



Town of Southern Shores

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4-13-2026

Ordinance 2026-XX-XX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the Town’s Code of Ordinances (the “Town Code”); and

WHEREAS, pursuant to North Carolina General Statutes § 160A-174 the Town may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town, and may define and abate nuisances; and

WHEREAS, the Town’s currently adopted Comprehensive Land Use Plan contains the following Policies that are applicable to the proposed amendments,

LUC 6: Continue to encourage commercial development and redevelopment primarily along US 158 and the southern end of Highway 12.

WQ 4: Allow the use of package systems when traditional systems are environmentally infeasible.

WQ 4.1: Follow best practices and state requirements for package systems (management, operations, etc.)

WHEREAS, in accordance with the findings above, the amendment of the Town’s Code of Ordinances as stated below will serve a public purpose and advance the public health, safety and general welfare.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipses (“...”) shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Town Code of Ordinances.

1
2 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of
3 Southern Shores, North Carolina, that the Town Code shall be amended as follows:
4

5 **PART I.** That **Chapter 32. Utilities.** Be amended as follows:

6 ***ARTICLE I. IN GENERAL***

7 **Sec. 32-1. Definitions.**

8 (a) The following words, terms and phrases, when used in this chapter, shall have the
9 meanings ascribed to them in this subsection, except where the context clearly
10 indicates a different meaning:

11 ~~*Approving authority* means the town council.~~

12 ~~*Authorization to construct* means state certification that system plans and~~
13 ~~specifications comply with state standards.~~

14 ~~*Beneficial uses* means uses of the waters of the state, that may be protected against~~
15 ~~quality degradation, including domestic, municipal, agricultural and industrial supply,~~
16 ~~power generation, recreation, aesthetic enjoyment, navigation and the preservation and~~
17 ~~enhancement of fish, wildlife and other aquatic resources or reserves and other uses, both~~
18 ~~tangible and intangible, as specified by federal or state law.~~

19 ~~*Biochemical oxygen demand (BOD)* means the empirical test run in accordance with~~
20 ~~the latest edition of "Standard Methods for Analysis of Water and Wastewater,"~~
21 ~~published by the American Public Health Association and Water Pollution Control~~
22 ~~Federation, or "Methods for the Analysis of Water and Wastes," published by the EPA, to~~
23 ~~determine the relative oxygen requirements of wastewater effluent and polluted waters.~~

24 ~~*Building permit* means town authorization to begin construction.~~

25 ~~*Building sewer* means the service extension from a building to a sanitary sewer.~~
26 ~~Also called house connection or service lateral.~~

27 ~~*Certificate of compliance* means design engineer certification of wastewater system~~
28 ~~construction compliance with approved plans and specifications approved by the state or~~
29 ~~local health department.~~

30 ~~*Certificate of occupancy* means town authorization to occupy premises.~~

31 ~~*Chemical oxygen demand (COD)* means the quantity of oxygen used in the chemical~~
32 ~~oxidation or decomposition of organic substances in a sample.~~

33 ~~*Compatible pollutant* means pollutants such as BOD, TSS, pH, oil and grease,~~
34 ~~ammonia nitrogen (NH₃-N), and fecal coliform bacteria, or any additional pollutants,~~
35 ~~for which a treatment works is designed to treat and/or remove to a substantial degree.~~
36 ~~Any other pollutant shall be classified as incompatible.~~

37 ~~*Domestic wastes* means the liquid wastes from bathrooms, toilet rooms, home~~
38 ~~kitchens and home laundries.~~

39 ~~*EPA* means the federal agency named the Environmental Protection Agency.~~

1 ~~*Federal act* means Public Law 92-500, the Federal Water Pollution Control Act.~~

2 ~~*Garbage* means solid wastes from the domestic and commercial preparation,~~
3 ~~cooking and dispensing of food and from the handling, storage and sale of produce.~~

4 ~~*Grease and oils* means a group of substances with similar physical characteristics,~~
5 ~~including hydrocarbons, fatty acids, soaps, waxes, oils and any other material, that is~~
6 ~~extracted with a stated solvent from an acidified sample and that is not volatilized during~~
7 ~~the test.~~

8 ~~*Holding tank waste* means any waste from holding tanks, vessels, chemical toilets,~~
9 ~~campers, trailers, septic tanks and vacuum pump tank trucks.~~

10 ~~*Industrial wastes* means liquid or water-carried wastes from institutional,~~
11 ~~commercial and industrial processes and operations.~~

12 ~~*National pollution discharge elimination system (NPDES) permit* means surface~~
13 ~~water discharge permit administered by federal and state authority (N.C. Environmental~~
14 ~~Management Commission).~~

15 ~~*Nondischarge permit* means permit for nondischarge treatment/disposal facilities,~~
16 ~~pretreatment facilities, sewer collection systems (public and private); administered by~~
17 ~~state authority (N.C. Environmental Management Commission).~~

18 ~~*Operations permit* means state, county and town authorization to operate the~~
19 ~~wastewater system.~~

20 ~~*Owner* means the individual, legal entity or corporation to whom the town issues all~~
21 ~~who has obtained necessary permits and certificates to operate the wastewater system~~
22 ~~within the town.~~

23 ~~*Permits* means federal, state, county and local written authorizations for wastewater~~
24 ~~system construction and operation.~~

25 ~~*Pollution* means an alteration of the quality of the waters of the state by waste to a~~
26 ~~degree which unreasonably affects such waters for beneficial use, or affects the facilities~~
27 ~~which serve such beneficial uses. Pollution may include contamination the introduction~~
28 ~~of harmful contaminants related to wastewater systems into the natural environment~~
29 ~~causing adverse effects on humans, wildlife, and ecosystems.~~

30 ~~*Premises* means a parcel of real estate or portion thereof, including any~~
31 ~~improvements thereon, which is determined by the town to be a single user for purposes~~
32 ~~of receiving, using and paying for service.~~

33 ~~*Sanitary sewer* means an underground, closed conduit (pipe) that transports liquid~~
34 ~~and waterborne wastes from residences, commercial buildings, and institutions, to a point~~
35 ~~of treatment and disposal.~~

36 ~~*Septic system improvement permit* means state and county certification of system~~
37 ~~plans and specifications and authorization to construct system (N.C. Department of~~
38 ~~Human Resources).~~

39 ~~*Storm drain or storm sewer* means a sewer which carries stormwater or surface~~
40 ~~water.~~

1 ~~Temporary use permit means limited use permit issued by the town with state and/or~~
2 ~~county concurrence.~~

3 ~~Total suspended solids (TSS) means the measure of the solids that either float on the~~
4 ~~surface or are held in suspension in wastes, and which are removable from the liquid by~~
5 ~~laboratory filtering.~~

6 Town means the Town of Southern Shores or any authorized official acting on
7 behalf of the town.

8 Treatment works or plants means any devices and systems used in the collection,
9 storage, treatment, recycling and reclamation of community or ~~noncommunity private~~
10 wastewater or industrial wastes of a liquid nature, wastewater collection systems,
11 pumping, power and other equipment and appurtenances, extensions, improvements,
12 remodeling, additions and alterations thereof; and any works, including site acquisition of
13 the land, that will be an integral part of the treatment process or is used for ultimate
14 disposal of residues resulting from such treatment; or any other method or system for
15 preventing, abating, reducing, storing, treating, separating or disposing of community
16 wastes, or industrial and sanitary sewer systems.

