

ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING CHAPTER 17, ZONING, OF THE LEWISVILLE CITY CODE BY DELETING SECTION 17-36, CERTIFICATES OF OCCUPANCY, IN ITS ENTIRETY; AMENDING CHAPTER 4, BUILDINGS AND BUILDING REGULATIONS, BY ADDING A NEW SECTION, SECTION 4-36, CERTIFICATES OF OCCUPANCY; AND AMENDING CHAPTER 2, SECTION 2-201, FEE SCHEDULE, BY ADDING A FEE FOR CERTIFICATES OF OCCUPANCY; PROVIDING A REPEALER, SEVERABILITY, PENALTY AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens amendments to the Lewisville City Code, chapters 2, 4, and 17 are necessary.

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

SECTION I. Lewisville City Code, chapter 17, Zoning, section 17-36, Certificates of occupancy, is hereby amended by deleting the current language in its entirety.

SECTION II. Lewisville City Code, chapter 4, Buildings and Building Regulations, article II, Building Standards, is hereby amended by adding the following new section, section 4-36, Certificates of occupancy:

Sec. 4-36. - Certificates of occupancy.

(a) *In addition to the circumstances listed in the adopted building code which require certificates of occupancy, 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 classification.
- (3) Change in tenant name or ownership regardless of a change in use or occupancy.

No such occupancy, use, change of use or change of tenant name or ownership shall take place until a certificate of occupancy therefore shall have been issued by the building official.

- (b) *Procedure for new or altered buildings.* Written application for a certificate of occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued within three days after a written request for the same has been made to said building official or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this chapter.
- (c) *Contents.* Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all certificates of occupancy shall be kept on file in the office of the building official or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.
- (d) *Temporary certificate.* Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the building official for a period not exceeding six months, during the completion of alterations or during partial occupancy of a 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.
- (e) *Certificate for nonconforming use.* A certificate of occupancy shall be required for all lawful nonconforming uses or buildings created by adoption of this chapter. Application for such certificate of occupancy for a nonconforming use shall be filed with the building official by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this chapter. It shall be the duty of the building official 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 chapter.

SECTION III. Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule, is hereby amended by inserting the following new fee:

Fee	Amount
CERTIFICATE OF OCCUPANCY:	
Fee for certificate of occupancy	100.00

SECTION VI. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION V. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION VI. PENALTY. Any person, firm or corporation who violates any provisions of this ordinance shall be subject to a fine of not more than \$500.00 for each offense, unless the violation relates to fire safety, zoning or public health and sanitation in which case the fine shall not exceed \$2,000.00. Each continuing day's violation shall constitute a separate offense.

SECTION VII. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION VII. EMERGENCY. It being for the public welfare that this ordinance be passed creates an emergency and public necessity, and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 10TH DAY OF SEPTEMBER, 2018.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Worster, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY