

**ORDINANCE NUMBER 2026-12-05
CERTIFICATE OF OCCUPANCY**

AN ORDINANCE OF THE CITY OF FAIRFIELD, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 3 BUILDING REGULATIONS, BY ADDING ARTICLE 3.12, "CERTIFICATE OF OCCUPANCY"; REQUIRING CERTIFICATES OF OCCUPANCY, PROVIDING FOR THE CONTENTS OF APPLICATION FOR A CERTIFICATE OF OCCUPANCY; PROVIDING FOR THE PROCESS, PROCEDURES AND TIMING FOR REVIEW AND ACTION ON APPLICATION FOR CERTIFICATE OF OCCUPANCY; PROVIDING EXCEPTIONS; POSTING OF CERTIFICATE; REVOCATION OF CERTIFICATE OF OCCUPANCY AND PROCESS TO APPEAL REVOCATION, AND OTHER RELATED MATTERS, INCLUDING MAKING OPERATION/OCCUPATION WITHOUT A CERTIFICATE OF OCCUPANCY UNLAWFUL AND PUNISHABLE BY A FINE AS SET OUT IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; DETERMINING AN OPEN MEETING; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Fairfield, a type A general-law municipality, (the "City") is permitted by the State law to establish ordinances that protect the health, safety, and general welfare of its residents; and

WHEREAS, to clarify the Certificate of Occupancy requirements and procedures staff has proposed the addition of Article 3.12 "Certificate of Occupancy" to Chapter 3 "Building Regulations" of the City of Fairfield Code of Ordinances; and

WHEREAS, the City Council has found that these regulations and requirements are in the best interest of the public health, safety and welfare of the citizens of Fairfield.

NOW, THEREFORE, BE ORDAINED BY CITY COUNCIL OF THE CITY OF FAIRFIELD:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be correct and are incorporated herein as findings of fact. The City Council hereby finds and determines that the rules, regulations, terms and conditions, provisions, and requirements of this ordinance are reasonable and necessary to protect public health, safety, and quality of life.

Section 2. The Code of Ordinances of the City of Fairfield, Texas, is hereby amended by adopting a new Article 3.12, Certificate of Occupancy of Chapter 3 Building Regulations thereof to provide the following:

ARTICLE 3.12. CERTIFICATE OF OCCUPANCY

Sec. 3.12.001 – Required.

- a. A certificate of occupancy shall be required prior to the occupancy and use of any and all buildings or real property for a non-residential, commercial, or industrial use or the common areas and management offices associated with multifamily uses, or places of assembly, including but not limited to churches, public schools, and community buildings.
- b. A new certificate of occupancy is required for any change in use, ownership, building expansion, tenant name, tenant ownership, or tenant space size at any and all buildings and real property described under subsection (a) of this section.

Sec. 3.12.002 – Procedures and Requirements Established.

- a. The procedures and requirements set out in this article are established for the approval and issuance of certificates of occupancy.
- b. Appeals to the City Administrator or his/her designee's may be provided to the City Secretary for consideration by the City Council.

Sec. 3.12.003 – Application Requirements

- a. An application for a certificate of occupancy shall be submitted prior to the intended occupancy of the premises.
- b. The following information shall be provided by the applicant. If this information is not provided, the application will be considered incomplete and will not be processed:
 - 1) The name, address, and phone number of the applicant;
 - 2) The name and address of the property owner and the property owner's phone number;
 - 3) The name, address, and phone number of the business owner.
 - 4) Emergency contact information for the business,
 - 5) The name of the business;
 - 6) Full disclosure of the intended use of the building and/or property;
 - 7) The address and/or legal description of the property for which the occupancy permit is being requested;
 - 8) The square footage of the building;
 - 9) The number of employees per shift;
 - 10) Chemicals used under SARA title III, including MSDS for any hazardous chemicals;
 - 11) Certification by signature on the application that the applicant will not, nor will they permit any other person or persons to, use the described property for any other purpose than that stated on the occupancy permit and that the use of the property will be in conformance with all applicable city ordinances and state, federal and county law;
 - 12) Retail sales tax permit, if required under state law.

- c. Each applicant shall be required to pay a fee in the amount of one hundred dollars and zero cents (\$100.00) to the City.
- d. The application shall be submitted to the designee of the City.

Sec. 3.12.004- Administrative Completeness, Proper Zoning District and Time for Determination on Application.

- a. The City Administrator or his/her designee shall determine whether the application is administratively complete within three (3) business days of receipt of the application. If the application is not administratively complete, the applicant shall be notified in writing and advised of the information missing.
- b. When an administratively complete application is received, the City Administrator or designee must approve or deny the certificate within 20 calendar days, unless that time is extended by agreement or due to noncompliance with the process by the applicant.

Sec. 3.12.005 – Temporary Utility Service

- a. The connection of temporary utility service for the purpose of cleanup or property improvements or alterations may be authorized by the City Administrator or his/her appointee upon the recommendation of the Building Inspector, for a twenty-day period beginning with the date of acceptance of the application.
- b. If review period is extended under section 3.12.004, b., then the temporary service may be extended for that additional time.