17 Waste means sewage and all other waste substances, liquid, solid, gaseous, or
18 radioactive, associated with human habitation, or of human or animal origin, or from any
19 producing, manufacturing, or processing operation of whatever nature, including such
20 waste placed within containers for whatever nature prior to, and for purposes of, disposal.

21 Wastewater means wastes and water, whether treated or untreated, discharged to a
22 treatment works or plant.

23 ~~Wastewater constituents and characteristics means the individual chemical,~~
24 ~~physical, bacteriological and radiological parameters, including volume and flowrate, and~~
25 ~~such other parameters that serve to define, classify or measure the contents, quality and~~
26 ~~strength of wastewater.~~

27 Wastewater systems, community, means any ~~treatment works which serves at least~~
28 ~~15 service connections (dwelling units) used by yearround residents~~ system that serves
29 more than one use either on the same lot as the uses or on a separate lot.

30 ~~Wastewater systems, noncommunity, means any treatment works which serves~~
31 ~~hotels, motels, restaurants, schools, factories, and other public accommodations.~~

32 Wastewater systems, private, means any ~~treatment works which is neither a~~
33 ~~community nor noncommunity system. Included are single family and multifamily~~
34 ~~dwelling units, some private business offices or any system restricted to public use~~
35 ~~system that serves a single use.~~

36 Wastewater system, traditional, means any private subsurface system approved by
37 the local health department that serves a single-family dwelling, accessory structure with
38 living space or duplex.

39 (b) Other terms used in this chapter, but not defined in subsection (a) of this section,
40 shall have the meanings set forth in 40 CFR 34.905 or in the latest edition of
41 "Standard Methods for the Examination of Water and Wastewater," published by the
42 American Public Health Association (APHA), the American Waterworks

1 Association (AWWA), and the Water Pollution Control Federation (WPCF). Unless
2 otherwise expressly stated in this chapter, waste constituents and characteristics shall
3 be measured by methods set forth in the latest edition of "Standard Methods for the
4 Examination of Water and Wastewater," and/or "Methods for Chemical Analysis of
5 Waters and Wastes," published by the Environmental Protection Agency (EPA).

6 (Code 1988, § 9-1; Ord. No. 85-0049, § 1-0001, 12-3-1985)

7 **Sec. 32-2. Public protection.**

8 The matters described in this chapter shall be subject to such enforcement, controls,
9 or requirements, as necessary, to ensure the protection of the public health and safety as
10 related to the management of wastewater treatment and disposal practices within the
11 jurisdiction of the town.

12 (Code 1988, § 9-2; Ord. No. 85-0049, 12-3-1985)

13 **Sec. 32-3. Wastewater management; compliance with state and county regulations.**

14 ~~The provisions of this chapter are intended to establish the basis for regulatory~~
15 ~~permit issuance to all wastewater systems, public and/or private, within the town's~~
16 ~~jurisdiction. This chapter recognizes that Article 11 of Chapter 130A of the North~~
17 ~~Carolina General Statutes, as well as state and county regulations, shall apply, to the~~
18 ~~establishment, regulation, permitting, and enforcement of wastewater systems. except~~
19 ~~where town requirements are more restrictive. Any wastewater or sewer system, whether~~
20 ~~publicly or privately owned or operated, operating within the town shall comply with all~~
21 ~~requirements in the construction, maintenance, permitting, and use as required by the~~
22 ~~state and local health department in accordance with applicable statutory or regulatory~~
23 ~~provisions.~~ The supervision and enforcement of rules and regulations by state and/or
24 county governments ~~may shall~~ be continuously monitored by the town, ~~as provided~~
25 ~~herein.~~

26 (Code 1988, § 9-3; Ord. No. 85-0049, § 1-0002, 12-3-1985)

27 **Sec. 32-4. ~~Planning board review.~~**

28 ~~The planning board shall be responsible for screening all projects requiring~~
29 ~~wastewater management systems and the determination of compliance with the doctrines~~
30 ~~of this chapter, prior to recommending the project to the town council for final approval.~~
31 ~~By this chapter, the planning board may retain, as necessary, the services of consultants~~
32 ~~who are expert in the planning and design of wastewater systems, to advise the board on~~
33 ~~technical matters, as may apply to a specific project review.~~

34 (Code 1988, § 9-4; Ord. No. 85-0049, § 1-0003, 12-3-1985)

35 **Sec. 32-5. ~~Community, noncommunity and private wastewater systems.~~**

36 (a) ~~The type, capacities, location, and layout of community, noncommunity or a private~~
37 ~~wastewater management system shall comply with all requirements of the county~~
38 ~~health department, state division of environmental management, state department of~~

1 human resources or other such agency, board or authority having regulatory control
2 over wastewater management development and practice.

3 ~~(b) Any wastewater system within the town shall have one owner, whether individual,~~
4 ~~corporate or other legal entity. The town will issue all permits to this one owner and~~
5 ~~the owner will be responsible for the sanitary and safe operation of the wastewater~~
6 ~~system. The owner will be fully responsible for the control of all wastes dumped into~~
7 ~~the system. In case of unsatisfactory operation, the town will institute formal actions~~
8 ~~with the owner, and the owner will be responsible for any inconveniences caused to~~
9 ~~the users of the wastewater system, should termination of system operation be~~
10 ~~required in order to restore efficient, safe and sanitary operations.~~

11 ~~(c) Before commencement of construction of a wastewater management system, the~~
12 ~~owner shall obtain a written permit from the appropriate regulatory authority and~~
13 ~~furnish a copy thereof to the town. The copy of the permit shall be accompanied by~~
14 ~~such supplementary data as deemed necessary by the town to maintain an accurate~~
15 ~~file of such wastewater disposal systems.~~

16 ~~(d) No statement contained in this section shall be construed to interfere with any~~
17 ~~additional requirements that may be imposed by other county, state or federal~~
18 ~~agencies.~~

19 ~~(Code 1988, § 9-5; Ord. No. 85-0049, § 1-0004, 12-3-1985)~~

20 **Sec. 32-6. Application for permits.**

21 ~~(a) A preapplication hearing before the planning board shall precede any formal~~
22 ~~application submittal.~~

23 ~~(b) An application for a wastewater system construction permit shall be filed with the~~
24 ~~town prior to commencement of project review by the planning board and staff.~~

25 ~~(c) Every application for a wastewater system construction permit shall be made on a~~
26 ~~form prescribed by the town and signed by the applicant. It shall be accompanied by~~
27 ~~the proper fee to cover the cost of processing, review, permit issuance and related~~
28 ~~services as may be set out from time to time in a regularly adopted schedule of fees.~~

