

	Engineering Services Department	
Policy Title:	Temporary Certificate of Occupancy Policy	Effective Date: 05/01/20
Policy No.:	ENG Policy 20-02	Revision Date:
Reviewed by:	City Engineer/City Manager	Revision Date:

Policy Purpose:

To establish and describe City policies regarding the issuance of Certificates of Occupancy and Temporary Certificates of Occupancy.

Definitions:

“Applicant” means any person(s) or entity applying for a building permit in the City of Tulare.

“Owner” means the owner of property that is the subject of a building permit in the City of Tulare.

Certificate of Occupancy and Temporary Certificate of Occupancy Policy

Occupancy and use of a structure within the City of Tulare requires issuance of a Certificate of Occupancy by the Chief Building Official. Projects must obtain all final inspections and all final approvals from review agencies with jurisdiction prior to requesting a final inspection from the Building Division. Only projects passing their final inspections shall receive a Certificate of Occupancy from the Chief Building Official.

The City of Tulare recognizes that in certain circumstances, a Temporary Certificate of Occupancy is both justifiable and mutually beneficial. Therefore, at its sole discretion, the City may consider a request for and issue a Temporary Certificate of Occupancy for projects that meet the following criteria in a clear, unambiguous manner:

- The project does not have any pending compliance or enforcement matters, no outstanding change orders, and there are no outstanding fees related to the project or underlying property due to the City. All agencies with jurisdiction over the improvements have authorized issuance of either a Certificate of Occupancy or a Temporary Certificate of Occupancy.
- The building and surrounding property is compliant with all life/safety and property protection standards of the City including those within the California Building Codes, California Fire Codes, the City of Tulare Land Use Code, the City of Tulare Storm Water Management Plan, and all applicable Ordinances in the approved plan documents. This requires completion, inspection and approval by the City of Tulare of all required public improvements, excepting those items authorized in writing by the City Engineer as being specifically deferred as a condition of final Certificate of Occupancy issuance and secured by cash deposit. Additionally, all on-site improvements consisting of drainage infrastructure, utilities, fine grading, site stabilization and all-weather surfacing of all entryways and pedestrian ways, sidewalks, and lighting for pedestrian safety must be completed, inspected, and approved by the City of Tulare.

- The applicant is prohibited from completing the project by unavoidable circumstances. An example of an acceptable circumstance is when an applicant cannot implement final landscaping due to seasonal conditions.
- The OWNER has completed a Temporary Certificate of Occupancy agreement.
- The OWNER has posted all required cash deposits to secure completion of remaining improvements. The City may require submittal of an itemized estimate of work that remains to be completed.
- The OWNER agrees to pay all reasonable costs and attorney fees should the City prevail in an action brought against OWNER in the case of non-compliance with this policy.

A Temporary Certificate of Occupancy shall not be issued for ordinary circumstances or practical complexities associated with construction, such as:

- Delays caused by normal logistics, such as weather, labor, holidays, financing, legal, permitting, inspections, change order processing by both client, contractor and the City of Tulare, or similar predictable or unpredictable complexity.
- Missed deadlines.
- A client who relies on contractual dates that are not met.
- A Temporary Certificate of Occupancy shall not be issued unless all life/safety and property protection standards of the City have been met, including final inspection and approval by the City of Tulare Fire Department.

Temporary Certificates of Occupancy (TCOs) are only valid for a limited time period, as shall be stated on the Certificate. TCOs shall not be extended. The City of Tulare reserves its right to administer and enforce this policy, to seek remedy through the Tulare County Court and to prohibit unauthorized use or occupancy of a property or structure to the extent permitted by law.

Upon complete submission of a Temporary Certificate of Occupancy Request the review process may take up to 10 business days.

Acknowledgment:

I (contractor of record - print name) _____ understand this policy. I understand that a Temporary Certificate of Occupancy is only available in certain very limited situations and that if my project does not qualify I will not receive a Temporary Certificate of Occupancy. In addition, I will not allow or advise my client to occupy the property or structure until all required inspections and approvals have been granted and a Certificate of Occupancy or Temporary Certificate of Occupancy, as applicable, has been obtained. I will advise my client of this policy.

Contractor signature: _____ Date: _____



Temporary Certificate of Occupancy Agreement

The California Building Code requires that a Certificate of Occupancy be issued before a building is used or occupied. The Code also allows, in very limited circumstances, that a Temporary Certificate of Occupancy be issued when a portion of the building or property is safe to occupy, but before all of the work covered by the permit is complete. This agreement must be signed by the property owner or Attorney representing the property owner prior to issuance of a Temporary Certificate of Occupancy.

Subject Property: _____

Building Permit No.: _____

I, the property owner, understand and agree as follows:

- This property is not in compliance with one or more City of Tulare development regulations and has not received one or more required final inspections.
- I have read and understand the specific conditions referenced in the Temporary Certificate of Occupancy (TCO) Policy and represent and agree that the property in question meets the requirements of the Policy.
- I have posted a cash deposit to secure completion of remaining improvements.
- I understand that unless a final Certificate of Occupancy is issued, occupancy of this property after the expiration date stated below constitutes a violation of the City of Tulare Municipal Code Sections 4.70.06 and 4.70.080. Violations will be enforced according to City of Tulare Municipal Code Sections 1.12.010 and 4.95.010 regarding enforcement of City regulations.
- In the case of legal action to enforce the terms of this agreement, or the Temporary Certificate of Occupancy Policy, Owner agrees to pay all reasonable costs and attorney fees should the City prevail in the action.

Owner Signature: _____

Date: _____

Owner Printed Name: _____

or,

Attorney Signature: _____

Date: _____

Attorney Printed Name: _____

For City Use Only

Denied

Approved

Temporary Certificate of Occupancy expiration date: _____

Chief Building Official: _____

Date: _____