

154.05. CERTIFICATE OF OCCUPANCY**A. Certificate of Occupancy Required****1. New Construction or Improvement**

It shall be unlawful to use or occupy, or to permit the use or occupancy of, any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Planning Director. The certificate of occupancy shall state that the proposed use of the building and/or land conforms to the requirements of this Code and that the Director or his representative has inspected the property and attested to that fact.

2. Change of Use

No change shall be made in the use of land, except as provided in this Code or the use of any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a Certificate of Occupancy having been issued by the Planning Director; and no such Certificate shall be issued to make such change unless it is in conformity with the provisions of this Code.

3. Change of Occupancy

No persons, firms, or corporations shall move into or occupy any nonresidential structure or land, new or existing, without first obtaining a Certificate of Occupancy from the Planning Department.

B. Application for Certificate of Occupancy

1. Applications for Certificates of Occupancy shall be filed in accordance with the requirements of Section 154.01 of this Code. Applications should be filed at least ten (10) days before occupancy is intended.
2. An application for a certificate of occupancy shall accompany the application for an improvement location permit.
3. No improvement location permit shall be issued for excavation for or the erection, reconstruction, or structural alteration or removal of any building, before application has been made for a certificate of occupancy.

C. Action

Certificates of Occupancy may be issued by the Planning Director within ten (10) days after notification by the applicant that the lawful erection, reconstruction, or structural alteration of the building or other improvement of the land have been completed, or that the use of the building or premises will change, or that the occupancy of the building or premises will change; and the finding of the Director that such construction, change of use, or change of occupancy conforms to the requirements of this Code.

D. Enforcement

In case any building, structure, or property is, or is intended to be erected constructed, reconstructed, altered or converted, or any building, structure, or property is, or is

intended to be used in violation of, or contrary to the provisions of this Code, the Planning Director is hereby authorized, in addition to other remedies set forth in the Statutes of the State of Indiana and in this Code, to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, alteration, conversion, or use.

E. Temporary Certificate of Occupancy

When the improvement covered by the Improvement Location Permit has been completed in substantial conformity with the site plan or development plan submitted in the application, a Certificate of Occupancy shall then be issued. A Temporary Certificate of Occupancy may be issued by the Planning Director after application has been made for completed portions of a development plan which has been approved as a Conditional Use, provided that a Certificate of Occupancy is required upon completion of the total development plan.

F. Records of Certificate of Occupancy

Every Certificate of Occupancy issued pursuant to this Section 154.05 shall be kept on file in the Office of the Planning Director and shall be a public record in accordance with the Indiana Revised Code.