29 ~~(d) The town, where applicable, may issue temporary use permits in lieu of an~~
30 ~~operations permit or certificate of occupancy if, in the town's judgment, unusual~~
31 ~~circumstances prevent full permit compliance within a reasonable time period. The~~
32 ~~temporary use permit would be issued for a limited period of time and stipulate the~~
33 ~~conditions for issuance and restriction and compliance efforts needed. Failure to~~
34 ~~comply with state, county and/or town permit conditions within the specified period~~
35 ~~may result in a stop work order, condemnation and/or fine. Temporary use permits~~
36 ~~shall only be issued with county health department concurrence.~~

37 ~~(Code 1988, § 9-6; Ord. No. 85-0049, § 1-0005, 12-3-1985)~~

38 **Sec. 32-47. Location of wastewater systems.**

39 ~~(a) The town shall not permit a private on-site wastewater system to serve any dwelling~~
40 ~~units which are located in environmentally sensitive areas (i.e., floodplain, wetlands,~~

1 ~~and areas of environmental concern) until the development has been conditionally~~
2 ~~approved by the state division of coastal area management and/or the U.S. Army~~
3 ~~Corps of Engineers and county board of health.~~

4 (ba) No wastewater system will be permitted on lands not owned or leased by the owner
5 for the purposes intended.

6 (eb) Only private and traditional wastewater systems shall be permitted in an area zoned
7 RS-1.

8 (dc) No service pipe or wastewater transport pipe shall be allowed to run across any
9 property without proper easement rights or encroachment agreements for the
10 pipeline corridor.

11 (Code 1988, § 9-7; Ord. No. 85-0049, § 1-0006, 12-3-1985)

12 **Sec. 32-58. Connections that cross town jurisdictional limits.**

13 No connection of any sewer line or wastewater system outside of the town shall be
14 made to any part of a sewer system within the town, except for lots in existence as of
15 January 1, 1997, with a total drainfield and repair area of 14,400 square feet or less,
16 developed with subsurface drainfields and repair areas only, with no aboveground
17 appurtenances.

18 (Code 1988, § 9-8; Ord. No. 85-0049, § 1-0007, 12-3-1985; Mo. of 7-7-1987; Ord. of 3-
19 4-1997; Ord. of 9-1-1998, pt. I)

20 **Sec. 32-69. Design and appearance compatibility.**

21 (a) The town shall require that any proposed wastewater plant or system, with the
22 exception of traditional wastewater systems, be compatible with its natural
23 surroundings through plant design and/or screening vegetation.

24 (b) All aboveground structures associated with wastewater treatment plant or system
25 design, other than municipal or communitywide waste treatment facilities traditional
26 wastewater systems, shall be subject to the following provisions:

27 (1) Excepting the drain fields, treatment works serving nonresidential users shall
28 not be located less than 100 feet from an RS-1 zoning district as measured from
29 the building to the nearest property line.

30 (2) The design and construction of the treatment works shall comply with such
31 additional requirements as may be made by the town, and shall be specifically
32 required to comply with the following technical and aesthetic standards:

33 a. The exterior of the treatment works shall be architecturally compatible in
34 features and materials with the other buildings in the project and shall have
35 suitable vegetative landscaping and screening to be compatible with local
36 aesthetic and environmental conditions.

37 b. The treatment works shall incorporate all technological improvements
38 which are feasible and practicable as of the time of construction.

39 (Code 1988, § 9-9; Ord. No. 85-0049, § 1-0008, 12-3-1985)

1 **Sec. 32-7. Transfer of Permit.**

2 A wastewater permit, issued by the state, shall not be reassigned or transferred or
3 sold to a new owner, new user, different premises, or another or changed operation,
4 unless otherwise permitted and approved by the state. Upon transfer of a permit, the
5 permitholder must notify the town of the transfer within thirty (30) days of the date of
6 transfer or approval by the state, whichever date is later.

7 **Sec. 32-8. Wastewater System Status Reports.**

- 8 (a) Generally. The town reserves the right to request status reports of a wastewater
9 permittee, which may include but shall not be limited to the following
10 information:
- 11 a. Description of rate of flow indicating devices, recorders and totalizers,
12 and any other instruments or devices;
 - 13 b. Records of water consumption during reporting period and period of
14 occupancy;
 - 15 c. Process and equipment inspection report by maintenance contractor;
 - 16 d. Where applicable, a summary of annual effluent testing records and name
17 of laboratory conducting the tests;
 - 18 e. Any spills, diversions, repairs, additions, or maintenance problems
19 experienced during the period of the status report;
 - 20 f. If applicable, corrective actions taken to remedy deficiencies cited in
21 previous status reports; or
 - 22 g. Any other information requested by the town.
- 23 (b) Responsibility Wastewater System Status Reports. The owner or wastewater
24 system operator must furnish the status report containing the requested
25 information to the town upon the town's request.

26 Referral to state or local health department. If upon review of the status report
27 furnished by the permittee the town has reason to believe a permittee has violated or is
28 violating a statutory or regulatory provision governing wastewater systems, the town
29 may, in its sole discretion, report said violation to the state or local health department.

30 **Sec. 32-9. Prohibitions of wastewater discharges.**

- 31 (a) No person shall discharge wastes to a community or private sanitary sewer which
32 cause, threaten to cause, or are capable of causing, either alone or by interaction with
33 other substances:
- 34 (1) A fire or explosion.
 - 35 (2) Obstruction of flow or injury to the treatment works.
 - 36 (3) Danger to life or safety of personnel.
 - 37 (4) A strong offensive odor that inhibits the effective maintenance or operation of
38 the treatment works.

1 (5) Air pollution by the release of toxic or malodorous gases or noxious gas-
2 producing substances.

3 (6) Interference with the treatment process.

4 (7) Conditions which violate any statute or any lawful rule, regulation, or
5 ordinance of any state or federal agency.

6 (b) No person shall discharge septic tank effluent or cesspool overflow in any manner
7 not approved by the local health department.

8 (Code 1988, § 9-81; Ord. No. 85-0049, § 2-0011, 12-3-1985)

9 **Sec. 32-10. Duties of owner upon unlawful discharges.**

10 Any person who discharges wastes in violation of this chapter shall, upon discovery
11 thereof, immediately notify the town clerk, local health department, and state so that
12 necessary countermeasures may be taken to minimize the damage to the community. In
13 addition, such owner shall, within 15 days of such occurrence, deliver to the town clerk a
14 written detailed report describing the cause of such discharge and the measures taken to
15 prevent a reoccurrence in the future.

16 **Sec. 32-11. Penalties for violation.**

17 (a) Any person (including any responsible officer or employee of a corporate violator)
18 who willfully or negligently violates any provisions of this chapter, or falsifies any
19 information or data in any application, report or other document given to the town
20 under this chapter, shall be guilty of a misdemeanor punishable by fine,
21 imprisonment, or both, as provided in G.S. 14-4(a).

