

**THIS IS A DRAFT AND WILL BE REPLACED BY THE
FINAL SIGNED ORDINANCE APPROVED BY COUNCIL**

AN ORDINANCE

**AMENDING CHAPTER 10 OF THE CITY CODE OF SAN ANTONIO,
TEXAS, ENTITLED “BUILDING-RELATED CODES OF THE CITY OF
SAN ANTONIO” BY ADDING PROVISIONS FOR WITHOLDING THE
ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR A PERIOD
NOT TO EXCEED ONE YEAR UPON PROOF THAT THE
CERTIFICATE OF OCCUPANCY HAS BEEN REVOKED A MINIMUM
OF TWO TIMES.**

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WHEREAS, the Development Services Department received a city consideration request (CCR) from Councilman Warrick (Council District 2) proposing an amendment to Chapter 10 of the City Code pertaining to the issuance of a Certificate of Occupancy; and

WHEREAS, the CCR identified that business entities exploited a loophole in the law to operate legally under a validly issued Certificate of Occupancy despite repeatedly having their Certificates of Occupancy revoked; and

WHEREAS, the CCR requested that consideration be given to address this loophole by withholding the issuance of a Certificate of Occupancy to business entities previously subject to a minimum of two prior Certificate of Occupancy revocations. **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 10, “Building-related Codes of the City of San Antonio” subsection (b) Certificate Issued, is hereby amended by adding provisions to withhold the issuance of a certificate of occupancy (C of O) for a period not to exceed one year if the C of O has been revoked at least twice before. Alterations are shown as underlined text.

Sec. 10-12. Certificate of occupancy.

(b) **Certificate Issued.** After the building official inspects the building or structure and finds no violations of the provisions of this chapter or other laws that are enforced by the department, the building official shall issue a certificate of occupancy that contains the following list. In addition, the building official is authorized to withhold the issuance of a certificate of occupancy to a person, as defined by the current International Building Code adopted by the City of San Antonio, for a period not to exceed one year if their certificate of occupancy had previously been revoked at least twice.

SECTION 2. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision in this Ordinance be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 3. There is no financial impact as a result of the passage of this Ordinance.

SECTION 4. No other provision of the City Code is amended by this Ordinance. All other provisions remain in effect.

SECTION 5. The publishers of the City Code of San Antonio are authorized to amend the City Code to reflect the changes adopted in this Ordinance, to correct typographical errors and to index, format and number paragraphs to conform to the existing City Code.

SECTION 11. This Ordinance becomes effective May 14, 2017.

PASSED AND APPROVED this 4th day of May, 2017.

M A Y O R

Ivy Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney