



**SUMMIT COUNTY PUBLIC HEALTH
ENVIRONMENTAL HEALTH DEPARTMENT**

"...promoting the community values of public health, environmental protection and disease prevention..."
P.O. Box 5660 * Frisco, CO 80443 * (970)668-4070 * (970)668-4255 FAX

AGREEMENT TO LIMIT OCCUPANCY OF DWELLING OR STRUCTURE

AGREEMENT made and entered into this ____ day of _____, 200__, by and between

Purchaser 1 (print name)

and

Purchaser 2 (print name)

(the "Purchasers") and the Summit County Environmental Health ("Department").

RECITALS

Owner 1 (print name)

and

Owner 2 (print name)

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

LEGAL

DESCRIPTION: _____

More commonly known and referred to as:

ADDRESS: _____

As a condition to selling the Property, the owners were required to obtain a use permit for the Property under the provisions of the Department's Onsite Wastewater System Regulation ("Regulation").

The Property is not served by a water carried sewage system, i.e. a system for on-site collection, treatment and subsurface disposal of sewage that includes all or a portion of the following plumbing fixtures: a kitchen sink, a bathroom sink, a shower or tub, and a flush water closet.

The Regulation defines such properties as "Limited Use Occupancy" and prohibits the occupancy of such dwellings or structures except on a limited basis, i.e. less than 60 days per year.

The Purchasers are desirous of proceeding with their purchase of the Property subject to the limitations on occupancy as set forth in the Regulations, 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 limit the occupancy of the Property to no more than 60 days per year until such time a water carried sewage system, which complies with the Department's Onsite Wastewater System Regulation of an acceptable design to serve the dwelling or structure, is permitted, installed, inspected and approved by the Department.
2. The Department agrees to issue a Use Permit in accordance with section 16213.03 of the Regulations.
3. The Department does not guarantee, warranty or represent that it will be possible to design and install a water carried sewage system for this Property or that the Property is suitable for anything other than Limited Use Occupancy use.
4. Purchasers acknowledge that their failure to comply with these occupancy limitations will cause the Department to initiate enforcement actions against them including the issuance of injunctive relief precluding the use of the Property.

Dated the day and year first above written

Purchasers: _____
Purchaser 1 (signature)

Purchaser 2 (signature)

For Summit County Environmental Health Department:

(Print name)

(Signature)

Date signed by Department