ORDINANCE NO. 3522

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 9 BUILDING AND BUILDING REGULATIONS; ARTICLE III, BUILDING CODE; SECTION 9-34, CODE AMENDED; PARAGRAPH 118.0, CERTIFICATE OF OCCUPANCY; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

Section 1. That the Midwest City Municipal Code, Chapter 9, Building and Building Regulations, Article III, Building Code, Section 9-34, Code Amended, Paragraph 118.0, Certificate of Occupancy; is hereby amended to read as follows:

Paragraph 118.0, Certificate of Occupancy.

(a) *Certificate of occupancy; fee.* No change shall be made in the use of any land or building until a certificate of occupancy is obtained from the building inspector certifying:

    (1) that all the provisions of this Code are met; and

    (2) that all required federal and/or state permits or licenses have been issued and copies have been received by the City, unless otherwise required under federal or state law and all federal and/or state statutory and/or regulatory requirements have been met.

(b) Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall be required prior to occupancy. Temporary certificates of occupancy for a change in use of any land or tenancy or existing building or structure or for a new building or structure may be approved at the discretion of the building official, but at no time shall a temporary certificate of occupancy be approved if any life, safety or health requirements do not meet the ordinances of the city as determined by the building official.

    (1) The fee for all new apartment complex certificates of occupancy is fifty dollars ($50.00).

    (2) The fee for all commercial or industrial certificates of occupancy for a new building or for a change in occupancy or tenancy is fifty dollars ($50.00).

    (3) Should a final commercial or industrial certificate of occupancy for a change in use of any land or tenancy or existing building or structure or for new building or structure not be approved by the building official, a temporary commercial or industrial certificate of occupancy may be approved for sixty (60) days at the discretion of the building official. At the end of the first sixty (60) days, the building official shall have the authority to extend the temporary commercial or industrial certificate of occupancy in thirty (30) day increments.

    (4) It shall be the responsibility of the applicant to apply for a temporary certificate of occupancy at the end of the date of expiration of the original certificate of occupancy. No extension of the temporary certificate of occupancy shall be issued until a new application is completed and an additional fifty dollar ($50.00) fee is paid.

1   (c) The building official shall have the authority to deny applications for renewal of temporary
2   certificates of occupancy. Upon denial of the application for renewal of a temporary certificate
3   of occupancy, the building official shall give written notice to the applicant that the utility
4   services to the premises shall be disconnected if operations have not ceased within ten (10) days
5   after receipt of the notice of denial of the temporary certificate of occupancy. Notice shall be
6   delivered in person or by certified mail, return receipt, within ten (10) days of the denial.

8   (d) One- and two-family residences are exempt from the requirements of this section.

10 **Section 2.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
11 repealed.

13 **Section 3.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
14 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
15 of the ordinance.

17 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
18 Oklahoma, this ___25___ day of ___July___, 2023.

20   **THE CITY OF MIDWEST CITY, OKLAHOMA**

24   MATTHEW D. DUKES, II, Mayor

26 ATTEST:

30 SARA HANCOCK, City Clerk

33 Approved as to form and legality this ___26th___ day of ___July___, 2023.

37 DONALD D. MAISCH, City Attorney