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Community Development Department  
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## TEMPORARY CERTIFICATE OF OCCUPANCY

Revised: 01/2019

### **Policy Statement**

The Town of Vail acknowledges that some features of a construction project may not be completed although the building is safe for occupancy. Given the seasonal conditions present while working in the alpine environment, and based on the impact of work not yet completed, under certain circumstances occupancy of the building or structure may be allowed for a specific period of time. In most cases, a Temporary Certificate of Occupancy (TCO) will only be issued when weather conditions prevent completion of external work, limited to the following items:

- Landscaping
- Paving
- Painting
- Other accessory improvements

A TCO is generally only issued between the months of November and April and is contingent upon the structure being substantially complete. Substantial completion includes:

- All interior work
- External building envelope
- Siding/trim/stucco/stone/etc.
- Roofing
- Exterior lighting
- Final inspection and testing of life-safety systems
- All other architectural detail work.

Therefore, prior to work completion on a project requiring a Certificate of Occupancy (CO), a TCO may be issued by the Building Official pursuant to the Town of Vail Municipal Code, Title 12-11-8. The procedures detailed on this policy document shall be followed.

### **Departments Affected:**

Community Development  
Fire Department  
Public Works

### **Purpose**

To establish a policy for allowing temporary occupancy of a building or structure prior to completion per Town of Vail Municipal Code.

## **Procedures**

1. Upon receiving a final inspection with deficiencies from one or more departments, a request by the applicant for a TCO may be made directly to the Building Official. The request shall include the following information:
  - a. Reason for request
  - b. Building permit number of the project
  - c. List of work that needs to be completed and estimated cost and date of completion.
2. The Building Official, upon receipt of request, shall determine validity of the request by consulting with departments that have not approved their respective final inspections.
3. The applicant shall be informed if a Developer Improvement Agreement (DIA) and bond, cash deposit or Letter of Credit is required. If so, the DIA/bond shall be provided prior to staff granting the TCO.
4. If a determination is made that additional information is required, the applicant shall submit further information for review.
5. Upon completion of review and approval by all affected departments, the Building Official shall complete and sign a TCO. The following information shall be on or attached to the TCO:
  - a. Building permit number
  - b. Address of permitted work
  - c. Name and address of owner - as per Eagle County assessor records
  - d. Description of the portion of the structure allowed to be occupied
  - e. Statement of stipulations to be included
  - f. Edition of the code and occupancy classification under which the permit was issued
  - g. Expiration date.
6. The signed TCO and any attached documentation shall be issued to the owner or owner's authorized agent with a copy uploaded to the electronic permit file. All bonds, deposits or surety shall be held in accordance with the Town of Vail Codes and individual departmental procedures.
7. The owner or owner's authorized representative shall request proper inspections for the itemized deficiencies as they are completed, prior to the TCO expiration date.
8. When inspections of deficiencies are performed and approved, each department shall indicate approval in the electronic permit file.
9. After all deficiencies have been corrected and approved, any bonds, deposits or surety being held shall be released to the party indicated on the DIA and the department holding the bond shall so indicate release of the bond in the electronic permit file. A CO shall be issued by the Building Official, effectively nullifying the TCO.

10. If the project is still in non-compliance upon the date of TCO expiration, the Building Official shall issue a Notice of Violation via certified mail, the building shall be immediately vacated and the owner or owner's authorized agent may be subject to penalties as described within the Town of Vail Municipal Code, Title 10-1-10.

All correspondence relating to a temporary certificate of occupancy shall be uploaded and stored in the corresponding permit file within the electronic permitting software system.