
	STANDARD OPERATING PROCEDURE BUILDING & SITE DEVELOPMENT	Number: 210.1
Approval: Yves Khawam 		Effective Date: September 25, 2008
Subject: Certificates of Occupancy & Existing Structures		Page 1 of 4

1.0 PURPOSE:

This document outlines requirements for Certificates of Occupancy (C of O), zoning use permits, remodeling of existing structures, and clarifying International Building Code (IBC) Section 111 and the International Existing Building Code (IEBC).

2.0 REVISION HISTORY:

Revised on 2/19/09 to add existing structures elements. Revised on 9/23/09 to incorporate the fee item in section 4.4. Changed SOP number from 110.9 on 12/30/10. Revised on 8/5/11 to add section on manufactured buildings. Revised on 4/30/12 to delete requirement to update C of O for legally continued use. Revised on 8/2/12 to include requirement for zoning use permits reflected primarily in new section 4.3.

3.0 PERSONS AFFECTED:

Building & Site Development staff and the public at large.

4.0 ADMINISTRATIVE POLICY:

A C of O shall be issued solely as the culmination of the building permitting process associated with new construction or tenant improvement work. The last issued C of O is deemed valid for subsequent tenants using spaces which have not experienced a change of use (as defined by the building code) or construction work requiring a building permit. Changes in use as defined by the zoning code which do not constitute a building code change of use shall be required to obtain a zoning use permit.

4.1 Buildings erected prior to County adoption of building codes

- *First building code effective date 7/1/1974 (ordinance 1974-9) for areas within 2.5 miles of City of Tucson and 2.5 miles of freeways (see MapGuide layer)*
- *County wide on 6/20/1989 (ordinance 1989-78)*
- *First pool code 1977—no enclosure requirements prior*

Buildings erected prior to the adoption of building codes and having not experienced a change of use or construction work requiring a permit shall not



require a C of O. Should a C of O be requested by the owner/tenant for an existing building, the building shall be brought up to the current code.

4.2 Buildings undergoing a change of occupancy or use as defined by the IBC

Owners/tenants of buildings undertaking a change of occupancy or use will need to apply for a Tenant Improvement (TI) permit and will be subject to the submittal criteria for that permit type as listed on our web site. Upon successful approval of all inspections and conditions on the TI permit, a C of O will be automatically issued.

Exception: changes in occupancy between Mercantile and Business classifications or changes between use groups that do not impose additional requirements shall not require a TI permit or C of O unless construction work requiring a building permit is undertaken.

4.3 Buildings undergoing a change of use as defined by the zoning code

Buildings or spaces NOT undergoing a change of occupancy or use as defined by the IBC but undergoing a change of use as defined by the zoning code shall require a zoning use permit.

4.4 Construction without a permit or unpermitted change of occupancy

All construction or changes in occupancy initiated without a permit shall be subject to permitting requirements as per new construction under the codes currently in effect with penalties imposed for elements in violation.

4.5 Change of occupant/owner without a change of occupancy

When a change of business name is requested for a building/tenant space holding a valid C of O or conforming to Section 4.1 of this document and not undertaking a change of occupancy or use, a new C of O shall not be required or provided. Owners/tenants requesting evidence that their space conforms to current regulation may request a certified letter upon payment of the fee per the Development Services fee schedule. Alternatively, and if the client is only concerned about zoning use validation, a zoning use permit may be issued. See Section 4.3 for changes in zoning use.

4.6 Combinations of Sections 4.1 through 4.4



If a property contains a mix of legal and illegal work, we will attempt to apply the requirements as most appropriate. For example, if a building erected prior to the adoption of building codes has experienced interior remodeling or a change of occupancy conducted post adoption of codes, then we may relax the building shell related components but will apply current code requirements to the tenant space.

4.7 Applicability of building code requirements to existing structures

Any additions, alterations or repairs to existing structures shall comply with requirements of the code for new construction. Changes in occupancy resulting in a structure being reclassified to a higher occupancy shall impose the requirements of the new occupancy per the IEBC.

While alterations to existing structures shall comply with requirements for new construction, certain contextual non-life-safety code items will not necessarily be re-evaluated as part of the remodeling when there is no change of occupancy. This statement may best be illustrated with an example. If applying new code requirements to a remodeled space results in requiring:

- ... additional bathroom fixtures, these fixtures shall not be required unless the bathroom fixtures are part of the remodeling.
- ... a water fountain be installed where one was not existing, the water fountain shall not be required.

Compliance with life-safety items during repairs, alterations, additions and change of occupancy may be evaluated in accordance with IEBC Chapter 14: Performance Compliance Methods. If a client wishes to use this section, all analyses and associated worksheets shall be completed by a Registrant. Section 1401.2 shall be populated with the following:

- 1974: Areas within 2.5 miles of the City of Tucson and freeways per incorporation limits existing at that date (see MapGuide layer).
- 1989: County wide

4.8 Manufactured & Factory Built Buildings

A C of O shall not be issued for manufactured and factory built buildings. Pima County Building Safety has no authority over the interior of these buildings which are regulated by the Arizona Office of Manufactured Housing.

4.9 Temporary Certificates of Occupancy



Temporary certificates of occupancy (TC of O) may be granted for limited time periods under specific conditions and subject to the occupancy bond requirement as amended in the International Building Code. The TC of O may limit operations to a specific portion of a building or to specific activity such as stocking of supplies or erecting of shelving units.

A TC of O shall not be granted if the work has not progressed to the point that all life safety requirements have been addressed, or if special inspection paperwork regarding structural elements has not been approved. Outstanding site elements relating to life-safety shall also be considered in the issuance of a TC of O, i.e., if the development plan requires a pullout lane be provided which hasn't yet been approved by DOT, a TC of O for operating the business may be denied but one limiting activities to stocking may be issued.

Final TC of O approval shall be subject to field inspection approval of work progress and associated conditions.

5.0 DEFINITIONS:

Not applicable.

6.0 RESPONSIBILITIES:

Not applicable.

7.0 PROCEDURES:

Not applicable.