22 (b) Any person (including any corporation) who violates any provision of this chapter,
23 shall be subject to the imposition, by the council, of a civil penalty not to exceed
24 \$5,000.00 for each violation and, in addition, shall reimburse the town, upon
25 demand, for any expenses, loss or damage actually sustained by the town, and for
26 the amount of any fine or penalty imposed upon the town by any state or federal
27 regulatory agency as a result of such violation. A civil penalty shall be assessed only
28 after the town shall have given the alleged violator notice of contemplated council
29 action and a hearing if requested. If the offender fails to pay the civil penalty so
30 assessed within 15 days after written notice of final assessment thereof, then the
31 penalty may be recovered by the town in a civil action in the nature of debt.

32 (c) A continuing violation shall be regarded as a separate violation for each day that the
33 violation occurs beyond the notice and abatement period established by the state,
34 county and/or town.

35 (Code 1988, § 9-32; Ord. No. 85-0049, § 4-0002, 12-3-1985)

36 **Sec. 32-120. Nuisances; complaints and abatement.**

37 (a) A wastewater nuisance shall be any odor or noise offensive to individuals, or
38 conditions detrimental to the public health, which violates the rules and regulations
39 of the ~~state, county~~ local health department, and/or the town.

1 (b) The town, upon evidence of the existence of any wastewater nuisance, shall notify
2 the ~~county~~ state or local health department and request institute such actions as may
3 be necessary to the immediately abatement of such conditions.

4 (c) Upon further evaluation of the remedial efforts required to correct the nuisance, the
5 town shall notify, in writing, the owner, occupant or person in possession of the
6 premises in question of the conditions constituting such public nuisance, and shall
7 order the prompt abatement thereof within a specified period, not to exceed 30 days.

8 (d) If any person, having been ordered to abate a wastewater nuisance fails, neglects or
9 refuses to abate, or correct the conditions constituting the nuisance within a
10 reasonable period of time from receipt of order, the town may pursue such other
11 relief as may be available by law and may also shall cause such conditions to be
12 corrected, the costs of which shall be assessed to the property owner.

13 (Code 1988, § 9-10; Ord. No. 85-0049, § 1-0009, 12-3-1985)

14 **Sec. 32-13. Injunction and abatement.**

15 Violation of this chapter is hereby declared to be a public nuisance and this article
16 may be enforced by injunction and order of abatement in an action instituted in the
17 general court of justice, as provided in G.S. 160A-175.

18 (Code 1988, § 9-33; Ord. No. 85-0049, § 4-0003, 12-3-1985)

19 **Sec. 32-11. Right to enter premises.**

20 ~~Whenever it becomes necessary to enter any premises, stores or dwellings for the~~
21 ~~purpose of inspecting sewer pipes, fixtures, or treatment systems, a town representative~~
22 ~~may do so within normal business hours. Should the town representative be refused~~
23 ~~admittance, the supply of water shall be cut off until the examination is made and the~~
24 ~~required information is obtained, or until repairs and alterations are made.~~

25 (~~Code 1988, § 9-11; Ord. No. 85-0049, § 1-0010, 12-3-1985; Mo. of 7-7-1987~~)

26 **Sec. 32-12. Wastewater system improvements under supervision of town.**

27 ~~The construction or modification of wastewater systems shall be coordinated with~~
28 ~~the town building inspector and subject to periodic inspection as work progresses. If the~~
29 ~~town determines that construction is not in compliance with established standards, further~~
30 ~~work shall stop until corrective measures have been completed.~~

31 (~~Code 1988, § 9-12; Ord. No. 85-0049, § 1-0011, 12-3-1985~~)

32 **ARTICLE II: UNDERGROUND UTILITIES**

33 **Sec. 32-143. Undergrounding requirements.**

34 All utility facilities and structures, including not but limited to poles, wiring,
35 conduit, cables, small wireless facilities cabinets, boxes, panels, and related
36 appurtenances shall be installed underground. This section shall apply to all forms of
37 utility providers including, but not limited to providers of electricity, gas, cable,

1 communications, telecommunications, broadband internet, and wireless utilities. All
2 existing utility facilities and structures located above the ground as of April 5, 2022, may
3 continue to be used, replaced and maintained, but shall not be expanded in size unless
4 such expansion is required to be allowed by law. Utility providers may seek a waiver of
5 this provision by following the variance procedure established in section 36-367.

6 (Ord. No. 2022-04-02, art. III, pt. II, 4-5-2022)

7 ~~Secs. 32-14—32-42. Reserved.~~

8 ***ARTICLE II. ENFORCEMENT***

9 ~~Sec. 32-43. Duties of owner upon unlawful discharges.~~

10 Any person who discharges wastes in violation of this chapter shall, upon discovery
11 thereof, immediately notify the town clerk and county health department so that
12 necessary countermeasures may be taken to minimize the damage to the community. In
13 addition, such owner shall, within 15 days of such occurrence, deliver to the town clerk a
14 written detailed report describing the cause of such discharge and the measures taken to
15 prevent a reoccurrence in the future.

16 (Code 1988, § 9-31; Ord. No. 85-0049, § 4-0001, 12-3-1985)

17 ~~Sec. 32-44. Penalties for violation.~~

18 (a) ~~Any person (including any responsible officer or employee of a corporate violator)~~
19 ~~who willfully or negligently violates any provisions of this chapter, or falsifies any~~
20 ~~information or data in any application, report or other document given to the town~~
21 ~~under this chapter, shall be guilty of a misdemeanor punishable by fine,~~
22 ~~imprisonment, or both, as provided in G.S. 14-4(a).~~

23 (b) ~~Any person (including any corporation) who violates any provision of this chapter,~~
24 ~~shall be subject to the imposition, by the council, of a civil penalty not to exceed~~
25 ~~\$5,000.00 for each violation and, in addition, shall reimburse the town, upon~~
26 ~~demand, for any expenses, loss or damage actually sustained by the town, and for~~
27 ~~the amount of any fine or penalty imposed upon the town by any state or federal~~
28 ~~regulatory agency as a result of such violation. A civil penalty shall be assessed only~~
29 ~~after the town shall have given the alleged violator notice of contemplated council~~
30 ~~action and a hearing if requested. If the offender fails to pay the civil penalty so~~
31 ~~assessed within 15 days after written notice of final assessment thereof, then the~~
32 ~~penalty may be recovered by the town in a civil action in the nature of debt.~~

33 (e) ~~A continuing violation shall be regarded as a separate violation for each day that the~~
34 ~~violation occurs beyond the notice and abatement period established by the state,~~
35 ~~county and/or town.~~

36 (Code 1988, § 9-32; Ord. No. 85-0049, § 4-0002, 12-3-1985)

1 **Sec. 32-45. Injunction and abatement.**

2 Violation of this chapter is hereby declared to be a public nuisance and this article
3 may be enforced by injunction and order of abatement in an action instituted in the
4 general court of justice, as provided in G.S. 160A-175.

