

### JEFFERSON COUNTY PUBLIC HEALTH Environmental Health Services Division 645 Parfet Street, Lakewood, CO 80215 (303) 232-6301 FAX (303) 271-5760



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# APPLICATION FOR WAIVER OF USE PERMIT FOR FAILING SYSTEMS – Short Sales Instructions and Application Forms

Sometimes, during the course of a Use Permit inspection, various components of the individual sewage disposal system may need <u>major</u> 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 <u>failing</u> 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),
- 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.

**DEPARTMENT CONTACT**: Linda Jones (303) 271-5756

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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 a between (Print names of purchasers)	and —
(the "Purchasers") and the Jefferson County Public Health (the "Department").	
RECITALS  (Print names of owners)	
is (are) the owner(s) of certain real property and improvements ("Property") described follows:  (Print complete legal)	as
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").

An inspection has revealed that the 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.

The closing on the sale of the Property to the Purchasers is a "Short Sale" and 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, 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:

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- Purchasers agree to apply for the septic repair permit and <u>complete</u> the repairs to the components of the individual sewage disposal system servicing the dwelling or structure on the Property within <u>ninety (90) days</u> 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.
- 2. 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.
- 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. This agreement shall be null and void in the event that the Purchasers do not complete the purchase of the Property.
- 5. 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.

Purcha		
	(Signature)	
	(Signature)	
Jeffers	son County Public Health:	
	(Signature)	
COMPLET	TED AGREEMENT TO BE (PICK ONE):	
	Held for pickup (phone #)	
	Mailed to	
	- <del></del>	
CONTACT	FPERSON and phone	