

Section 5-103
Certificate of Occupancy

SECTION 5-103. CERTIFICATE OF OCCUPANCY.

- A. **General Requirement.** No building or structure shall be occupied or used until a certificate of occupancy is issued by the ~~Building~~ **Development Services** Department after a determination that the building has been constructed in accordance with the provisions of any special use permit, plat approval, or building permit. A temporary certificate of occupancy may be issued in accordance with the provisions of this section.
- B. **When Certificate Required.** A certificate of occupancy shall be issued by the ~~Building~~ **Development Services** Department for any of the following after compliance with all provisions of these regulations has been determined:
1. Occupancy and use of a building hereafter erected, reconstructed, enlarged or moved.
 2. Change in occupancy or use of an existing nonresidential building.
 3. Occupancy and use of vacant land.
 4. Change in the use of land to a use of a different classification.
 5. Any change in the use of a non-conforming use.
- C. **Procedure.**
1. **Application.** An application for a certificate of occupancy or a temporary certificate of occupancy shall be filed in a form prescribed by the ~~Building~~ **Development Services** Department.
 2. **Action on application.** ~~The Director of the Building Department and the Director of Community Development~~ **Services Department**, or their authorized representatives, shall inspect the property that is the subject of an application for a certificate of occupancy or a temporary certificate of occupancy to determine whether the use of the property and the structures comply in all respects with the provisions of these regulations and the Village Code, including the provisions of any special use permit and to determine whether all construction debris is removed from the site. ~~The Director of Community Development~~ **Services Department** need not inspect a single family dwelling prior to the issuance of a certificate of occupancy. If the use and structure do not comply with these regulations or other provision of the Village Code or with any Standard Construction Specifications approved by the Village, ~~the Director of the Building~~ **Development Services** Department shall deny the application in writing, setting forth the provisions of these regulations or the Village Code with which the structure or use does not comply unless he determines that a temporary certificate is warranted.
 3. **Temporary Certificate of Occupancy.** A temporary certificate of occupancy may be issued by the ~~Director of the Building~~ **Development Services** Department provided that::

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- a. the applicant for such a temporary certificate demonstrates that the construction which remains to be completed relates solely to the external conditions of the development, such as landscaping, and is not directly related to the safety of the premises; and
- b. the applicant demonstrates that such completion is impractical at the time the temporary certificate is sought due to weather or other conditions acceptable to the ~~Director of the Building~~ **Development Services** Department; and/or is not directly related to the safety of the premises; and
- c. the applicant secures the completion of the construction with a letter of credit, in a form acceptable to the Village Manager and Village Attorney, and in an amount sufficient to complete the construction, as determined by the ~~Director of the Building~~ **Development Services** Department.
- d. The applicant is restoring an historic building or is the occupant of the building and is doing the construction him or herself.