

**AN ORDINANCE OF THE CITY OF FRISCO, TEXAS ESTABLISHING REQUIREMENTS FOR THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY PRIOR TO FINAL ACCEPTANCE OF SITE INFRASTRUCTURE IMPROVEMENTS TO PROPERTY; PROVIDING FOR AN ADMINISTRATIVE FEE FOR THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY; PROVIDING FOR AN EXPIRATION AND EXTENSION OF A TEMPORARY CERTIFICATE OF OCCUPANCY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco") to allow businesses to occupy structures found not to pose a hazard to life and safety on a temporary basis pending the completion of work required for issuance of a Final Letter of Acceptance of site infrastructure to public and private property; and

**WHEREAS**, the City Council has further investigated and determined that Frisco may allow the temporary occupancy of infrastructure prior to the issuance of a Final Letter of Acceptance through the provision of a Temporary Certificate of Occupancy ("TCO").

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:**

**SECTION 1: Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2: Request for Issuance of a TCO.** Requests for a TCO shall be submitted, in writing, to the Building Official at least forty-five (45) calendar days prior to the projected opening date of the business. The applicant shall complete the required application and submit with any additional documentation as required by the Building Official. The application shall be signed by the legal property owner, or designated representative, and by the owner of the business requesting the TCO. Only one TCO may be issued for any project prior to the issuance of the Final Letter of Acceptance.

Upon submission of the request for the TCO, and no later than thirty (30) days prior to the date of the projected opening date of the business, a mandatory meeting with the applicant(s) and all City Departments involved will be scheduled to define all outstanding items necessary for project completion and/or approval of the TCO. Two (2) copies of preliminary As-Built plans shall be provided to the City at this time.

In addition to any other documents and/or requirements deemed necessary by the Director of Engineering, all documents required by the Final Acceptance Checklist, provided by the Engineering Services Department, all impact, escrow and inspection fees and a Final Plat with signatures must be submitted prior to the issuance of a TCO.

**SECTION 3: Administrative Fee.** A non-refundable fee in the amount of One thousand-five hundred (\$1,500.00) dollars shall be due at the time of application submittal. This fee shall be paid with Planning and Development Services Department.

**SECTION 4: Expiration.** A TCO shall expire on the 30<sup>th</sup> day after issuance. One extension of not more than an additional forty-five (45) calendar days may be granted upon written request and approval of the Building Official. Occupancies with an expired TCO shall be considered being in violation of the International Building Code, as adopted by the City, and subject to penalty provisions. Penalties include the termination of the right to occupy the premises if the requirements for project completion have not been met.

**SECTION 5: Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.


**SECTION 6: Penalty Provision.** Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00), and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 7: Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**SECTION 8: Effective Date.** This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.


DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
FRISCO, TEXAS, on this 15th day of September, 2008.




  
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MARTIN MASO, Mayor

ATTESTED AND CORRECTLY  
RECORDED:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RON PATTERSON,  
Interim City Secretary

  
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ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.  
REBECCA BREWER  
City Attorneys

Date(s) of Publication: September 19 & 26, 2008, Frisco Enterprise