5 (~~Code 1988, § 9-33; Ord. No. 85-0049, § 4-0003, 12-3-1985~~)

6 **Sec. 32-46. Termination of service; revocation of permits; issuance of cease and**
7 **desist orders.**

8 If any person violates any provisions of this chapter, the town may:

9 (1) ~~Petition the county to terminate water service to the property in or upon which~~
10 ~~such violation occurred.~~

11 (2) ~~Petition the county health department to suspend for a specified period of time~~
12 ~~or permanently revoke any permit granted to such owner under any provisions~~
13 ~~of this chapter.~~

14 (3) ~~Issue a cease and desist order directing such owner to:~~

15 a. ~~Comply with this chapter forthwith;~~

16 b. ~~Comply with this chapter in accordance with a time schedule set forth by~~
17 ~~the town;~~

18 c. ~~Take appropriate remedial or preventive action; or~~

19 d. ~~A combination of subsection (3)b or (3)c of this section.~~

20 (~~Code 1988, § 9-34; Ord. No. 85-0049, § 4-0004, 12-3-1985~~)

21 **Sec. 32-47. Notice and hearing.**

22 Water service shall be terminated, cease and desist orders shall be issued and
23 permits shall be denied, suspended or revoked by the town only after the town shall have
24 given notice to the owner of contemplated action and a hearing if requested. All actions
25 by the town shall be subject to due process.

26 (~~Code 1988, § 9-35; Ord. No. 85-0049, § 4-0005, 12-3-1985~~)

27 **Secs. 32-48—32-67. Reserved.**

28 ***ARTICLE III. PERMITS; REPORTS; ADMINISTRATION***

29 **Sec. 32-68. Permit conditions.**

30 (a) ~~Duration of permits.~~ Wastewater operation permits shall be issued for a specified
31 time period, not to exceed three years. A permit may be issued for a period less than
32 a year or may be stated to expire on a specific date. The owner shall apply 30 days
33 prior to expiration in order to extend a permit (single family housing is exempt). The
34 terms and conditions of the permit may be subject to modification and change by the
35 town during the life of the permit. The owner shall be informed of any proposed

1 changes in his permit at least 30 days prior to the effective date of the change. Any
2 changes or new conditions in the permit shall include a reasonable time schedule for
3 compliance.

4 ~~(b) *Transfer of a permit.* Wastewater permits are issued to a specific owner for a
5 specific operation. A wastewater permit shall not be reassigned or transferred or sold
6 to a new owner, new user, different premises, or another or changed operation.~~

7 ~~(e) *Suspension or revocation of permit.* Any owner who violates the conditions of the
8 wastewater permit, any provisions of this chapter, applicable state and federal
9 regulations, or any of the following, is subject to having his permit suspended or
10 revoked:~~

11 ~~(1) Failure of the owner to factually report the wastewater constituents and
12 characteristics of his discharge.~~

13 ~~(2) Failure of the owner to report significant changes in operations, or wastewater
14 constituents and characteristics.~~

15 ~~(3) Refusal of reasonable access to the owner's premises for the purpose of
16 inspection or monitoring.~~

17 ~~(4) Failure to report a chemical spill or accidental discharge.~~

18 ~~(5) Failure to properly handle sludge.~~

19 ~~(6) Failure to make required reports.~~

20 ~~Any action by the town shall be in accordance with the permit holder's right to due
21 process and article II of this chapter.~~

22 ~~(Code 1988, § 9-51; Ord. No. 85-0049, § 3-0001, 12-3-1985)~~

23 **~~Sec. 32-69. Wastewater system monitoring requirements.~~**

24 ~~(a) *Generally.* After the effective date of the ordinance from which this chapter is
25 derived, no wastewater management system shall commence operation until a
26 proposal to establish and maintain an approved monitoring and reporting system,
27 fully capable of complying with the provisions of this section, has been submitted
28 and approved. Failure to submit such a proposal or implement such a system
29 constitutes cause for permit revocation.~~

30 ~~(b) *Quarterly monitoring reports and schedule.* Every wastewater permittee, subject to
31 this section, shall submit a quarterly monitoring or inspection report. Certain
32 systems, because of size and permitted use, may have to file reports on a more
33 frequent basis (monthly). Reporting frequency and content shall be as set forth on
34 the owner's operation permit.~~

35 ~~(e) *Quarterly monitoring and inspection report requirements.* Monitoring and
36 inspection reports shall include the following:~~

37 ~~(1) The report shall include, but not be limited to, nature of wastewater, volume
38 rates of flow, wastewater constituents, sludge handling and disposal and
39 physical operation parameters.~~

1 ~~(2) The earliest date for filing annual wastewater monitoring and inspection reports~~
2 ~~for persons operating community wastewater systems shall be not later than~~
3 ~~November 1. For persons operating noncommunity wastewater systems such~~
4 ~~date shall be not later than December 1.~~

5 ~~(3) Reports shall be filed by the system maintenance operator no later than 30 days~~
6 ~~after the end of the reporting period for which the report is made. Reports filed~~
7 ~~pursuant to the requirements of this section shall be on forms furnished or~~
8 ~~approved by the town and shall be submitted in duplicate to the town clerk's~~
9 ~~office. A copy of all reports submitted to the town shall be retained by the~~
10 ~~owner of each wastewater management system for a period of at least three~~
11 ~~years from the date of submission.~~

12 ~~(d) *Contents of monitoring and inspection reports.* Monitoring and inspection reports~~
13 ~~shall be on town forms and contain, at a minimum:~~

14 ~~(1) Description of rate of flow indicating devices, recorders and totalizers, and any~~
15 ~~other instruments or devices which are an integral part of the monitoring.~~

16 ~~(2) Records of water consumption during reporting period and period of~~
17 ~~occupancy.~~

18 ~~(3) Process and equipment inspection report by maintenance contractor.~~

19 ~~(4) Where applicable, provide summary of annual effluent testing records and~~
20 ~~name of laboratory conducting the tests.~~

21 ~~(5) Cite any spills, diversions, repairs, additions or maintenance problems~~
22 ~~experienced during the inspection period.~~

23 ~~(6) Where applicable, cite corrective actions taken on deficiencies cited in previous~~
24 ~~reporting periods.~~

25 ~~(7) Affirmation of maintenance contract renewal or identification of new~~
26 ~~maintenance contractor.~~

27 ~~(e) *Responsibility for monitoring and inspection reports.* The owner or wastewater~~
28 ~~system operator shall automatically provide the required monitoring reports to the~~
29 ~~town. In the event that the wastewater system maintenance operator is unable to~~
30 ~~provide the required reports in a timely manner, the owner shall hire a registered~~
31 ~~sanitarian or professional civil sanitary engineer to prepare the reports.~~

32 ~~(Code 1988, § 9-52; Ord. No. 85-0049, § 3-0022, 12-3-1985)~~

33 ~~**Sec. 32-70. Administration of monitoring and inspection reports.**~~

34 ~~(a) Where an owner has security measures in force which would require proper~~
35 ~~identification and clearance before entry into their premises, the owner shall make~~
36 ~~necessary arrangements with his security guards so that, upon presentation of~~
37 ~~suitable identification, personnel from the town will be permitted to enter without~~
38 ~~delay for the purposes of performing their specific responsibilities. A copy of the~~
39 ~~town's inspection report shall be made available to the system owner.~~

1 (b) Any person subject to the provisions of this chapter shall comply with the
2 monitoring and reporting requirements which may be included as a condition of the
3 permit.

