

CITY OF TROY
CERTIFICATES OF OCCUPANCY
RULES AND PROCEDURES

What is a Certificate of Occupancy?

A Certificate of Occupancy is a real document provided to an owner/user/occupant by the Building Official. A Certificate of Occupancy is a conditional right. A Certificate of Occupancy is granted once all construction project requirements and specifications are satisfied and inspected, under the following conditions:

- The Building, Structure and/or Site shall be used under the use and occupancy that was approved,
- The Building, Structure and/or Site shall be used under the systems and materials under it was inspected
- The Building, Structure and/or Site shall be used with the storage commodity and methods as they were approved,
- The Building, Structure and/or Site shall be used with the passive and active Fire systems as they were inspected and approved,
- The Building, Structure and/or Site is to be used under the commercial and industrial production and service processes as they were approved by the designated authorities by law and under the City of Troy Zoning Ordinance, Building Codes, Standards, references, and State and Federal laws as regulated and approved at a design stage, construction process and life expectancy maintenance.

Therefore, any deviation from the prior approvals given to the project, construction, use and occupancy of the Building, Structure and/or Site are violation to the City of Troy Code and all other codes as adopted by the City of Troy.-

Fundamental Powers of the Building Official over a Certificate of Occupancy

The State of Michigan gives the Building Official the powers to apply the Michigan Building Code at a municipal level with the sole purpose of preservation of life, health and wellbeing of all residents and users, by equally applying the minimum life/safety code requirements. This why the Building Official holds the primary ministerial function of issuing and removing a Certificate of Occupancy based on the discretionary decision-making powers as given by the State of Michigan under the following:

SECTION 111 CERTIFICATE OF OCCUPANCY 111.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing occupancy classification of a building or structure or portion thereof shall not be made until a certificate of occupancy has been issued in accordance with the act.

[A] 111.4 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is

determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

Supporting code section and references:

2015 MBC Section 103, [A] 103.2 Appointment, Section 104 Duties and powers of the Building Official., 2015 MBC Section 101 General [A] 101.3 Intent., Act 230 of 1972.

Why do we need rules for the Certificates of Occupancy?

We must write rules regarding the Certificate of Occupancy because the 2015MBC is deficient on the rules to follow on a case by case application of the code. Municipalities are allowed to create rules for the application and incorporate the rules into the City Code with the guidance of the Building Official.

Creating rules and making these rules available clarifies the Certificate of Occupancy for all who use the Building Code, including Building Department employees, property owners, contractors and residents. This provides transparency, efficiency, consistency and fairness.

Certificate of Occupancy Rules

The following rules shall apply when the Certificate of Occupancy violation takes place in the City of Troy:

Certificate of Occupancy Required: If a Building or Structure is used without first obtaining a Certificate of Occupancy, the owner/user/occupant does not have the right to continue the use of the Building or Structure. If an owner/user/occupant becomes aware that a Certificate of Occupancy was not issued for the occupancy and use intended, the owner/user/occupant has the obligation to inform the Building Department authorities and initiate the process to obtain one. The Building and/or Structure is not to be used until a temporary or final Certificate of Occupancy is granted.

Fire, Natural or Manmade Events: The Certificate of Occupancy is lost following a fire event. Only the Building Official is able to re-issue a Certificate of Occupancy or a Limited Certificate of Occupancy based only on the characteristics of the damage created by Fire, Smoke and Water. In most cases the Owner is to obtain a Building Permit for the reconstruction of the Building and obtain a Certificate of Occupancy under the Building Application standard process. At the present time Buildings that have been affected by a fire and other natural events, are not affected by any time limit pre-established by the City Ordinance and/or the State Adopted Code. However, if the Structure is exposed to the elements and is affected by water, ice, exposure to the elements, vandalism and other similar factors. The Building Official could classify it as a Dangerous Building and recommend a full demolition of the building, house and/or structure.

Examples of Natural or Manmade events include but are not limited to the following: Fallen tree, crash from a vehicle into a building, explosion, heavy wind, flood, explosion by a broken gas line, rodent infestation, hoarding and other similar events.

Example of impact of fire event: A fire in an attached residential building may put adjacent properties at a risk of becoming a condemned property even after the event due to frost on footings in town houses.

The Owner/Applicant/Design Professional must submit a full project for approval to rebuild and/or repair under the City of Troy standard building permit procedure.

Abandoned Building or Structure: The Certificate of Occupancy is lost in an abandoned Building or Structure when the Building or Structure becomes an element of danger to human life and the adjacent properties. In addition, the property itself becomes a dangerous attraction to minors. Not only will the Certificate of Occupancy be canceled, the property will become classified as a Dangerous Building and it will be recommended for demolition.

The Owner/Applicant/Design Professional must submit a full project for approval to rebuild and/or repair under the City of Troy standard building permit procedure.

New Property Owner: All new commercial/industrial property owners must contact the Building Department to obtain clearance for the safe use of Buildings, Structures and/or sites. A new Certificate of Occupancy is required before any partial or full occupancy takes in effect. Not obtaining clearance from the Building Department will put the Building and Business owner(s) at risk of legal proceedings and potential civil infractions. If the Building, Structure and/or Site is to be used with the previous approved Use and Occupancy by the City of Troy and a Certificate of Occupancy is presented to the Building Department authorities and after the full approval of the Fire Department. Then and only then will the Building Official grant the continuity of the previous extended Certificate of Occupancy. This rule will apply only if all Building and Fire items are satisfied, including but not limited to: Fire Suppression maintenance reports, Fire Alarm maintenance reports, Kitchen hood maintenance reports, Elevator maintenance reports, Barrier Free compliance, Means of Egress Inspection, Fire Extinguisher reports and a life/safety general assessment. Owner must apply for a Use/Occupancy permit to initiate the process.

