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THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

August 12, 2019

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director: 

Subject: Proposed Zoning Amendment— §153.072 Sewage Disposal— Update Sewage Disposal
Regulatory Agencies

Attached is a proposed zoning amendment to update and clarify §153.072 Sewage Disposal which was originally developed in the early nineties. It has come to staff attention that the language in §153.072 is outdated and does not properly address the sewage options and regulations associated with them. The proposed amendment specifies the requirements for authorization, approval, and/or appropriate applications with engineering certifications satisfactory for all sewage systems regulated by NCDEQ. This amendment is housekeeping to update regulatory agencies and sewage options currently available.

The Planning Board reviewed this request on July 16, 2019 and forwarded it to the Board with a favorable recommendation. Staff recommends setting the public hearing for the September 11, 2019 Board of Commissioners meeting.

§ 153.072 SEWAGE DISPOSAL.

(A) Each application for site plan review shall be accompanied by plans of the proposed methods of sewage disposal with an approval or tentative approval by the [Dare County Health Department, North Carolina Department of Environmental Quality \(NCDEQ\), or other appropriate agencies having jurisdiction of such facilities over the land being developed authorizing agency](#). The plans submitted shall be of sufficient detail to [demonstrate compliance with applicable sewage disposal regulations and](#) show the exact location of all subsurface facilities, including but not limited to [treatment facilities, tanks,](#) piping, laterals and disposal areas.

(B) Any such application shall specify the method or methods to be used and shall describe any special conditions to be met. Such methods, and the approvals required, include but are not limited to the following:

(1) Connection to public sewer operated by a municipality, sanitary district or other governmental agency: connection approval by an authorized officer of such system;

(2) Connection to community sewer operated by a responsible person, firm or corporation other than a governmental agency: connection approval by an authorized officer of such system;

(3) Installation of other than public or community sewer systems: design approval by the [appropriate County or State agencies](#) Dare County Health Department [and the town.](#)

(C) The sewer system to which connections are to be made shall be authorized as follows:

~~(1) For a septic tank and nitrification, approval by the Dare County Health Department;~~

(1) [For on-site sewer disposal systems regulated by the Dare County Health Department, approval from the Dare County Health Department is required.](#)

(2) [For sewage systems regulated by the NCDEQ, approval from NCDEQ and/or appropriate applications with engineering certifications satisfactory for NCDEQ permitting is required.](#)

~~(1) For a sewerage system serving facilities regulated by the North Carolina Department of Environment and Natural Resources, for example, institutions, restaurants, motels and the like, approval by the Dare County Health Department and the town; and~~

~~(3) For a sewer system serving all other uses, for example, industry, commerce, communities and the like, approval by the North Carolina Department of Environment and Natural Resources and the town.~~

(D) Privately owned facilities treating, processing or transmitting sewage or wastewater are permitted in all zoning districts, subject to the following conditions:

(1) Any new private utility or privately owned facility must be a part of and located within the boundaries of a subdivision or property immediately within or adjacent to the facility or homes being serviced. The person, firm or corporation operating a sewer system for which a rate is charged shall hold a certificate of public convenience and necessity from the State Utilities

Commission, and there shall be recorded with a plat of the property the written affidavit of a registered engineer, engaged in the independent practice of civil engineering, that sewer mains and laterals comply with pertinent standards of the North Carolina State Department of [Environmental Quality](#) ~~Human Resources~~ and a bond or bonds, or trust instruments, or other form of written assurance, satisfactory to the Board, assuring the continuous proper maintenance and operation of such sewer systems. Where a community sewerage system furnishing services for two or more customers within a multi-family or group development project is assessed a periodic fee by a property owners' association and a portion of that fee is used for the purpose of paying the cost and expense of operating, maintaining and repairing the community sewerage system, then all requirements of this subsection must be satisfied;

(2) This facility shall be used and serve only the occupants of the subdivision, multi-family development project or commercial development for which it was constructed and approved by the town;

(3) This section shall not be applicable to individual septic tanks.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)