

NOTICE OF PUBLIC HEARING

The Northampton County Board of Supervisors will conduct a public hearing at 7:00 p.m., Tuesday, May 10, 2016 in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, to receive public comment on the following ordinance:

An Ordinance to Repeal Chapter 157 of the Code of Ordinances (Minimum Separation Distances)

The purpose of this ordinance is to repeal the ordinance because these provisions are now regulated by the State Health Department.

This proposed ordinance is available for review at the County Administrator's office, Eastville, Virginia, during normal business hours. Anyone interested in the above matter should attend the public hearing to express their views.

HANDICAPPED ASSISTANCE AVAILABLE: Call 757/678-0440

Katherine H. Nunez, County Administrator

**AN ORDINANCE TO REPEAL CHAPTER 157
OF THE CODE OF ORDINANCES
OF NORTHAMPTON COUNTY**

WHEREAS, the Northampton County Board of Supervisors adopted on November 7, 2005 and amended on March 13, 2006, April 10, 2006 and September 11, 2006, a certain ordinance regulating minimum separation distances for subsurface absorption systems and wells, said ordinance now being codified and set out in Chapter 157 of the Code of Ordinances of Northampton County; and

WHEREAS, the Northampton County Board of Supervisors now deems it advisable to repeal the aforesaid ordinance which constitutes the totality of Chapter 157 of the Code of Ordinances of Northampton County.

NOW, THEREFORE, BE IT ORDAINED by the Northampton County Board of Supervisors that Chapter 157 of the Code of Ordinances of Northampton County be and the same is hereby repealed.

Adopted this ____ day of _____, 2016.

Northampton County Board of Supervisors

By: _____

Chairman

Print

Northampton County, VA Code of Ordinances

CHAPTER 157: MINIMUM SEPARATION DISTANCES

Section

157.01 Subsurface absorption systems and wells

§ 157.01 SUBSURFACE ABSORPTION SYSTEMS AND WELLS.

(A) *Applicability.*

(1) The standards established by this section shall apply to all lawful lots recorded in the Clerk's Office of the Circuit Court of Northampton County after December 1, 2005, and, to the extent possible, to all other lots in Northampton County.

(2) If a subdivision or site plan application was made to the Northampton County Planning Department prior to December 1, 2005, then the application shall not be subjected to compliance with this section and shall be granted a period of time, not to exceed 18 months from December 1, 2005, to be processed, reviewed and acted upon by the Planning Department, including review and action by the Health Department, regarding subsurface absorption systems and wells; if, at the conclusion of this time frame, the subdivision or site plan application has failed to receive approval from the Planning Department and the Health Department, then the application must comply with the full terms and conditions of this section.

(3) The provisions of this section and any amendments adopted subsequent thereto shall not apply within the boundaries of the following incorporated towns:

Cape Charles

Cheriton

Eastville

Exmore

(B) *Standards.*

(1) The minimum distance from bottom or sidewall of any subsurface soil absorption system trench, gravel pad or seepage bed to any property line shall be ten feet.

(2) The minimum distance from bottom or sidewall of any subsurface soil absorption system trench, gravel pad or seepage bed to the boundary of any sewage system easement area shall be 25 feet.

(3) The minimum distance from any private well to any property line shall be 25 feet.

(4) The minimum standoff for any secondary treated effluent from the bottom of any absorption trench or from the bottom of any trenchless system to the water table shall be a minimum of 12 inches.

(C) *Deviations.*

(1) For any lot recorded prior to December 1, 2005, on which the standards established by this section can not be met, the Northampton County Planning Department, in consultation with the State Health Department, shall permit deviations from the standards established herein to the minimum extent necessary to permit the installation of the well or subsurface absorption system for which a permit is sought.

(2) For any lot, recorded or not, which is the subject of a valid Virginia Department of Health Certification Letter dated not later than December 1, 2005, the standards of this section shall not apply for 18 months after December 1, 2005. Thereafter, the Northampton County Planning Department, in consultation with the State Health Department, shall permit deviations from the standards established herein to the minimum extent necessary to permit the installation of the well or subsurface absorption system for which a permit is sought.

(3) If compliance with division (B)(1) would require the installation of a secondary treatment system, and a conventional sewage system could be installed in compliance with VDH Sewage Regulations, the placement of the conventional system will be allowed.

(Ord. passed 11-7-2005; Am. Ord. passed 3-13-2006; Am. Ord. passed 4-10-2006; Am. Ord. passed 9-11-2006)