4 (~~Code 1988, § 9-53; Ord. No. 85-0049, § 3-0003, 12-3-1985~~)

5 ~~Secs. 32-71—32-98. Reserved.~~

6 ***ARTICLE IV. WASTEWATER MANAGEMENT PRACTICES***

7 **~~Sec. 32-99. Planning application.~~**

8 (a) ~~Pre-planning review.~~ Potential applicants for developments, prior to filing detailed
9 applications for development, shall present the planning board with a written
10 statement of intent, accompanied by the engineering planning report, as defined in
11 section 32-100. Only after pre-planning review approval by the planning board may
12 the applicant submit a formal planning application.

13 (b) ~~Filing applications.~~ Applications for development, where wastewater management
14 systems are required, shall be filed with the town prior to planning board review of
15 the proposed project.

16 (c) ~~Form generally.~~ Applicants for single-family and duplex residential housing shall
17 file the short form application and all others shall file the long form application.

18 (d) ~~Short form.~~ The short form application shall include:

19 (1) ~~Owner's name, address and phone number.~~

20 (2) ~~Description of house.~~

21 (3) ~~Contractor's name, address and phone number.~~

22 (4) ~~Site description: location, lot number, zoning.~~

23 (5) ~~County health department site report.~~

24 (6) ~~Vicinity map.~~

25 (7) ~~Surveyed plat map with wastewater system location.~~

26 (8) ~~Septic system improvement permit from the county health department.~~

27 (e) ~~Long form.~~ The long form application shall include:

28 (1) ~~Project title.~~

29 (2) ~~Owner's name, address, and phone number.~~

30 (3) ~~Engineer's name, address, and phone number.~~

31 (4) ~~Wastewater facility planning report detailing facility description (e.g., number
32 of dwelling units and number of bedrooms per unit, restaurant seats and/or
33 square footage of dining area, number of employees, and other relevant
34 information for determining design sewage flow); and estimating daily flow
35 (total and for each subsystem).~~

36 (5) ~~Site evaluation report from the county health department.~~

- 1 ~~(6) Vicinity map.~~
- 2 ~~(7) Surveyed base map of appropriate scale for locating system components and~~
3 ~~evaluating proposed drain field and repair areas.~~
- 4 ~~(8) All applicable permits.~~
- 5 ~~(f) Review. The planning board shall review all applications for compliance with~~
6 ~~applicable town requirements prior to recommending the project to the town council~~
7 ~~for final approval.~~
- 8 ~~(g) Final action on permit applications. The town shall take final action on all~~
9 ~~applications not later than 60 days following receipt of a complete application and~~
10 ~~required supporting documents. All permits or renewals of permits and decisions~~
11 ~~denying permits or renewals shall be in writing. The town council is authorized to:~~
- 12 ~~(1) Issue a permit containing such conditions as are necessary to accomplish the~~
13 ~~purposes of this chapter.~~
- 14 ~~(2) Issue a permit containing time schedules for achieving compliance with~~
15 ~~applicable effluent standards and limitations, water quality standards and other~~
16 ~~legally applicable requirements.~~
- 17 ~~(3) Modify or revoke, with sufficient cause and due process, any permit, upon~~
18 ~~giving 60 days' notice to the person affected.~~
- 19 ~~(4) Suspend a permit, with sufficient cause and due process.~~
- 20 ~~(5) Deny a permit application where necessary. The planning board shall submit to~~
21 ~~the town council at its regular meeting a report which contains the action taken~~
22 ~~with respect to any permit application since the last council meeting.~~
- 23 ~~(h) Notification of applicants. The town shall notify an applicant by mail of the final~~
24 ~~decision on his permit application.~~
- 25 ~~(i) Administrative hearings. An applicant whose permit is denied, or is granted subject~~
26 ~~to conditions he deems unacceptable, shall have the right to a hearing before the~~
27 ~~town council upon giving written notice, identifying the specific issue to be~~
28 ~~contended, to the town clerk within 30 days following notice of final decision to~~
29 ~~deny or grant the permit. Unless such notice is given, the decision on the application~~
30 ~~shall be final and binding.~~
- 31 ~~(j) Modification, revocation, and suspension of permits. Any permit issued pursuant to~~
32 ~~this chapter is subject to revocation, suspension or modification, in whole or part, for~~
33 ~~good cause, subject to the provisions of section 32-68(e).~~
- 34 ~~(Code 1988, § 9-71; Ord. No. 85-0049, § 2-0001, 12-3-1985)~~

35 ~~**Sec. 32-100. Wastewater facilities plan.**~~

36 ~~For wastewater management projects, other than single-family residential housing,~~
37 ~~the owner/developer shall submit a wastewater facility plan for the intended~~
38 ~~development. The facility plan shall consist of background information, regulatory~~
39 ~~compliance analysis, design criteria and operational data which directly relates to the~~

1 specific treatment practices to be employed by the project. The facility plan will
2 investigate the need for the proposed facility and the methodology for compliance with
3 existing state, county and town regulations. The facility plan will also demonstrate that
4 the selected treatment is implementable from legal, institutional, financial and
5 management standpoints.

6 (~~Code 1988, § 9-72; Ord. No. 85-0049, § 2-0002, 12-3-1985~~)

7 **~~Sec. 32-101. Site evaluation certification.~~**

8 ~~(a) For all wastewater projects requiring subsurface soil absorption systems, the~~
9 ~~applicant shall provide the town, as part of the facility plan, with a written site~~
10 ~~evaluation, prepared by a registered sanitarian with the county health department.~~

11 ~~(b) The site evaluation report shall address the following minimum criteria related to~~
12 ~~both the active and reserve drain field areas:~~

13 ~~(1) Soil texture and structure.~~

14 ~~(2) Depth of seasonally high water table.~~

15 ~~(3) Overall suitability and assigned design loading rate (specify if rate is for~~
16 ~~conventional or low pressure pipe system).~~

17 ~~(4) Site limitations for other system components, such as septic tanks, pump~~
18 ~~stations, and collection sewers (e.g., proximity to water supplies and surface~~
19 ~~waters).~~

20 ~~(5) Any other site/soil factors designated in state and county laws and rules~~
21 ~~governing sewage disposal systems.~~

22 ~~(6) Adjoining land uses and zoning.~~

23 (~~Code 1988, § 9-73; Ord. No. 85-0049, § 2-0003, 12-3-1985~~)

24 **~~Sec. 32-102. Plans and specifications.~~**

25 ~~(a) All private wastewater systems shall be designed by a registered sanitarian or civil-~~
26 ~~sanitary engineer licensed to practice in the state.~~

27 ~~(b) All community and noncommunity wastewater systems (i.e., restaurants,~~
28 ~~commercial, condominium, motels) shall be designed by a professional engineer~~
29 ~~licensed to practice in the state.~~

30 ~~(c) The applicant shall submit two sets of state and county approved design plans and~~
31 ~~specifications for the proposed wastewater system to the town.~~

