

CLEAR CREEK COUNTY Public and Environmental Health	Use Permits	Section 7
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1. Applicability

- A. Prior to a covered transaction, the property owner of a residence or other building/facility served by an OWTS shall obtain a use permit, unless exempt as set forth in this section.
- B. When obtaining the use permit, if it is found the system is not functioning according to design, the system shall be repaired so that it is functioning in compliance of these Regulations. Appropriate permits shall be obtained pursuant to Sections 4 and 5.
- C. Owners of limited use occupancy dwellings shall be required to obtain a use permit to allow for continued limited use occupancy of the dwelling and that the system is functioning properly.
- D. Owners of limited bedroom use dwellings shall be required to obtain a use permit to ensure continued limited bedroom use of the dwelling and that the system is functioning properly.
- E. If the OWTS for a residential property was installed and approved by the health officer less than five (5) years between the date of property conveyance and issuance of the certificate of occupancy by the Building Department, a use permit shall not be required. If a component of the system is more than five (5) years old, a use permit shall be required for the entire system.
- F. Properties with systems that were installed but never connected to a dwelling or structure do not require a use permit.

2. Minimum Application Requirements

- A. Applications for a use permit shall be made on forms provided or approved by the Department prior to the covered transaction. Such application shall include the following forms and documentation:
 - 1. An application containing at minimum:
 - a. Owners name and contact information;
 - b. Physical address of the property and legal description;
 - c. Name of the transfer of title inspector and company;
 - d. Date and time of inspections;
 - e. Location of the septic tank, higher level treatment system, soil treatment area, and other components;

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- f. Type of system existing on the property; and
 - g. Type of water supply.
2. A septic tank inspection report completed from a licensed Systems Cleaner within the previous 12 months prior to the date of the transfer of title inspection and includes a septic tank pumping receipt, when applicable;
 3. An inspection report completed by a transfer of title inspector within the previous 12 months for the property, including details about any mechanical components such as pumps, alarms, or higher level treatment systems. Transfer of title inspectors for higher level treatment systems shall have training relevant to the specific system or certification by the equipment manufacturer;
 4. A copy of the current Operating Permit, as applicable;
 5. Full fees pursuant to Section 3.12 shall accompany all OWTS permit applications; and
 6. Any other information required by the health officer.

3. Criteria for Approval of a Use Permit

- A. The existing system shall meet the following criteria and conditions:
 1. All tanks shall be structurally sound and in good working order and provided with suitable lids;
 2. All internal devices and appurtenances such as tees, effluent screens, and baffles that were originally provided with the tank or added later shall be intact and in working order;
 3. Alarms, control devices, and other mechanical devices necessary for the operation of the system are present and in good working order;
 4. A soil treatment area, other means of subsurface wastewater treatment, evapotranspiration, or treatment system other than those discharging through a soil treatment area or sand filter is present and in good working order;
 5. There are no unapproved wastewater discharges from the system, dwelling, or structure;
 6. Any deficiencies noted in the inspection report(s) have been corrected with the necessary permits and inspections; and

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7. The system has not been altered from its design and configuration as documented in Department records.

4. Issuance of a Use Permit

- A. When the conditions set forth in Section 7.3 have been met, the Department will issue a use permit, setting forth the terms and conditions of approval, as appropriate:
 1. Statement of the size, type, and capacity of the existing system, and an as-built drawing, if available, from the Department records or inspection reports;
 2. Evidence of past failures or malfunctions within the previous three (3) years from the date of application as shown in the Department records;
 3. Circumstances of factors that may have affected the ability of the inspector to evaluate the system;
 4. Whether the system meets the permitting requirements of the Department; and
 5. Any other information the health officer deems appropriate, such as the existence of any permits on file with the Department.
- B. The use permit will remain valid until the date of the real estate closing or for a period of six (6) months, whichever comes first. Once the covered transaction has been completed, the use permit need not be renewed.

5. Renewal of a Use Permit

- A. Provided it has not expired, a use permit may be renewed one (1) time for a period of six (6) months upon completion of the appropriate form. Full fees pursuant to Section 3.12 shall accompany all OWTS permit applications.

6. Failure to Obtain a Use Permit

- A. If it is determined by the health officer that an OWTS cannot meet the requirements for issuance of a use permit, a letter will be issued by the health officer to the new property owner that a use permit was not obtained, stating why the use permit was not obtained, when applicable, and the property owner is responsible for maintenance of the system.

7. Revocation of a Use Permit

- A. The use permit shall be revoked if it determined that the system is no longer functioning in accordance with these Regulations or that false or misleading material statements were made on the application or inspection reports.

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- B. Revocation shall take place only after a hearing before the Board of Health. The use permit holder shall be given no less than ten (10) days' written notice of the hearing sent by personal service or registered or certified mail, return receipt requested. The written notice shall specify the violations which are pertinent to the hearing.

- C. The use permit holder will be given written notice of the decision and findings of the Board of Health. If the Board of Health finds violations, the written notice of decision will specify the violations to the use permit holder. Such notices will be given to the use permit holder by personal service or registered or certified mail, return receipt requested.