



# Town of Southern Shores

"A Town of Volunteers"

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Ordinance No. 2004-04-01

## AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL RELATING TO WASTEWATER SYSTEMS PERMIT ENFORCEMENT

Dare County, North Carolina

Be It Ordained by the Southern Shores Town Council as follows:

### Article I: Purpose

The purpose of this Ordinance is to amend the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on June 7, 1988 and subsequently.

### Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

### Article III. Amend Section 9-77, Southern Shores Town Code – Certificate of Compliance

Section 9-77 of the Southern Shores Town Code is hereby amended as follows:

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

1. that portion of the wastewater management system installed in accordance with the approved plans and specifications is sufficient to treat and dispose of wastewater from the new building or addition to a new building for which a certificate of occupancy is sought; and
2. the applicant for a certificate of occupancy for a new building or an addition to a building that is served by a wastewater system that is only partially installed posts a cash or cash equivalent performance bond in an amount equal to the cost to complete construction and installation of the wastewater system in accordance with approved plans, specifications and conditions of the wastewater permit for the wastewater system plus twenty-five percent (25%) of that amount, which bond shall ensure completion of the wastewater system.

**Article IV. Severability**

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

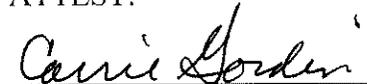
**Article V: Effective Date**

This Ordinance is effective upon adoption.

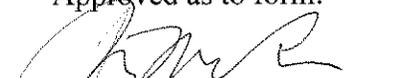
Adopted this the 6<sup>th</sup> day of April 2004.

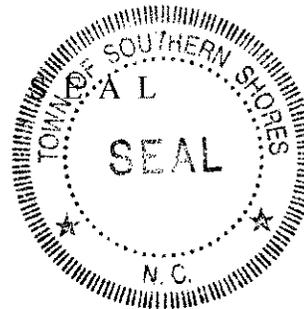
  
Mayor Paul Sutherland

ATTEST:

  
Town Clerk

Approved as to form:

  
Town Attorney



Date Introduced: April 6, 2004

Voting Aye: Council Members Denny, Hess, Sanders, Shields; and Mayor Sutherland.

Voting Naye: None.

Not Voting: None.

Excused: None.

Conflict: None.