

RESOLUTION 2021-29

A Policy for the Issuance of Certificate of Occupancy Prior to Completion of Construction Project

WHEREAS, Goshen City Code Section 6.1.1.9 requires that all work to construct, alter, remodel, rehabilitate, or add to any building or structure be in full compliance with all other ordinances and amendments to the Goshen City Code.

WHEREAS, pursuant to Goshen City Code Section 6.1.1.16, a certificate of occupancy for a building or structure may not be issued unless such construction, alterations or repairs comply with Goshen City Code Title 6, Article 1.

WHEREAS, some construction projects may be substantially complete except for the installation of certain parts or equipment that are currently unavailable, or certain exterior site work is delayed due to weather conditions.

NOW, THEREFORE, BE IT RESOLVED by the Goshen Board of Public Works and Safety that a certificate of occupancy may be issued prior to the completion of a construction project pursuant to the following requirements:

- (1) All construction, alteration, or repair work on a building construction project must pass a final inspection by the Goshen Building Department except as provided by paragraph (2).
- (2) All construction, alteration, or repair work on a building construction project is substantially complete and must pass inspection of the Goshen Building Department except for the installation of certain parts or equipment that are currently unavailable due to a manufacturing and/or shipping delay, and the temporary inability to install such parts or equipment does not create a substantial health or safety hazard to any person occupying the building. The inability to install such parts or equipment must be a documented manufacturing and/or shipping delay, and not the inability of a contractor to schedule and install such parts or equipment in a timely basis.
- (3) All exterior site work required on the construction project must comply with all other Goshen City Code requirements, including all applicable zoning requirements and stormwater runoff control requirements, unless such site work cannot be completed due to weather conditions, and the temporary inability to complete such site work does not create a substantial health or safety hazard to any person occupying the building or structure. Such site work would include, but not be limited to, the stabilization of the disturbed land areas, planting all required landscaping and trees, installation of hard surface driveway or parking areas, installation of concrete sidewalks and/or curbing. The inability to complete

all exterior site work must be due to the seasonal weather conditions, and not the inability of a contractor to schedule and complete such exterior site work in a timely basis.

- (4) If a construction project cannot be completed due to reasons as set forth in paragraph (2) and/or paragraph (3), the builder (if the builder is responsible for completing the remaining work) and/or the property owner must submit a written application to the Stormwater Management Department to request the issuance of a certificate of occupancy before the completion of the construction project.
 - (a) If the construction project is substantially complete except for the inability to complete exterior site work due to winter weather conditions, the City will accept and consider applications between the first Monday in November and the second Monday in March.
 - (b) If the construction project is substantially complete except for the inability to complete exterior site work due to other seasonal weather conditions not covered under paragraph (a) or due to the inability to install certain parts or equipment that are currently unavailable due to a manufacturing and/or shipping delay, the City will accept and consider such applications on a case by case basis.
- (5) If the application is approved, the City shall prepare an Agreement for the Completion of the Construction Project (Agreement) to be entered into between the City and the builder and/or property owner which sets forth the remaining items of work to be completed on the construction project and the date(s) which the work must be completed.
- (6) The builder and/or property owner shall provide the City a surety in the form of a bond, letter of credit, cashier's check, corporate check or cash to ensure the timely and proper completion of the remaining work pursuant to the terms of the Agreement if the cost of the remaining work to be completed is estimated by the City to be at least Two Thousand Dollars (\$2,000), or if the remaining work to be completed includes the installation of a driveway, parking lot, sidewalk, curbing or other hard surface improvements, regardless of cost. The amount of the surety shall be equal to the cost of the remaining work to be completed as estimated by the City.
- (7) Upon execution of the Agreement by all parties and the City's receipt of the surety, if required, the Goshen Building Department will issue a certificate of occupancy.
- (8) Upon the completion of the construction project, the City shall inspect the site to confirm the remaining work under the Agreement has been satisfactorily completed. The City will release the builder and/or property owner, as applicable, from the provisions of the Agreement and release its interest in the surety, if such was provided, upon the satisfactory completion of the remaining work.
- (9) Entering into an Agreement for the Completion of a Construction Project shall be viewed as an exception to evenly enforced rules, and not as the rule itself. The City shall expect builders and property owners to use best efforts to schedule work on projects such that the project fully complies with the Goshen City Code prior to the issuance of a certificate of occupancy.

BE IT FURTHER RESOLVED that this Resolution specifically repeals and replaces Resolution 2011-G.

PASSED and ADOPTED by the Goshen Board of Public Works and Safety on November 1, 2021.



Jeremy P. Stutsman, Mayor



Mary Nichols, Board Member



DeWayne Rouse, Board Member



Michael A. Landis, Board Member



Barb Swartley, Board Member