

Village of Montgomery Ordinance 1433 passed September 14, 2009

Code of Ordinance Section 6-35 Certificate of Occupancy and Temporary Certificate of Occupancy

Final Certificate of Occupancy: A Final Certificate of Occupancy shall not be issued for any building until 1) all building and site/landscaping improvements have been completed per the approved plans held on file at the Village of Montgomery, 2) Record Drawings/Asbuilts have been submitted and approved, 3) any other required documents specific to the project have been submitted and approved and recorded and 4) all outstanding invoices have been paid.

Temporary Certificate of Occupancy: If said building has been completed per the approved plans and pass all required inspections but all site/landscaping improvements and Record Drawings/Asbuilts have not been completed a Temporary Certificate of Occupancy may be issued if, in the absolute discretion and opinion of the Director of Community Development, the site/landscaping improvements and Record Drawings/Asbuilts can not reasonably be completed prior to issuance of a Final Certificate of Occupancy. Reasons that site/landscaping improvements and Record Drawings/Asbuilts may not be able to be completed include, but are not limited to weather-related delays.

Prior to issuance of a Temporary Certificate of Occupancy a Letter of Credit, following the standard format of the Village of Montgomery, or a cash deposit must be submitted to cover the cost of the remaining site/landscaping improvements and Record Drawings/Asbuilts. Also all outstanding invoice shall be paid and the staff may impose such additional conditions on the issuance of the Temporary Certificate of Occupancy as they deem necessary and appropriate. A time limit shall be set for the Temporary Certificate of Occupancy; if the site/landscaping improvements and Record Drawings/Asbuilts are not completed within that time frame the Village shall have the option to extend the Temporary Certificate of Occupancy, revoke the Temporary Certificate of Occupancy, draw on the Letter of Credit or cash deposit to finish the remaining work, issue a Notice to Appear in Court or exercise any and all of these options. If the Temporary Certificate of Occupancy is for a residential unit, the builder/developer of said unit shall provide evidence (satisfactory to Village staff) that the ultimate purchaser and/or resident of said unit is aware of the conditions of this ordinance (relative to issuance of the temporary certificate of occupancy and the risks of revocation that exist) and that the builder/developer consents (and said consent is binding on successors owners/occupants) to the Village entering on the property of the unit in question and consents to the Village completing said remaining work.”