New Tenant: All new commercial/industrial tenants must contact the Building Department to obtain clearance for the safe use of Buildings, Structures and/or sites. A new Certificate of Occupancy is required before any partial or full occupancy takes in effect. Not obtaining clearance from the Building Department will put the Building and Business owner(s) at risk of legal proceedings and potential civil infractions. If the Building, Structure and/or Site is to be used with the previous approved Use and Occupancy by the City of Troy and a Certificate of Occupancy is presented to the Building Department authorities and after the full approval of the Fire Department. Then and only then will the Building Official grant the continuity of the previous extended Certificate of Occupancy. This rule will apply only if all Building and Fire items are satisfied, including but not limited to: Fire Suppression maintenance reports, Fire Alarm maintenance reports, Kitchen hood maintenance reports, Elevator maintenance reports, Barrier Free compliance, Means of Egress Inspection, Fire Extinguisher reports and a life/safety general assessment. Owner must apply for a Use/Occupancy permit to initiate the process.

Increase of materials and/or changes on storage methods and/or processes: The Building/Structure and/or Site Owner and with equal responsibility the Business Owner or agents. Have the obligation to inform the Building Official and request a new Certificate of Occupancy when the materials, storage methods or procedures are to be different or increased from what was originally approved on the Building Permit approval. The Building Department will be working in parallel with the Fire Department to confirm the use and occupancy, production procedures, quantities, storage methods and materials as they were approved on the original submittal and the approved Certificate of Occupancy. Any

intentional or known variance of the items mentioned could fall under an illegal use of the Building/ Structure and/or site and a potential violation of the Building and Fire code. Owner must apply for a Use/Occupancy permit to initiate the process.

Change of hazardous materials stored:

If the business is not compliant with the hazardous materials rules on reporting and permitting, a new Certificate of Occupancy will be required. A business is required to submit a hazardous materials inventory statement (HMIS) annually and when the types or amounts of materials stored are changed.

Non-approved occupancy and/or uses of a Building either temporary, semi-permanent or permanent: The main structure will lose the Certificate of Occupancy when a non-approved or non-compliant use or occupancy. For structures that are erected or installed for a permanent or temporary use without a Zoning and/or a Building Permit.

Construction or alterations performed without building permits: The main structure or attached and/or auxiliary buildings, structures and equipment will lose a Certificate of Occupancy when alterations are performed or structures are erected or equipment is installed or replaced for a permanent or temporary use without a Building Permit for those that are not excluded by the current Michigan Building Code. Violations are transferred to the building/site /structure, property transfer does not void any or all violations.

Construction or alterations performed without Planning Approval: The main structure will lose the Certificate of Occupancy when structures are erected, altered or installed for a permanent or temporary use without Planning Approval, when said approval is required by the City of Troy Zoning Ordinance, as determined by the Zoning Administrator.

Demolished Building and/or Structure: The main structure or an auxiliary building will lose a Certificate of Occupancy when demolished intentionally with a building permit or by a natural or manmade disaster.

Illegal occupancy: The main structure or an auxiliary building will lose a Certificate of Occupancy when there is presence of illegal occupancy either by the owner or an illegal occupant. All local, County and state laws will take precedent to illegal occupancy.

Rules for Temporary Certificate of Occupancy:

A temporary certificate of occupancy may be requested for certain situations including approved phased projects or projects that are delayed due to circumstances that are beyond the control of the contractor. To be considered for a TCO, all life safety systems must be in place, operational, and successfully inspected and egress from the building or space must be in compliance with the applicable codes without passing through a construction area. In addition, there must be a clear separation and barricade between areas under construction and areas that are to be occupied. A TCO is valid for six months or for a period as determined by the Building Official. During this time, the project must be complete and approved or the tenant must vacate the building or apply for an extension.

Temporary stocking / training permit:

Temporary stocking / training certificate of occupancies may be issued when the majority of the construction is complete but not all aspects of the project are complete. This approval limits

occupancy to employees with knowledge of the store for training purposes and to stock a sales floor. This approval does not allow for public access. Minimum requirements for a stocking / training TCO is that all life safety systems are in place, operational and successfully inspected. The stocking / training TCO is only valid for two weeks in which all permits must have final inspections and closed out or the tenant space is to be vacated.

Obtaining a copy of a Certificate of Occupancy

Obtaining a copy of a Certificate of Occupancy or Temporary Certificate of Occupancy must be obtained via a Freedom of Information Act (FOIA) request via the City Clerk.

Reasons to apply for a copy or a new Certificate of Occupancy or Temporary Certificate of Occupancy:

Potential reasons to apply for a Certificate of Occupancy or Temporary Certificate of Occupancy include but are not limited to the following:

- Document was lost
- Court request
- Fire
- Sale
- Purchase
- Administrative requirement- Loan or law suit
- New tenant
- Abandoned building procedure
- Dangerous Building procedure
- Expired use for 6 months
- Increase of dangerous material loads (Must apply for a new one)
- Change of production, transformation or parqueting processes
- Additional uses
- Auxiliary structures
- Addition
- Demolition
- New construction
- Illegal use
- Illegal occupancy
- Alterations without a permit

- Zoning and administrative violations
- Administrative violation with the City of Troy: Example unpaid water bill, unpaid taxes, assessing violations.
- Abandoned building
- Concerns for untested systems. Examples: Fire Alarm, Fire Suppression, Ansul/Hood suppression.
- Failure to obtain or re-new a required Troy Fire Department Hazardous Materials Permit