

# POLICIES & PROCEDURES



## City of Wilsonville Building Division

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BPP 101

Adopted: November, 2016

Temporary Certificate of Occupancy Requests

### Procedure Summary:

Provides criteria for consideration and approval of requests for temporary occupancy.

### Background:

A majority of new commercial projects request the temporary occupancy of a building, structure or portion thereof, prior to completion. Oregon Structural Specialty Code Section 111.3 indicates that a temporary certificate of occupancy (TCO) may be issued before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

The code states, “No new building or structure shall be used or occupied, and no existing building where the character, use or occupancy classification of the building or portion of the building has been changed, shall be used or occupied until a certificate of occupancy has been obtained from the Building Official.”

Projects involving additional floor area require that a certificate of occupancy be issued for the added area. Projects not increasing area or changing the use or occupancy of an existing building do not require a new certificate of occupancy but must pass all final inspections before being used or occupied. Once a certificate of occupancy is issued for a structure, the structure does not lose the approval for occupancy unless the structure is declared dangerous, unfit for human habitation, and/or changes occupancy or otherwise has occupancy revoked by the Building Official.

A project that follows a phased development process may only be considered for a temporary occupancy at completion or tenant improvement phases. Temporary occupancy is not permitted for foundation, shell, or any other phase of permitting.

### Discussion:

Issuance of a TCO is a discretionary act and is intended to facilitate early occupancy without adversely impacting the owner, occupants, or City staff.

Additional staff time is required to prepare a TCO. Furthermore, staff must track the progress of the project and remain available for ongoing review and inspection needs while monitoring the deadlines associated with the TCO approval. Because of this, an administrative fee of \$300.00 is required for each request for temporary occupancy, including TCO renewals.

The Building Division acts as the gatekeeper for TCO's. The Building Official is the final approving authority.

In order to receive a TCO the applicant must first receive approval from all inspection disciplines involved in the project. All inspection disciplines must signify approval by signing an approval tracking card, known as a "blue card." These disciplines may include Planning, Engineering, Natural Resources, Transit, and Building. The permit applicant can obtain a blue card by contacting the Building Division's Permit Technician (Becky White, 503-570-1553).

In addition to approval from the above-noted inspection disciplines, prior to issuance of a TCO, the following must occur at a minimum (including but not limited to):

- A signed TCO agreement must be completed.
- All fire & life-safety items must be completed to the satisfaction of the building inspector and fire inspector.
- All final special inspections must be completed and no outstanding discrepancies recorded for the portion of the project to be occupied.
- Fire sprinkler and fire alarm systems tested, accepted, and certificates completed.
- Mechanical and Plumbing systems installed, tested, and approved.
- Bonds posted as required.
- All Planning, Engineering, Natural Resources, Transit, or other disciplines with conditions of approval that are linked to temporary occupancy must be completed.
- All fees paid in full, except where billed in accordance with policy.
- All deferred submittals, revisions, and other outstanding paperwork are submitted, reviewed, approved, fees paid, and installation inspected and approved.
- Where applicable, other regulatory authorities must provide approval such as Tualatin Valley Fire & Rescue, County Electrical, County Health, ODOT, etc.

Procedure:

1. If required by the lead inspector, the permit applicant or contractor will schedule a pre-TCO meeting with the inspection team in advance of requesting a TCO (recommend 2-weeks prior).
2. A TCO application must be completed and signed by the contractor, owner, and Design Professional of Responsible Charge.
3. The fee for each TCO is \$300.00. The fee for each TCO extension is \$300.00. The fee must be paid at the time of application for a TCO.
4. TCO applications will only be approved by the Building Official upon completion of a blue card, and upon recommendation from the lead building inspector.

5. The Building Official may attach conditions of approval to the TCO with limitations for use or occupancy. A use that is not conforming to these conditions of approval will be considered grounds for revocation of the TCO.
6. TCO's are valid for 60 days from the time of the final TCO building inspection.
7. An extension may be requested at the end of the 60 day period by completing a new application. Each application for an extension must be accompanied by a written summary of the progress made to date and the reason why additional time is necessary. The Building Division does not imply or guarantee that a TCO extension will be granted or approved. The applicant shall proceed in good faith and assumes all risk with temporary occupancy.
8. Any occupancy of a building, structure, or portion thereof without a valid Certificate of Occupancy or Temporary Certificate of Occupancy shall be illegal. The processing of occupancy violations will be conducted in accordance with the penalty and compliance provisions of Wilsonville Code Chapter 9, Oregon Structural Specialty Code Sections 111 & 114, and ORS 455.450.