

DRAFT 8/6/19

ARTICLE VII:

CHARLES CITY COUNTY

SEPTIC SYSTEM CONTROL ORDINANCE

Adopted: July 1, 1994
Amended: _____, 2019

DRAFT 8/6/19

CHARLES CITY COUNTY SEPTIC SYSTEM CONTROL ORDINANCE

Section 1.0 Title

This ~~Ordinance~~ Article VII shall be known as the Charles City County ~~7~~ Septic System Control Ordinance (hereinafter referred to as "Ordinance").

Section 2.0 Authority

This ~~ordinance~~ Ordinance is enacted pursuant to the authority and mandates of the Chesapeake Bay Preservation Act, Section 10.1-2100, *et seq.*, of the Code of Virginia.

Section 3.0 Definitions

~~Chesapeake Bay Preservation Area (CBPA):~~

~~means any land designated by the Charles City County Board of Supervisors pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR-173-02-01, and Section 10.1-2107 of the Code of Virginia. Chesapeake Bay Preservation Areas shall consist of all Resource Protection Areas and Resource Management Areas.~~

~~Highly Permeable Soils:~~

~~means soils with a give potential to transmit water through the soil profile. Highly permeable soils are identified as any soils having permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the National Soils Handbook of July 1983 in the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service.~~

~~Resource Protection Areas:~~

~~shall consist of sensitive lands adjacent to or near the shoreline that have either an intrinsic water quality value due to the ecological and biological processes they perform or that are sensitive to uses or activities such that the~~

~~3~~

~~use results in significant degradation to the quality of State Waters. In their natural condition, these lands provide for the removal, reduction, or assimilation of non-point source pollution entering the Bay and its tributaries.~~

~~RPAs shall include:~~

[PH1]: Based on changes described below, several definitions in the existing version of this Septic System Control Ordinance are rendered irrelevant and have been struck.

DRAFT 8/6/19

- ~~1) Tidal wetlands;~~
- ~~2) Non-Tidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams.~~
- ~~3) Tidal shores;~~
- ~~4) A 100-foot buffer area measured horizontally located adjacent to and landward of the components listed in subsections 1 through 3 above, and along both sides of any tributary stream.~~

Resource Management Areas:

shall include the following lands:

- ~~5) Those areas contiguous to any Resource Protection Area where there is an overlap of soils delineated as highly erodible and soils delineated as highly permeable; and~~
- ~~6) Those areas contiguous to any Resource Protection Area that are delineated as a 100-year floodplain; and~~
- ~~7) An area twenty five (25) feet in width landward and contiguous to the entire inland boundary of the Resource Protection Area.~~

Septic system:

~~as~~ As used in this ~~article~~ Ordinance, “on-site sewage disposal system” or “septic system” shall mean a conventional septic tank and drainfield system with a septic tank and with gravity feed drainfields as approved by the Charles City County Department of Health or a pump system with a septic tank and pump station and with drainfields as approved by the Charles City County Department of Health.

Section 4.0 Maintenance and Repair of Septic Systems

Section 4.1

~~For septic systems located on parcels of land that are located within designated Chesapeake Bay Preservation Areas to include highly permeable soils contiguous to Chesapeake Bay Preservation Areas, Section 4.3 is effective 1 January 1995.~~

Section 4.2

~~4~~

~~For septic systems in the remaining areas of the County, Section 4.3 is effective 1 July 1995.~~

[PH2]: Pursuant to contemporary proposed changes to the Combined Water Protection Ordinance, the entire County is being designated as either a Resource Management Area or a Resource Protection Area under the Chesapeake Bay Preservation Act. As a result, a single standard for septic system maintenance and cleanout would be required across the entire County, so several provisions of the original Section 4 of this Ordinance have been deleted as irrelevant.

DRAFT 8/6/19

Section 4.3

~~All septic systems shall be pumped and maintained once every five years, the initial five-year period to begin on the effective date of this ordinance or the issuance of a certificate of occupancy for the structure served by the system in question, whichever is later. Such pumping and maintenance shall be performed in a manner approved by the Charles City County Health Department. The owner of a septic system shall, immediately upon having a septic system pumped and maintained, certify in a form approved by the Health Department that such pumping and maintenance was performed. The pumping and maintenance required by this section must be performed by an individual or entity approved by the County of Charles City.~~

[PH3]: This revised text incorporates current language of state CBPA regulation general performance standard at 9VAC25-830-1 30.7.a addressing on-site sewage disposal systems.

(a) All on-site sewage disposal systems located within Charles City County and not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall comply with one of the following standards:

(1) Such system shall be pumped out at least once every five years;

(2) Owners of such systems may submit documentation every five years, certified by an operator or onsite soil evaluator licensed or certified under Chapter 23 (§54.1-2300 et seq.) of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design onsite sewage systems, that the system has been inspected, is functioning properly, and the tank does not need to have the effluent pumped out of it; or

(3) If deemed appropriate by the local health department and subject to conditions the local health department may set, have a plastic filter installed and maintained in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the on-site sewage disposal system. Such a filter should satisfy standards established in the Sewage Handling and Disposal Regulations (12VAC5-610) administered by the Virginia Department of Health.

[PH4]: This text has been revised to better reflect state Bay Act regulation addressing septic systems for new construction. 9VAC25-830-1 30.7.b makes clear that the required reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site, as currently required by current CWPO § 4-11(f), applies to new construction, though current § 4-11(f) does not make that clear.

(b) For new construction, a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local health department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system, which operates pursuant to a VPDES permit issued by the State Water Control Board, until the structure is served by public sewer.

Section 5.0 Penalty

DRAFT 8/6/19

If the ~~county administrator~~County Administrator, or the official designated by him/her determines that the owner of a ~~septic~~an on-site sewage disposal system has failed to comply with the requirements of Section 4.0 of this Ordinance, he/she shall notify the owner of such determination by certified mail, return receipt requested, sent to the address listed in the real estate tax records. Such notice shall also notify the owner that he/she is required to correct the violation of Section 4.0 as applicable. If the violation is not corrected within thirty (30) days of receipt of such notice, the county administrator, or her designee, may correct the violation using ~~county~~Charles City County forces or a private contractor. The cost of such correction together with an administrative handling charge of up to one hundred fifty dollars (\$150.00) shall be billed to the owner and if not paid within thirty (30) days, the cost of correction and handling charge shall be added to, and collected in the same manner as the real estate tax on such property. In addition, the ~~county administrator~~County Administrator or his/her designee shall certify to the ~~clerk~~Clerk of the ~~circuit court of the county~~Circuit Court of Charles City County that the cost and charge is unpaid and the clerk shall record such unpaid cost and charge in the judgment lien docket book.

Section 6.0 Severability

Should any provision(s) of this ~~ordinance~~Ordinance be held to be unconstitutional or invalid, then that provision(s) shall lapse and the remainder of this Ordinance shall remain in full force and effect.

Section 7.0 Effective Date

This Ordinance ~~is~~, as amended, first became effective July 1, 1994.

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