

**§ 575-50. Certificate of occupancy. [Amended 7-8-1991; 3-13-2000; 3-14-2005 by L.L. No. 4-2005; 3-28-2005 by L.L. No. 11-2005; 8-21-2006 by L.L. No. 5-2006; 7-23-2012 by L.L. No. 8-2012]**

- A. The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Director:
- (1) Occupancy and use of a building hereafter erected, structurally altered or moved, or any change in the use of an existing building.
  - (2) Occupancy, use or any change in the use of any land.
  - (3) Occupancy or use after sale or transfer of any improved real property, including an individual condominium unit and an individual cooperative unit which, for the purposes of this section, shall be considered a piece of improved real property. Upon sale or transfer of any such real property, an updated certificate of occupancy, issued no earlier than 60 days before closing, shall be required before the premises or unit may be used or occupied. It shall be the obligation of the seller to apply for and obtain the updated certificate of occupancy unless the parties agree otherwise in their contract of sale.
- B. No certificate of occupancy shall be issued for any use of a building or land allowed by special permit of the Common Council or Planning Commission as specified in Article XI of this chapter unless and until such special permit has been duly issued by said body. Every certificate of occupancy for a use for which a special permit has been granted shall contain a detailed statement of such special permit or variance and of any conditions to which the same is subject.
- C. Application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made on forms provided by the Director after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this chapter or of any variance granted by the Zoning Board of Appeals or special permit issued by the Common Council or Planning Commission. Such certificate shall be issued within 10 days after receipt of said application, but only if all requirements of this chapter and of all other applicable ordinances or codes in effect are complied with. Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the Director for a period of not to exceed 90 days during the completion of any alterations that are

required under the provision of any law or ordinance or for a part of a partially completed building. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owner or of the City respective to the use or occupancy of the land or building or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately assure the safety of the occupants of the building and of adjacent buildings and land.

- D. If the proposed use is in conformity with the provisions of this chapter and of all other applicable laws and ordinances, a certificate of occupancy for the use of vacant land or for a change of use shall be issued by the Director within 10 days after receipt of a written application therefor.
- E. Fees. See the Consolidated Fee Schedule maintained in the office of the City Clerk. **[Amended 9-25-2017 by L.L. No. 2-2017; 12-26-2017 by L.L. No. 4-2017]**
- F. Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law of this chapter, of all other applicable codes or ordinances of the City and, if applicable, with all provisions of any variance granted by the Zoning Board of Appeals and/or special permit granted by the Common Council or Planning Commission.
- G. Upon written request by the owner and upon payment of a fee as designated in the City fee schedule, the Director shall, after inspection, issue a certificate of occupancy for any building or use thereof or of land existing at the time of adoption of this chapter or of any applicable amendment thereof, certifying such use, including, if applicable, the number of employees, and whether or not the same and the building conform to the provisions of this chapter.
- H. A record of all certificates of occupancy shall be kept in the office of the Director of City Services, and copies shall be furnished on request to any agency of the City or to any person having a legal interest in the premises upon payment of the required fee.
- I. The owner of the property shall be strictly liable for violations of this § 575-50 regardless of whether the owner has received actual or constructive notice of the violations.