32 ~~(d) The applicant shall provide copies of the improvement permit or authorization to~~
33 ~~construct, as issued by the state and/or county regulatory agency having jurisdiction~~
34 ~~over the wastewater system, to the town prior to issuance of a building permit.~~

35 (~~Code 1988, § 9-74; Ord. No. 85-0049, § 2-0004, 12-3-1985~~)

36 State law reference(s) — ~~Engineering and land surveying, G.S. ch. 89C; sanitarians and~~
37 ~~water and wastewater treatment facility operators, G.S. ch. 90A.~~

1 **Sec. 32-103. Compliance with county and state regulations.**

2 (a) ~~All wastewater management systems with subsurface soil absorption systems shall~~
3 ~~comply with state and county regulations, as set forth in G.S. 130A, art. 11 (G.S.~~
4 ~~130A-333—130A-345).~~

5 (b) ~~All wastewater management systems with surface discharge shall comply with~~
6 ~~federal (EPA) and state regulations as set forth in title 15A, chapter 2,~~
7 ~~Environmental Management Regulations (15A NCAC 02). Jurisdiction is provided~~
8 ~~by the state department of natural resources and community development, division~~
9 ~~of environmental management, in keeping with the regulatory authority established~~
10 ~~in the North Carolina Administrative Code (NCAC).~~

11 (c) ~~The town recognizes state and county regulations as minimum criteria for~~
12 ~~wastewater system compliance, but reserves the right to require stricter regulatory~~
13 ~~limits with state and county approval, as may be provided under G.S. 130A-39.~~

14 ~~(Code 1988, § 9-75; Ord. No. 85-0049, § 2-0005, 12-3-1985)~~

15 State law reference(s) ~~— Sanitary sewage systems, G.S. 130A-333 et seq.~~

16 **Sec. 32-104. Construction supervision and inspection.**

17 (a) ~~Installation of wastewater management systems shall be completed under the~~
18 ~~direction or supervision of the design sanitarian or engineer, as applicable, and the~~
19 ~~county health department.~~

20 (b) ~~Prior to occupancy, operation and startup, the sanitarian or engineer shall provide a~~
21 ~~certification to the town that the wastewater management system has been installed~~
22 ~~and will operate in accordance with the facility plan and design plans and~~
23 ~~specifications.~~

24 (c) ~~The town, acting through the building inspector or other authorized representative,~~
25 ~~shall cause to be made as many inspections as may be necessary to determine that~~
26 ~~work is being done according to the provisions of any applicable local laws and the~~
27 ~~terms of the permit document, including the engineering plans and specifications. As~~
28 ~~a minimum, however, inspections shall be required at each of the following stages of~~
29 ~~construction of all except private wastewater systems:~~

30 (1) ~~Preconstruction field conference at which time all field stakeout, location of~~
31 ~~buried utilities, and updated plans and specifications will be verified. Further,~~
32 ~~the contractor will be required to have, on-site, an emergency phone contact~~
33 ~~list, to facilitate quick reporting of accidents to the proper authorities.~~

34 (2) ~~A foundation inspection to be made after trenches are excavated, and all~~
35 ~~necessary reinforcement and forms are in place, and before any concrete or~~
36 ~~block is placed. For other types of foundations, inspections shall be made as~~
37 ~~soon as the foundation is installed.~~

38 (3) ~~An equipment inspection shall be made prior to installation to verify supply in~~
39 ~~accordance with plans and specifications.~~

1 (4) ~~A framing inspection shall be made after all structural framing is in place and~~
2 ~~the roughing in of plumbing, electrical and heating has been installed, and after~~
3 ~~the structure is enclosed or covered. Poured concrete structural elements shall~~
4 ~~be inspected before each pour of any structural member.~~

5 (5) ~~An insulation inspection shall be made after all insulation is installed.~~

6 (6) ~~A final inspection is due when all construction is complete, and the building is~~
7 ~~ready for occupancy, but before the building is occupied.~~

8 ~~At least 24 hours' advance notice must be given the building inspector for any inspection~~
9 ~~required by this chapter. In the event any work inspected is unsatisfactory, a reinspection~~
10 ~~shall be made at the convenience of the building inspector upon notification of the~~
11 ~~correction of discrepancies. A failure to call or notify the building inspector for~~
12 ~~inspections, and proceeding without approval at any stage of construction, shall be~~
13 ~~deemed a violation of this chapter.~~

14 ~~(Code 1988, § 9-76; Ord. No. 85-0049, § 2-0006, 12-3-1985)~~

15 **Sec. 32-105. Certificate of compliance.**

16 ~~No new building, or an addition to a building, shall be occupied, no change in use of~~
17 ~~a building or part of a building shall be made and no wastewater system shall start~~
18 ~~operation until the design sanitarian/engineer certifies, in writing, that the wastewater~~
19 ~~management system has been installed in accordance with the approved plans and~~
20 ~~specifications, and the installation is approved by the county health department or state~~
21 ~~division of environmental management, whichever is applicable, and all other conditions~~
22 ~~of the wastewater improvement permit have been met. Notwithstanding the foregoing, a~~
23 ~~new building, or an addition to a building, may be occupied if:~~

24 (1) ~~That portion of the wastewater management system installed in accordance~~
25 ~~with the approved plans and specifications is sufficient to treat and dispose of~~
26 ~~wastewater from the new building, or an addition to a building, for which a~~
27 ~~certificate of occupancy is sought; and~~

28 (2) ~~The applicant for a certificate of occupancy for a new building, or an addition~~
29 ~~to a building, that is served by a wastewater system that is only partially~~
30 ~~installed posts a cash or cash equivalent performance bond in an amount equal~~
31 ~~to the cost to complete construction and installation of the wastewater system,~~
32 ~~in accordance with approved plans, specifications and conditions of the~~
33 ~~wastewater permit for the wastewater system, plus 25 percent of that amount,~~
34 ~~which bond shall ensure completion of the wastewater system.~~

35 ~~(Code 1988, § 9-77; Ord. No. 85-0049, § 2-0007, 12-3-1985; Ord. No. 04-04-01, art. III,~~
36 ~~4-6-2004)~~

37 **Sec. 32-106. Operation certification.**

38 ~~Prior to issuance of an operations permit, the applicant shall comply with the~~
39 ~~following requirements, to the extent deemed appropriate by the county and town, given~~
40 ~~the capacity and special use considerations of the applicant's project:~~

