

ORDINANCE NO. 21 - _____

**AN ORDINANCE
REQUIRING THE POSTING OF A CASH DEPOSIT FOR TEMPORARY
CERTIFICATES OF OCCUPANCY FOR RESIDENTIAL STRUCTURES BY
AMENDING CHAPTER 1 (BUILDING CODES), ARTICLE B
(RESIDENTIAL CODE) OF TITLE 5 (BUILDING REGULATIONS)
OF THE NAPERVILLE MUNICIPAL CODE**

RECITALS

1. **WHEREAS**, Chapter 1 (Building Codes), Article B (Residential Code) of Title 5 (Building Regulations) of the Naperville Municipal Code adopts and amends the 2018 International Residential Code and establishes its applicability to one- and two-family dwellings and most townhouses not more than three (3) stories in height; and
2. **WHEREAS**, an amendment to Section R110.4 of the 2018 International Residential Code authorizes the building official to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit; and
3. **WHEREAS**, issuance of a temporary certificate of occupancy allows for full occupancy of the structure for a defined period of time as indicated on the notarized Agreement for Temporary Occupancy form signed by the property owner; and
4. **WHEREAS**, expiration of the temporary certificate of occupancy, prior to issuance of a final certificate of occupancy, renders continued occupation of the structure unlawful; and
5. **WHEREAS**, the City of Naperville continually experiences a large number of unlawfully occupied structures resulting from expired temporary certificates of occupancy; and

6. **WHEREAS**, the City of Naperville desires to encourage property owners to complete the entire work covered by the permit and obtain a final certificate of occupancy by requiring surety in the form of a cash deposit to be collected prior to issuance of a temporary certificate of occupancy; and
7. **WHEREAS**, the cash deposit shall be in an amount equal to 0.50% of the valuation of the improvements as indicated on the permit, with a minimum amount of \$2,000; and
8. **WHEREAS**, the cash deposit shall be fully refunded upon issuance of the final certificate of occupancy if the final certificate of occupancy is issued within 24 months of the expiration of the temporary certificate of occupancy; and
9. **WHEREAS**, the City of Naperville Building Review Board reviewed, discussed and recommended collection of a cash deposit, but with a lump sum amount of \$2,000, at their April 21, 2021 public meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing Recitals are hereby incorporated in this Section 1 as though fully set forth herein.

SECTION 2: Chapter 1 (Building Codes), Article B (Residential Code) of Title 5 (Building Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and removing the strikeout text as follows:

TITLE 5 – BUILDING REGULATIONS

CHAPTER 1 – BUILDING CODES

ARTICLE B. – RESIDENTIAL CODE

SECTION:

5-1B-1: - ADOPTION:

* * *

5-1B-2: - AMENDMENTS:

The following requirements shall be applicable to one- and two-family dwellings and townhouses as stated above:

Chapter 1 Administration

R101.1 through R109.1.6.2

* * *

R110.4 Temporary Occupancy: Change to read as follows:

The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. A temporary occupancy up to 60 days ~~will be allowed~~ may be granted by the City from April 16 through ~~November 14~~ September 30, and an extended temporary occupancy may be granted by the city from ~~November 15~~ October 1 through April 15, but shall expire no later than the first June 15 following the temporary occupancy approval.

Prior to issuance of a temporary certificate of occupancy, a cash deposit shall be posted with the City to guarantee completion of the entire work covered by the permit. The cash deposit shall be posted in an amount equal to one half of one percent (0.50%) of the value of the permitted improvements, but shall in no case be less than two thousand dollars (\$2,000.00). The full value of the cash deposit shall be returned to the depositor or the depositor's designee following the issuance of the certificate of occupancy. Should the certificate of occupancy not be issued within twenty-four (24) months of the issuance of the temporary certificate of occupancy, the cash deposit shall be forfeited and retained by the City. In the case of a forfeiture, the requirement for a certificate of occupancy shall continue and be subject to enforcement by the City.

R113.4 through E340.1.1

* * *

SECTION 3: Upon adoption as required by law, this Ordinance shall be in full force

as of August 1, 2021.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk