



Conditional Occupancy Bulletin # 37

Department of Planning and Land Services, June 2007
Division of Building Safety and Inspection for 2006 I Codes

Purpose

The purpose of this Bulletin is to explain some of your options and assist you the business owner in meeting the building and zoning code requirements. This Bulletin provides a method of evaluation and inspection that would provide a process for a business to remain in operation while processing the required permits.

On occasion a business will be identified as occupying a building or space without a certificate of occupancy as required by the International Building Code (IBC). Usually the company or firm is open for business and closure would cause severe financial hardship. This procedure will allow for an orderly transition while the processing of permitting or relocation takes place.

OPTION ONE: Conditional occupancy during permit review: Findings: The Building Official **MUST** find all of the following conditions to be applicable:

1. The business must be located in a zone that allows the use or be acknowledged as a legal non-conforming use.
2. The building must meet current building codes or be able to be remodeled to meet them.
3. The building or space meets the requirements of the Safety Inspection outlined in this Bulletin
4. The business owner agrees to diligently pursue all required permit applications or close the business on a mutually agreed upon date.

OPTION TWO: Conditional occupancy during business relocation: Findings: The Building Official **MUST** find all of the following conditions to be applicable:

1. The use is in a zone that **does not allow** the use nor can it be acknowledged as a legal non-conforming use.
2. The building is not able to meet current building codes or to be remodeled to meet them.
3. The building or space meets the requirements of the Safety Inspection outlined in this Bulletin.
4. The business owner agrees to diligently pursue relocation and close business on a mutually agreed upon date.

Process:

1. **Identify** which option applies to your business and **Apply** for a Safety Inspection.
2. **Correct** any items found during the Safety Inspection.
3. Option One, **have permits applied for** within 45 days of Safety inspection.
4. Option Two, meet with County Economic Development within 45 days of Safety inspection.

Plans: At this early stage of processing the request for the Safety Inspection requires a site plan and a floor plan. Additional details that may be identified through review or inspection will be processed as a re-submittal to the application. The plans should identify:

1. Type of construction and location of property lines. At this point we are doing a cursory review to confirm the use may be located in this building or space of this type of construction with the existing setbacks; and
2. To review and confirm the number, location and condition of required exits; and
3. To review and confirm if any hazardous material storage and handling is in compliance with building and fire codes; and
4. To review and confirm that the required number and type of portable fire extinguishers are installed.

Safety Inspection: This inspection is a joint inspection by Building Inspection and the Fire Prevention Bureau and will be made after a plan review and inspection fee has been paid. This inspection is normally made before any permits are issued. We need to ensure building safety while permit applications are being processed. This inspection is normally done within two (2) business days.

Agreement: The firm and building owner(s) must execute an agreement to pursue permits or relocation of the use within a mutually agreed upon time limit. They must also agree to close or cease occupancy if they are unable to meet the deadline. Every effort will be made to set a reasonable deadline. However no agreement will be allowed to exceed one year.

Fees: In order to make the safety inspection and the initial assessment that a business may remain open an inspection fee must be paid. The fee for this inspection shall be the Plan Review Fee and the Investigation fee required by the IBC for the scope of the proposed work. The investigation fee applies even if no subsequent permit is issued, such as a relocation of the business, see Pierce County Code, Section 17C.10.080. Use a *Transmittal Sheet* to record collection of fees.

Vesting: The application in most cases may not be complete. Vesting shall be established when the application is later made complete by the re-submittal noted above. The scope of the application and code requirements shall be determined after the safety inspection and initial plan review. If the application is incomplete the building division will notify the applicant in writing within 20 days of application. The notice will include a listing of deficiencies and the requirements needed to make the application complete and vested.

Single Point of Contact: A single point of contact will be established for the applicant and for the County. The County's point of contact will act as a coordinator for County requirements. The County's point of contact will normally be a plans examiner.

Approval Letter: Once the safety inspection is complete and any required corrections are made a letter of approval shall be issued by the building official.

S A M P L E

Agreement

Must be on your company letterhead.

This agreement is entered into after consultations with County staff in regard to the permit application process and expected time lines.

I _____ as the owner/manager of _____
(Print) (Business and/or owner name)

located at:

Address: _____

Sample

request conditional occupancy of the referenced business until _____,
(date)

in order to obtain the required permits or in which time to relocate the business. I agree that, at the end of the specified time period if the required permits have not been attained or if the business has not been relocated, I will close the business or pay an additional fee equal to the original investigation fee each month beyond the date specified above, until such time as I have satisfied the conditions of this agreement. I understand that the County reserves the option of other enforcement tools, such as but not limited to, Civil Infraction, Criminal Misdemeanor, or other legal remedy.

Signature: _____

Date: _____

Sample

County signature: _____

Name: _____

Title: _____

Date: _____

Must be on your company letterhead.



ADMINISTRATIVE APPEAL of a Notice of Violation or Stop Work Notice

This form is provided for the convenience of the property owner and/or tenant who has received a Notice of Violation or a Stop Work Notice. If you feel there has been an error and a Notice of Violation or a Stop Work Notice should not have been posted please use this form to request reconsideration. **Requests will be reviewed each Tuesday.** A decision letter will be mailed no later than the Friday following the review. Please attach any and all documentation you can to help our review.

On (date) _____ I received a Notice of Violation Stop Work Notice

at (address) _____ for:

- Building without a permit
 - Using a building for a business without a Certificate of Occupancy
 - Other:
-

I feel this notice was in error because:

- I did not build it, I bought it that way. (Documentation attached)
A permit may still be required. However, the investigation fee can be waived.
 - There was no new construction just new paint etc.
 - There is no business
 - The business has been established for many years. (Documentation attached)
 - Other
-

I have enclosed documentation that supports my appeal. (Examples)

- Purchase contract with Assessor's information showing building was already there when purchased.
 - Assessor's information showing building and/or original permit
 - Other
-

* In a letter please explain what you would like to see happen as a result of this appeal.

Signature: _____ **Date:** _____

Print Name: _____ Owner Tenant

Phone: _____ **E-mail:** _____