

1300.0220 CERTIFICATE OF OCCUPANCY.

Subpart 1. **Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building, structure, or portion of a building or structure shall be made until the building official has issued a certificate of occupancy for the building or structure under this part. Issuance of a certificate of occupancy is not approval of a violation of the code or other ordinances of the municipality. Certificates presuming to give authority to violate or cancel the code or other ordinances of the municipality are not valid.

Exception: A municipality has the option of requiring certificates of occupancy for:

- A. "U" occupancies constructed under the International Building Code;
- B. accessory structures constructed under the International Residential Code; or
- C. used manufactured homes moved into or within a jurisdiction.

Subp. 2. **Existing structures.** The legal occupancy of any structure existing on the date of adoption of the code shall be permitted to continue without change.

Subp. 3. **Change in use.** Changes in the character or use of an existing structure must comply with chapter 1305 or 1311.

Subp. 4. **Moved buildings.** Buildings or structures moved into or within a jurisdiction shall comply with the provisions of the code for new buildings or structures.

Exception:

- A. buildings designed to comply with chapter 1311; or
- B. a residential building relocated within or into a municipality need not comply with the Minnesota Energy Code or Minnesota Statutes, section 326B.439.

Subp. 5. **Certificate issued.** After the building official inspects a building or structure and finds no violations of the code or other laws that are enforced by the Department of Building Safety, the building official shall issue a certificate of occupancy containing the following:

- A. the building permit number;
- B. the address of the structure;
- C. the name and address of the owner;
- D. a statement that the described portion of the structure has been inspected for compliance with the requirements of the code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified;
- E. the name of the building official;

- F. the edition of the code under which the permit was issued;
- G. the use and occupancy classification;
- H. the type of construction;
- I. if an automatic sprinkler system is provided; and
- J. any special stipulations and conditions of the building permit.

Subp. 6. **Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that the portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

Subp. 7. **Revocation.** The building official may issue a written suspension or revocation of a certificate of occupancy issued under the code if the certificate is issued in error or on the basis of incorrect information supplied, or if the building or use of the building, structure, or portion of the building or structure is in violation of any ordinance or regulation or a provision of the code.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 326B.02; 326B.101; 326B.106; 326B.13*

History: *27 SR 1471; 32 SR 5; L 2007 c 140 art 4 s 61; art 13 s 4; 39 SR 91*

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