

**LAND DEVELOPMENT CODE AND
TECHNICAL CODE REQUIREMENTS
SUSPENSION OF CERTIFICATE OF OCCUPANCY APPEAL
1701 TOOMEY RD, CASA DE LUZ**

LAND DEVELOPMENT CODE:

§ 25-1-413 – Suspension of a Certificate of Occupancy

(A) The building official may suspend a certificate of occupancy if the building official determines that:

- (1) the certificate of occupancy was issued in error; or
- (2) the structure does not comply with the requirements of the City Code.

(B) A suspension is effective until the building official determines that the person using the building has complied with the requirements of the City Code.

TECHNICAL CODE:

2015 International Building Code, Section 102.6.2 Buildings previously occupied.

The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the International Fire Code or International Property Maintenance Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

2015 International Building Code, Section 111.1 Use and occupancy.

A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

2015 International Building Code, Section 302.2 Additional codes.

Alterations, repairs, additions and changes of occupancy to, or relocation of, *existing buildings* and structures shall comply with the provisions for *alterations, repairs, additions and changes of occupancy* or relocation, respectively, in this code and the *International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code, International Residential Code* and NFPA 70. Where provisions of the other codes conflict with provisions of this code, the provisions of this code shall take precedence.

2015 International Fire Code, Section 503.1.1 Buildings and facilities.

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:

- 1.1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

- 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
- 1.3. There are not more than two Group R-3 or Group U occupancies.

2015 International Fire Code, Section 503.2.1 Dimensions.

Fire apparatus access roads shall have an unobstructed width of not less than 25 feet (7620 mm), except for approved security gates in accordance with Section 503.6 and the Fire Protection Criteria Manual, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

2015 International Fire Code. 1103.1 Required construction.

Existing buildings shall comply with not less than the minimum provisions specified in Table 1103.1 and as further enumerated in Sections 1103.2 through 1103.10.

The provisions of this chapter shall not be construed to allow the elimination of fire protection systems or a reduction in the level of fire safety provided in buildings constructed in accordance with previously adopted codes.

LEGACY TECHNICAL CODE:

1988 Uniform Fire Code. Fire Apparatus Access Roads. Sec. 10.207.

- (a) **General.** Fire apparatus access roads shall be provided and maintained in accordance with the provisions of this section.
- (b) **Where Required.** Fire apparatus access roads shall be required for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire department vehicle access.

EXCEPTIONS:

1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of this section may be modified.
2. When access roadways cannot be installed due to topography, waterways, nonnegotiable grades or other similar conditions, the chief may require additional fire protection as specified in Section 10.301 (b).
3. When there are not more than two Group R, Division 3 or Group M Occupancies, the requirements of this section may be modified, provided, in the opinion of the chief, fire-fighting or rescue operations would not be impaired.

More than one fire apparatus road may be required when it is determined by the chief that access by a single road may be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

For high-piled combustible storage, see Section 81.109.

- (c) **Width.** Ordinance 890406-A 1988 UFC Sec. 10.207(c) Width Access roadways shall have an unobstructed width of twenty-five (25) feet at any point of measure from beginning to terminal point.

1988 Uniform Building Code, Application to Existing Buildings and Structures, Sec. 104

(c) **Existing Installations.** Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the adoption of this code, provided such continued use is not dangerous to life.

Any change in the use or occupancy of any existing building or structure shall comply with the provisions of Sections 307 and 502 of this code.

For existing buildings, see Appendix Chapter I.

1988 Uniform Building Code, Change in Use, Sec. 502. No change shall be made in the character of occupancies or use of any building which would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy.

EXCEPTION: The character of the occupancy of existing buildings may be changed subject to the approval of the building official, and the building may be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

No change in the character of occupancy of a building shall be made without a Certificate of Occupancy, as required in Section 307 of this code. The building official may issue a Certificate of Occupancy pursuant to the intent of the above exception without certifying that the building complies with all provisions of this code.