

STAFF REPORT

To: Southern Shores Town Council
Date: May 5, 2026
Case: TCA-2026-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores
Requested Action: Amendment of Town Code Chapter 32, Utilities.

ANALYSIS

At the May 6, 2025 Town Council meeting, Council directed Town Staff to draft Town Code amendments to modernize the Town Code. As a result, Town Staff has drafted TCA-2026-01 which includes amendments to multiple Sections in Chapter 32, Utilities that address wastewater systems in the Town. The proposed amendments are as follows:

Part I, Chapter 32, Utilities:

- Section 32-1, Definitions:
 - Removes and amends the definitions of multiple terms.
 - Adds new definition for Traditional Wastewater System.
- Section 32-2, Public protection:
 - Carries forward as is.
- Section 32-3, Wastewater management:
 - Revises the Section title to “Wastewater management; compliance with state and county regulations”.
 - Adds references to Article 11 of Chapter 130A of the North Carolina General Statutes, as well as state and county regulations.
 - Establishes that any wastewater or sewer system, whether publicly or privately owned or operated, operating within the town shall comply with all requirements in the construction, maintenance, permitting, and use as required by the state and local health department in accordance with applicable statutory or regulatory provisions.
 - Establishes that the supervision and enforcement of rules and regulations by state and/or county governments may be continuously monitored by the town.
- Section 32-4, Planning board review
 - Deletes Section.
- Section 32-5, Community, noncommunity and private wastewater systems:
 - Deletes Section.
- Section 32-6, Application for permits:
 - Deletes Section.
- Section 32-7, Location of wastewater systems:
 - Revises to Section 32-4.
 - Establishes that private and traditional wastewater systems shall be permitted in an area zoned RS-1.
- Section 32-8, Connections that cross town jurisdictional limits:

- Revises to Section 32-5.
- Section 32-9, Design and appearance compatibility:
 - Revises to Section 32-6.
 - Exempts traditional wastewater systems from having to comply with design and appearance requirements.
- New Section 32-7, Transfer of permit:
 - Relocates the requirements in current Section 32-68(b).
 - Adds that a wastewater permit, issued by the state, shall not be reassigned or transferred or sold to a new owner, new user, different premises, or another or changed operation, unless otherwise permitted and approved by the state.
 - Adds that upon transfer of a permit, the permit holder must notify the town of the transfer within thirty (30) days of the date of transfer or approval by the state, whichever date is later.
- New Section 32-8. Wastewater System Status Reports:
 - Establishes that the town reserves the right to request status reports of a wastewater permittee, which may include but shall not be limited to the following information:
 1. Description of rate of flow indicating devices, recorders and totalizers, and any other instruments or devices;
 2. Records of water consumption during reporting period and period of occupancy;
 3. Process and equipment inspection report by maintenance contractor;
 4. Where applicable, a summary of annual effluent testing records and name of laboratory conducting the tests;
 5. Any spills, diversions, repairs, additions, or maintenance problems experienced during the period of the status report;
 6. If applicable, corrective actions taken to remedy deficiencies cited in previous status reports; or
 7. Any other information requested by the town.
 - Establishes that the owner or wastewater system operator must furnish the status report containing the requested information to the town upon the town's request.
 - Establishes that if upon review of the status report furnished by the permittee the town has reason to believe a permittee has violated or is violating a statutory or regulatory provision governing wastewater systems, the town may, in its sole discretion, report said violation to the state or local health department.
- New Section 32-9, Prohibitions of wastewater discharges:
 - Relocates the requirements in current Section 32-109.
- New Section 32-10, Duties of owner upon unlawful discharges:
 - Relocates the requirements in current Section 32-43.
 - Adds a requirement to also notify the state upon discovery of waste discharges in violation of the chapter.
- New Section 32-11, Penalties for violation:

- Relocates the requirements in current Section 32-44.
- Section 32-10, Nuisances; complaints and abatement:
 - Revises to Section 32-12.
 - Adds references to the state or local health department.
 - Adds the option for the town to pursue such other relief as may be available by law when any person, having been ordered to abate a wastewater nuisance fails, neglects or refuses to abate, or correct the conditions constituting the nuisance within a reasonable period of time from receipt of order.
- New Section 32-13, Injunction and abatement:
 - Relocates the requirements from current Section 32-45.
- Section 11, Right to enter premises:
 - Deletes Section.
- Section 32-12, Wastewater system improvements under supervision of town:
 - Deletes Section.
- Section 32-13. Undergrounding requirements:
 - Revises to Section 32-14 under new Article II, Underground Utilities.
- Sections 32-43 to Section 32-110:
 - Deletes Sections.

The Town's current Comprehensive Land Use Plan contains the following Policies that are applicable to the proposed TCA:

- 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.)

RECOMMENDATION

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Comprehensive Land Use Plan and Town Staff recommends approval of the application. The Town Planning Board unanimously (5-0) recommended approval of the proposed amendments at the April 20, 2026 Planning Board meeting.