FORM
900

JEFFERSON COUNTY PUBLIC HEALTH
Environmental Health Services Division
645 Parfet Street, Lakewood, CO 80215
(303) 232-6301 FAX (303) 271-5760
jeffco.us/public-health

FORM
900

APPLICATION FOR WAIVER OF USE PERMIT FOR FAILING ONSITE WASTEWATER TREATMENT SYSTEMS COMPONENTS
Instructions and Application Forms

During the course of a Use Permit inspection it may be found that various components of the onsite wastewater treatment system require major repair or replacement. Although the Department recommends that such repairs be completed prior to the closing, if this cannot be done the Department can waive approval of the failing onsite wastewater treatment system components if:

- The real estate closing of the property is scheduled to occur prior to those repairs being made, and

- The prospective purchasers agree to sign an agreement (pages 1 and 2) with the Department to make the necessary repairs within ninety (90) 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, and

- The seller obtains a Use Permit for the components that do pass inspection.

TO APPLY FOR A USE PERMIT and COMPONENT WAIVER, SUBMIT:

- FORM 900 (this form) with all information completed signed by the prospective **purchasers** on Page 2. Be sure to indicate how the completed waiver is to be sent and include the contact name and phone number for any questions.

- FORM 700, 701, 702 and 703 (if appropriate) to obtain a Use Permit for remainder of the onsite wastewater treatment system.

The Department will review the request and if appropriate will sign the agreement and return a copy to you along with a Use Permit for the components that do pass inspection. This signed copy and the accompanying Use Permit will constitute the formal waiver for the failing components.

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

FEE: The Use Permit Fee is **$125.00.**

DEPARTMENT CONTACT: Linda Jones (303) 271-5756
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AGREEMENT TO REPAIR AN ONSITE WASTEWATER TREATMENT SYSTEM

(PLEASE FILL IN ALL BLANKS)

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

Purchaser 1 _____

Purchaser 2 _____

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

R E C I T A LS

Owner 1 _____

Owner 2 _____

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

_____

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 Section 10 of the Department's onsite wastewater treatment system Regulation (the "Regulation").

An inspection has determined that certain components (the "Failing Components") of the onsite wastewater treatment system 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.

The closing on the sale of the Property to the Purchasers is scheduled to occur prior to the completion of repairs to the Failing Components.

The Purchasers are desirous of proceeding with their purchase of the Property, subject to the terms and conditions of this agreement 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 (check one):

   ☐ complete any repairs to or replacement of the Failing Components within ninety (90) days after their occupancy of the dwelling or their possession of the Property.

   ☐ not occupy the dwelling or structure until the Failing Components are repaired or replaced.

2. Purchasers agree that the repairs to or replacement of the Failing Components are based on the conditions observed at the time of inspection and must be completed regardless of the future condition of those components.

3. 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.

4. The Department agrees to waive the requirement for a Use Permit on the Failing Components in accordance with the provisions of the Jefferson County onsite wastewater treatment system regulations.

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):

☐ Emailed to: _____

☐ FAXed to _____

☐ Pickup (phone #) _____

☐ Mailed to _____

_____

_____

CONTACT PERSON and phone _____