



MONTGOMERY COUNTY BUILDING REGULATIONS

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TEMPORARY CERTIFICATE OF OCCUPANCY POLICY

Temporary Certificates of Occupancy, or TCO's, can be issued to allow occupancy of a building before all construction work is complete, but the building is deemed by the Chief Building Official to be safe enough, sanitary enough, and accessible enough to permit occupancy.

A TCO can never be issued before the main building permit is issued. There is no way we can judge the building to be adequate to occupy when we have not even approved the design, nor have we inspected the premises.

The two main criteria our Division has established to judge the merits of a TCO request are:

- 1) All required permits must be obtained or at least have been applied for with adequate applications. After the main building permit has been issued, it is sometimes possible to allow occupancy prior to the approval of minor sub-permits such as sign permits.
- 2) All matters regarding life safety have been attended to. This includes, but is not limited to, proper construction of fire rated walls, floors, and ceilings, door hardware, exit signs and emergency lights, suppression and alarm systems, and ventilation systems. In order to verify this, the owner or his authorized agent must have all rough and final inspections conducted by our inspectors and, for commercial work only, the local fire department, for the portion of the building for which occupancy is requested. If some life safety work such as a limited area suppression system or alarm system has been installed and inspected by the fire department prior to our division's permit issuance, and if the fire department inspects such work and finds it to be properly installed and functioning, we can use their inspection as part of our evaluation of building safety prior to our actual inspection of the work.

Occasionally temporary occupancy will be permitted based on temporary fixes to code violations cited, such as by covering non-tempered glass with Plexiglas or plywood until tempered glass is installed, or by providing temporary handrails until permanent rails are delivered and installed.

Two other lesser criteria that are considered include:

- 1) The building must have adequate sanitation, i.e. working toilets and lavatories, in sufficient numbers to serve the occupant load permitted by the TCO. Occasionally, temporary toilet facilities are approved until the permanent fixtures are in working order, but this is highly discouraged and will not be routinely permitted.
- 2) Features required to make the building accessible to the disabled must be substantially in place. If certain hardware or fixtures are not yet installed, temporary occupancy might still be permitted, but if substantial deficiencies still exist, such as not having the required handicapped parking, curb cuts or ramps, or the door or room sizes are not in compliance, temporary occupancy will probably not be permitted.

TCO's can only be issued by the Chief Building Official or his designated back-up CHIEF BUILDING OFFICIAL. Inspectors can only make recommendations to him. The owner or his agent must meet with the CBO in order to review and sign-off on the terms of TCO issuance. There is also a fee for such TCO's, which covers the cost of additional inspections and administration required by such agreement.

TCO's are valid for only a limited amount of time. Usually they are good for only thirty (30) days. If a portion of a building is complete and approved for unrestricted occupancy, the time limit will match expiration date of the building permit. It is the owner's responsibility to complete all work and call for all remaining inspections within that time period. Not doing so could cause the occupancy to revert to being illegal, risking both legal action against the owner by Montgomery County, and possible denial of insurance coverage for accidents or building damage that occur while the building is being illegally occupied.