

**APPLICATION FOR WAIVER OF USE PERMIT
FOR FAILING SYSTEMS
Instructions and Application Forms**

Sometimes, during the course of a Use Permit inspection, various components of the individual sewage disposal system may need major repair or replacement. Although the department recommends that such repairs be done prior to the closing of the property, that is not always possible. The requirement for obtaining a Use Permit prior to closing can be waived to allow the sale of properties with failing individual sewage disposal systems (or components of those systems) if ALL of the following conditions are met:

- The applicants have submitted an inspection report for the components that are NOT failing (if any),
- Engineering for the repair has been completed **and** the Department has **issued** a repair permit for the failing system components,
- The repairs outlined in the repair permit have not yet been made,
- The real estate closing of the property is scheduled to occur prior to those repairs being made, and
- The prospective purchasers sign an agreement (pages 1 and 2) with the Department to make the required repairs within sixty (60) days of occupying the property (or agree not to occupy the property until the repairs are made) and acknowledge their responsibility should repairs not be made as agreed.

To apply for a Waiver:

SUBMIT:

Page 1 (with all boxes filled out) and page 2 (signed by the prospective purchasers) AND inspection reports (FORMS 701, 702 or 703) for those components, if any, that are NOT to be repaired or replaced. Be sure to indicate how the completed waiver is to be sent and include the contact name and phone number for any questions.

The Department will review the request and if appropriate will sign the agreement and return a copy to you. This signed copy will constitute the formal waiver. Once the closing has occurred we will schedule a follow-up inspection to determine if repairs have been made as agreed. If repairs are NOT made, the Department will pursue appropriate legal action against the new owner.

If the closing does not take place the agreement is null and void.

FEE: There is no fee for this Use Permit waiver.

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AGREEMENT TO REPAIR AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM
and WAIVER OF USE PERMIT

AGREEMENT made and entered into this ____ day of _____, 20____, by and between

(Print names of purchasers) _____

(the "Purchasers") and the Jefferson County Public Health (the "Department").

R E C I T A L S

(Print names of owners) _____

is (are) the owner(s) of certain real property and improvements ("Property") described as follows:

(Print complete legal)

More commonly known and referred to as

(Print property address) _____

As a condition to selling the Property, the owners were required to obtain a use permit for the Property under the provisions of Part IX of the Department's Individual Sewage Disposal System Regulation (the "Regulation").

The Department has determined that components of the individual sewage disposal system on the Property are not functioning in compliance with the Regulation and in its present condition, constitutes a nuisance and a significant hazard to public health and the environment.

To remedy this condition on the Property, repair permit (print repair permit number) _____ OW (the "Permit") has been issued by the Department to repair or replace those components.

The closing on the sale of the Property to the Purchasers is scheduled to occur prior to the completion of repairs to the individual sewage disposal system.

The Purchasers are desirous of proceeding with their purchase of the Property, subject to the terms and conditions of the repair permit.

And the Department is desirous of permitting them to do so subject to the following terms and conditions.

NOW, THEREFORE, for good and valuable consideration the mutual receipt and sufficiency of which is hereby mutually acknowledged by the parties, the parties agree as follows:

1. Purchasers agree to comply with the terms and conditions of the Permit.
2. Purchasers agree to complete the repairs to the components of individual sewage disposal system servicing the dwelling or structure on the Property within sixty (60) days after their occupancy of the dwelling or their possession of the Property, OR agree not to occupy the dwelling or structure until repairs are made.
3. The Department agrees to waive the requirement for a Use Permit for the sale of this property in accordance with the provisions of the Jefferson County Individual Sewage Disposal System Regulations.
4. Purchasers acknowledge that their failure to comply with the terms of this agreement will cause the Department to initiate enforcement actions against them including the issuance of injunctive relief precluding the use of the Property unless and until repairs are completed.
5. This agreement shall be null and void in the event that the Purchasers do not complete the purchase of the Property.
6. The Department may, at its discretion, issue an OFFICIAL NOTICE to the new owner ordering repair of the system by the agreed-upon date.

Dated the day and year first above written.

Purchasers: _____
(Signature)

(Signature)

Jefferson County Public Health:

(Signature)

COMPLETED AGREEMENT TO BE (PICK ONE):

- FAXed to _____
- Held for pickup (phone #) _____
- Mailed to _____

CONTACT PERSON and phone _____