

2021 Virginia Construction Code

CHAPTER 1 ADMINISTRATION

SECTION 116 CERTIFICATES OF OCCUPANCY

116.1 General; when to be issued.

Prior to occupancy or *change of occupancy* of a *building* or *structure*, a certificate of occupancy shall be obtained in accordance with this section. The building official shall issue the certificate of occupancy within 5 *working days* after approval of the final inspection and when the *building* or *structure* or portion thereof is determined to be in compliance with this code and any pertinent laws or ordinances, or when otherwise entitled.

Exceptions:

1. A certificate of occupancy is not required for an accessory *structure* as defined in the IRC.
2. A new certificate of occupancy is not required for an addition to an existing Group R-5 *building* that already has a certificate of occupancy.

116.1.1 Temporary certificate of occupancy.

Upon the request of a *permit holder*, a temporary certificate of occupancy may be issued before the completion of the work covered by a permit, provided that such portion or portions of a *building* or *structure* may be occupied safely prior to full completion of the *building* or *structure* without endangering life or public safety.

116.2 Contents of certificate.

A certificate of occupancy shall specify the following:

1. The edition of the USBC under which the permit is issued.
2. The group classification and occupancy in accordance with the provisions of Chapter 3.
3. The type of *construction* as defined in Chapter 6.
4. If an automatic sprinkler system is provided and whether or not such system was required.
5. Any special stipulations and conditions of the building permit and if any modifications were issued under the permit, there shall be a notation on the certificate that modifications were issued.
6. Group R-5 occupancies complying with Section R320.3 of the VRC shall have a notation of compliance with that section on the certificate.

116.3 Suspension or revocation of certificate.

A certificate of occupancy may be revoked or suspended whenever the building official discovers that such certificate was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC after the certificate has been issued or when requested by the code official under Section 106.6 of the VPMC. The revocation or suspension shall be in writing and shall state the necessary corrections or conditions for the certificate to be reissued or reinstated in accordance with Section 116.3.1.

116.3.1 Reissuance or reinstatement of certificate of occupancy.

When a certificate of occupancy has been revoked or suspended, it shall be reissued or reinstated upon correction of the specific condition or conditions cited as the cause of the revocation or suspension, and the revocation or suspension of a certificate of occupancy shall not be used as justification for requiring a *building* or *structure* to be subject to a later edition of the code than that under which such *building* or *structure* was initially constructed.

116.4 When no certificate exists.

When the *local building department* does not have a certificate of occupancy for a *building* or *structure*, the *owner* or *owner's* agent may submit a written request for a certificate to be created. The building official, after receipt of the request, shall issue a certificate provided a determination is made that there are no current violations of the VPMC or the *Virginia Statewide Fire Prevention Code* (13VAC5-52) and the occupancy classification of the *building* or *structure* has not changed. Such buildings and structures shall not be prevented from continued use.

When the *local building department* has records indicating that a certificate did exist but does not have a copy of the certificate itself, then the building official may either verify in writing that a certificate did exist or issue a certificate based upon the records.

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