- 1 ~~(1) Provide an engineer's certificate of compliance.~~
- 2 ~~(2) Provide the town with two sets of as-built plans and specifications and a~~
3 ~~complete listing of the mechanical equipment employed within the project, as~~
4 ~~prepared by a registered surveyor or professional engineer.~~
- 5 ~~(3) Provide the town with two copies of the complete operations and maintenance~~
6 ~~manual and the assurance of adequate manuals available on the project site. At~~
7 ~~a minimum, the operations and maintenance manual should include the~~
8 ~~following:~~
- 9 ~~a. Name, address, and phone number of a responsible agent and system~~
10 ~~operator and operations state certification number, including 24-hour~~
11 ~~emergency numbers;~~
- 12 ~~b. Equipment lists and manufacturer's maintenance guidelines; maintenance~~
13 ~~process and performance monitoring schedule;~~
- 14 ~~c. Emergency operations plan;~~
- 15 ~~d. Copy of state operations permit.~~
- 16 ~~(4) Provide the town with an executed operation and maintenance contract for a~~
17 ~~minimum of three years. The contract shall stipulate that actual field operation,~~
18 ~~monitoring and control shall be provided by a trained operator, certified to the~~
19 ~~proper plant grade level by the state division of environmental management. No~~
20 ~~wastewater treatment system operations permit shall be issued without the~~
21 ~~owner having retained the maintenance services of a state certified operator,~~
22 ~~unless such operation is exempt under current state regulations.~~
- 23 ~~(5) Where applicable, provide the town with assurances that an emergency warning~~
24 ~~system, with remote telemetry, has been installed and is operable. In specific~~
25 ~~cases, the town may require that remote telemetry be tied into the police~~
26 ~~department.~~
- 27 ~~(6) Provide the town with an operation and maintenance reporting schedule and~~
28 ~~schedule for semiannual inspections of facility operations by the town.~~

29 ~~(Code 1988, § 9-78; Ord. No. 85-0049, § 2-0008, 12-3-1985)~~

30 ~~**Sec. 32-107. Wastewater system operation.**~~

31 ~~Upon discovery of any unreported violations of terms, conditions or requirements of~~
32 ~~the wastewater permit, the town may cause written notice to be given to the owner,~~
33 ~~specifying the facts constituting violation and stating the need and urgency to bring the~~
34 ~~treatment works into compliance. The town may simultaneously pursue other available~~
35 ~~remedies and sanctions such as:~~

- 36 ~~(1) Condemnation order to immediately shut down operations.~~
- 37 ~~(2) If the system and works are not brought into compliance within a reasonable~~
38 ~~period of time after receipt of notice, as stated above, the town may pursue~~
39 ~~condemnation and other legal means by which to correct any pollution~~
40 ~~problems resulting from the system and works malfunction.~~

1 (~~Code 1988, § 9-79; Ord. No. 85-0049, § 2-0009, 12-3-1985; Mo. of 7-7-1987~~)

2 **~~Sec. 32-108. Wastewater system maintenance.~~**

3 ~~(a) The town recognizes that wastewater treatment works generate solids, and over a~~
4 ~~period of time, the solids accumulation can adversely affect the operation and~~
5 ~~efficiency of a wastewater system. Consequently, for all new systems, a minimum~~
6 ~~solids evaluation schedule is required.~~

7 ~~(b) Wastewater solids handling shall be in accordance with county regulations and only~~
8 ~~performed by a contractor licensed in the state.~~

9 (~~Code 1988, § 9-80; Ord. No. 85-0049, § 2-0010, 12-3-1985~~)

10 **~~Sec. 32-109. Prohibitions of wastewater discharges.~~**

11 ~~(a) No person shall discharge wastes to a community, noncommunity or private sanitary~~
12 ~~sewer which cause, threaten to cause, or are capable of causing, either alone or by~~
13 ~~interaction with other substances:~~

14 ~~(1) A fire or explosion.~~

15 ~~(2) Obstruction of flow or injury to the treatment works.~~

16 ~~(3) Danger to life or safety of personnel.~~

17 ~~(4) A strong offensive odor that inhibits the effective maintenance or operation of~~
18 ~~the treatment works.~~

19 ~~(5) Air pollution by the release of toxic or malodorous gases or noxious gas-~~
20 ~~producing substances.~~

21 ~~(6) Interference with the treatment process.~~

22 ~~(7) Conditions which violate any statute or any lawful rule, regulation, or~~
23 ~~ordinance of any state or federal agency.~~

24 ~~(b) No person shall discharge septic tank effluent or cesspool overflow in any manner~~
25 ~~not approved by the county board of health.~~

26 (~~Code 1988, § 9-81; Ord. No. 85-0049, § 2-0011, 12-3-1985~~)

27 **~~Sec. 32-110. Prohibition of inflow sources.~~**

28 ~~(a) Inflow sources shall be prohibited from any service connection to a community~~
29 ~~wastewater management system. Typical inflow sources are:~~

30 ~~(1) Roof drains;~~

31 ~~(2) Yard drains;~~

32 ~~(3) Swimming pools;~~

33 ~~(4) Normal groundwater;~~

34 ~~(5) Sump pumps;~~

35 ~~(6) Garage drains.~~

1 ~~(b) Unpolluted water, included by way of illustration, but not limited to, cooling water,~~
2 ~~process water or blow-down water from cooling towers or evaporative coolers, shall~~
3 ~~not be discharged through direct or indirect connection to a community sewer unless~~
4 ~~a permit is issued by the town. The town shall approve the discharge of such water~~
5 ~~only when there is no reasonable alternative method of disposal available.~~

6 ~~(c) No person shall discharge or cause to be discharged any radioactive waste or toxic~~
7 ~~compounds into a wastewater system.~~

8 ~~(d) No person shall discharge any substance directly into an effluent pumping station or~~
9 ~~subsurface drain field other than through an approved sewer, unless he has been~~
10 ~~issued a permit by the town and/or county.~~

11 ~~(e) No person shall employ a holding tank, pump and haul type wastewater management~~
12 ~~system, except where permitted by the county health department and the town. In no~~
13 ~~case shall such a system be considered acceptable as a conventional means of~~
14 ~~treatment.~~

15 ~~(f) No person shall discharge any holding tank waste, including by definition, but not~~
16 ~~limited to, pumping from septic tanks into a community, noncommunity or private~~
17 ~~sewer system unless he has been issued a permit by the town. Unless otherwise~~
18 ~~allowed by the town under the terms and conditions of the permit, a separate permit~~
19 ~~must be secured for each separate discharge. This permit will state the specific~~
20 ~~location of discharge, the time of day the discharge is to occur, the volume of the~~
21 ~~discharge and the wastewater constituents and characteristics.~~

22 ~~(Code 1988, § 9-82; Ord. No. 85-0049, § 2-0012, 12-3-1985)~~

23

24 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
25 **Reasonableness.**

26
27 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
28 comprehensive land use plan and any other officially adopted plan that is applicable; for
29 all of the above-stated reasons. The Town considers the adoption of this ordinance
30 amendment to be reasonable and in the public interest.

31
32 **ARTICLE V. Severability.**

33
34 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
35 hereby repealed. Should a court of competent jurisdiction declare this ordinance
36 amendment or any part thereof to be invalid, such decision shall not affect the remaining
37 provisions of this ordinance amendment nor the Town Code of the Town of Southern
38 Shores, North Carolina which shall remain in full force and effect.

39
40 **ARTICLE VI. Effective Date.**

41

1 This ordinance amendment shall be in full force and effect from and after the ____ day of
2 _____, 2026.

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Elizabeth Morey, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: __AYES__ NAYS