Sec. 3.12.006 – Administrative review of applications; inspections.

- a. Review of application. On or after the date of acceptance of the application, the application will be reviewed by the city or his/her appointee. The Freestone County Health Authority will be advised of all applications indicating the sale of or handling of food or beverages and be given an opportunity to determine whether an inspection is warranted. Other city departments or state, federal or county agencies may be asked to review the application, as warranted by the nature of the business or type of occupancy for which application is made.
- b. Inspections. The Fire Marshall and Building Inspector shall be provided with access to the property during normal business hours for a physical inspection of the premises to assure adherence to the requirements of the currently adopted Fire Code, Building Code and associated trade codes. Access to the property for a physical inspection of the premises shall be given to the Freestone County Health Authority, the City Police Department, and any other city department, or state, federal or county agency, if such inspections are warranted by the nature of the business or type of occupancy for which application is made.

- c. Failure to make premises available for inspection. It is the responsibility of the applicant to make the premises available for inspection during regular working hours by all applicable departments or agencies. Failure to do so within fifteen (15) calendar days of the date of acceptance of the application will result in the voiding of the application and the requirement to reapply and pay a fee provided for in the fee provided in this code. Failure to make the premises available during a scheduled inspection window requested by the applicant may result in a trip generation fee or re-inspection fee provided in this code.
- d. Proof of valid permits, licenses and certificates. The applicant must have all federal, state, county and city permits, licenses, and/or certificates that pertain to the use stated in the occupancy permit application.
- e. Failure to pass inspections. If the building or land does not pass all applicable inspections, an occupancy permit will not be issued.

Sec. 3.12.007 – Issuance.

Certificate occupancy will be issued to the applicant by the City Administrator or his/her designee when all of the requirements of this article, and any other city, state, county or federal requirements which pertain to the use of the property for which application have been met.

Sec. 3.12.009 – Existing Certificates of Occupancy.

Valid certificates of occupancy issued prior to the effective date of the ordinance codified in this article will remain in effect until such time as the use of the property for which the permit was issued ceases to operate, there is a change of ownership of the business, the business expands, relocates or there is a change in use. Subsequent occupancy permits will not be issued until the requirements of this article are met.

Sec. 3.12.010 – Revocation.

- a. The City Administrator or his/her appointee may, in writing, suspend or revoke a certificate of occupancy whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building, structure or use of land or any portion thereof is in violation of any ordinance or regulation. Occupancy permits which are subject to revocation under the terms of this subsection are invalid occupancy permits.
- b. A decision by the City Administrator or his/her designee to revoke a certificate of occupancy may be appealed to the city council. The city council shall hold a hearing on the appeal within 20 days and shall issue its ruling at the hearing. During the time for appeal, any enforcement action based on the occupancy permit shall be stayed unless the structure presents an imminent danger to occupants.

Sec. 3.12.011 – Posting.

The certificate of occupancy shall be posted in a conspicuous place on the premises.

Sec. 3.12.012 – Exemptions.

- a. Businesses which demonstrate continuous operation prior to adoption of this ordinance will be exempt from the conditions of this article until such time as the business closes, changes use, changes ownership, expands, or relocates. At such times, an occupancy permit must be secured under the terms of this article.
- b. Single family, duplex, triplex, fourplex, and HUD-code manufactured home residences are exempt from the terms of this article.

Sec. 3.12.013 – Denial of permit and City Services.

If all the provisions of this article are not met, an occupancy permit will not be issued and city services, such as, but not limited to, water, sewer, and sanitation, will not be permitted to be used on or connected to the premises.

Sec. 3.12.014 – Offense and Penalty.

A person commits an offense if they occupy or use a non-residential building or structure without a valid certificate of occupancy.

It is an affirmative defense to prosecution under this section that the person was continuously occupying and using the building prior to adoption of this ordinance.

An offense under this section is a Class C misdemeanor. Every day of a violation of the provisions of this article shall be deemed a separate offense.

Section 3. Penalties. A violation of this ordinance is a Class C misdemeanor punishable by a fine of not more than Five Hundred Dollars and No Cents (\$500.00) for each offense.

Section 4. Conflicting Ordinance. Any Ordinance or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other ordinance of this City, the provisions of this ordinance shall govern.

Section 5. Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance shall be adjudged to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining sections, paragraphs, sentences, clauses or phrases which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Public Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

Section 7. Effective Date. This ordinance shall become effective immediately upon passage and publication as provided by law.

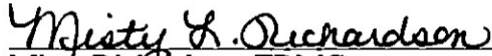
PASSED & APPROVED This 12th day of May, 2026, of the City Council of the City of Fairfield, Texas.

THE CITY OF FAIRFIELD, TEXAS



Robert "Bobby" Nichols, Mayor

ATTEST:



Misty Richardson, TRMC
City Secretary