directed by the Director of Code Compliance

Section 9-49.5. Issuance

- (a) Certificate of Use and Occupancy: Temporary - It shall be the responsibility of the permit holder to request a temporary certificate of occupancy. Unless otherwise indicated, a temporary certificate of occupancy is only valid for 45 days. A Temporary Certificate of Occupancy shall contain the following:
 - (1) The building permit number.
 - (2) Address of the structure.
 - (3) A description of that structure or portion of the structure for which the certificate is issued.
 - (4) Name of Permit applicant

- (5) Expiration date
 - (6) Any stipulations
- (b) Certificate of Use and Occupancy: Legacy - It shall be the responsibility of the occupant to apply for and secure a Certificate of Use and Occupancy: Legacy. After the building official or his authorized representative inspects the building or structure and finds no immediately life threatening violations of the provisions of this ordinance or other codes enforced by the Village or Clay County Planning and Zoning, the Village shall issue a Certificate of Use and Occupancy: Legacy, which shall contain the following:
- (1) The building permit number (If applicable).
 - (2) The address of the structure.
 - (3) A description of that structure or portion of the structure for which the certificate is issued.
 - (4) A statement that the described portion of the structure has been for the occupancy and the use for which the proposed occupancy is classified.
 - (5) The name of the building official.
 - (6) The use and occupancy, in accordance with the provisions of chapter 3 of the International Building Code.
 - (7) Occupancy Load.
 - (8) Any special stipulations and conditions of the building permit.
 - (9) Whether an automatic sprinkler system is provided throughout the building.
- (c) Certificate of Use and Occupancy - It shall be the responsibility of the Owner, or their agent to request a final inspection and to apply for a certificate of occupancy when required. The permit holder shall be excused from this responsibility only if the owner of property has applied for and secured a certificate of occupancy. After the building official or his authorized representative inspects the building or structure and finds no violations of the provisions of this chapter or other laws which are enforced by the code enforcement agency, the building official shall issue a certificate of occupancy, which shall contain the following:
- (1) The building permit number.
 - (2) The address of the structure.
 - (3) A description of that portion of the structure for which the certificate is issued.
 - (4) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and the use for which the proposed occupancy is classified.
 - (5) The name of the building official.
 - (6) The edition of the code under which the permit was issued.
 - (7) The use and occupancy, in accordance with the provisions of chapter 3 of the International Building Code.
 - (8) Occupant Load.
 - (9) The type of construction as defined in chapter 6 of the International Building Code.
 - (10) Any special stipulations and conditions of the building permit.
 - (11) Whether an automatic sprinkler system is provided throughout the building.

Section 9-49.6 Violations

It shall be unlawful for:

- 1) A permit holder or building owner to permit occupancy of a structure before a certificate of occupancy is issued.
- 2) A permit holder or building owner to permit occupancy of any structure for which a temporary certificate of occupancy has been issued and the temporary certificate has expired.
- 3) Any person to occupy any structure for which a certificate of occupancy has not been issued.
- 4) Any person to occupy any structure for which a temporary certificate of occupancy has been issued and the temporary certificate has expired.

Section 9-49.7 Suspension or revocation

The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any provisions of this code, or other pertinent laws or ordinances within this code. If revoked, then the business License is invalid.

Passed Sept 14th, 2020