

**Title V Chapter 51
Wastewater**

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§51.01 General

(A) Sewer

- (1) The majority of the Town of Calabash is connected to the Brunswick County sewer system which is owned and operated by Brunswick County Utilities. System expansion is at the request of the Calabash board of commissioners.
- (2) The sewerage system is intended for the treatment of normal household or commercial wastewater only.
- (3) Prohibited usage includes but is not limited to:
 - a. Pollutants which create a fire or explosive hazard.
 - b. Solid or viscous substances in amounts which will cause obstruction of the flow.
 - c. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin.
 - d. Any pollutants which result in the presence of toxic gases, vapors or fumes.
 - e. Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
 - f. Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions.
 - g. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage and the like.
 - h. Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.

Reference [County of Brunswick Public Utilities Department
Wastewater Treatment Sewer Use Ordinance (SUO)].

(B) On site systems (septic systems)

- (1) The USEPA concluded in its 1997 Report to Congress that "adequately managed decentralized wastewater systems are a cost-effective and long-term option for meeting public health and water quality goals, particularly in less densely populated areas. In far too many cases, these systems are installed and largely forgotten - until problems arise. "

Reference: [Document (EPA 832-R-97-001b). Published: 1997]

- (2) Any wastewater (sewer/septic) system within the town limits, whether privately or publicly owned or operated, shall comply with all requirements in construction and maintenance of North Carolina State and Brunswick County Boards of Health. (Ord. passed 5-11-93) penalty \$500, see § 10.99

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(3) Septic System Maintenance Guidelines

- a. **Pump your septic tank regularly** to ensure optimum performance of your system. Failure to pump the tank can cause clogging of the drain field and subsequent failure of the system. Failing systems contribute to runoff of sewage which contaminates surface water. Use the following chart to estimate the years for pumping your system

Number of Years for Pumping your System Tank

Size (gal.)	Number of persons using the system				
	1	2	4	6	8
900	11	5	2	1	1
1000	12	6	3	2	1
1250	16	8	3	2	1
1500	19	9	4	3	2

- b. **Properly use your system:** Disposal of toxic substances in the system can contribute to pollution other than nutrients and pathogens that will degrade ground and surface water quality. Do not throw or dispose in your system chemical wastes such as engine oil, gasoline, pesticides, paints, solvents, and photographic chemicals. Contact your local landfill or toxic waste recycling site to dispose of these chemicals.
- c. **Do not use additives in your septic tank:** Additives are sold that claim to help the septic tank decompose solids to prevent clogging. In reality, additives do not prevent system failure and rather, can be harmful to bacteria in the septic tank and in the drain field.
- d. **Protect your drain field:** It is important to ensure long life of the drain field. If the system fails, sewage will surface in the drain field and can runoff to nearby streams contributing to pollution and posing a health hazard. Keep large trees and shrubs away from the field to prevent any root clogging or crushing the drain field pipes. Do not drive or pave over the drain field! The weight of vehicles can crush the pipes of the drain field,
- e. **Protect your septic tank:** Keep as many solids out of your septic tank as possible. This ensures optimum performance of the tank and maximizes pumping time.
- f. **Reduce the amount of water you dispose in your system:** By reducing the water usage, less water flows into the drain field. Thus, the drain field has more time to recover between effluent loads.

Reference [North Carolina Department of Environment and Natural Resources].

§51.02 Septic Systems-and Privies

- (A) No outdoor privies may be hereafter constructed within the town limits and septic systems must comply with all requirements of construction and maintenance of the North Carolina State and Brunswick County Boards of Health.
- (B) No person shall maintain or use a residence location that is not provided with a properly functioning wastewater system which complies in construction and maintenance with the requirements of the North Carolina State and Brunswick County Boards of Health.

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- (C) No person shall, after having an outdoor privy condemned, rebuild the outdoor privy but must connect to the-sewerage system. If such connection is not available, that person must build a septic system according to the requirements of North Carolina and Brunswick County Boards of Health. (Ord. passed 5-11-93) penalty, \$500 see § 10.99.

§51.03 Sewer Connection

- (A) Connection to the county sewerage system is mandatory for all new construction. New, on site, wastewater systems shall not be permitted in areas where sewer is available.
- (B) Any improved residential property within the Town of Calabash which is already connected to a currently functioning and permitted on-site wastewater disposal system at the time that county sewer service becomes available to said property shall be allowed to continue to utilize the system until such time as
- (1) The private wastewater disposal system fails.
 - (2) The use of the property changes to a use which would require significant modification of the existing private wastewater system.
 - (3) Any building permit is issued in connection with improvements to the dwelling with a value of greater than 50% of the dwelling value prior to the improvement.
 - (4) Any environmental issue arises resulting in a determination of private wastewater disposal system closure by the State of North Carolina, Federal government or Brunswick County. Upon the occurrence of the first of said events, the Town shall notify the property owner and the property shall be connected to the county sewer system within 60 days from notification. Connection shall be made in accordance with the County and Town policies and ordinances existing at the time of connection, and the property owner shall pay all charges and fees in effect at said time.

Note: Subparts (1), (2), (3) and (4) above shall not be construed, however, to require mandatory connection to the county system when routine repair, like-for like part replacement and maintenance is performed to the system.

§51.04 Septic Tank Decommissioning

- (A) At such time as a property owner connects to the county sewer system the town encourages the owner to have the septic tank:
- (1) Pumped, crushed and filled with soil or fill dirt or
 - (2) Connected as an extension to the property's storm drainage system by drilling or breaking holes in the tank bottom, per guidelines as may be approved by the town and the county's public health department. (permit required)
 - (3) Pumped and decontaminated and utilized for toilet flushing, fire protection, decorative water features, and landscape irrigation. (permit required)
- (B) If an existing well is to remain in service for lawn watering, washing cars or other nonpotable uses, any cross connections from such private well to the public system shall be eliminated at the time of connection.

Reference [§ 143-355.5. Water reuse; policy; rule making].

§51.05 Sewerage Extension within Town Limits

- (A) There are three methods by which sewer extensions can be accomplished.
- (1) On Application by Property Owners

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- a. Any property owner, owners or developer desiring to have sewer services extended to and along any public street or other public way shall apply in writing to the town requesting such water service. The application shall contain plans in sufficient detail in order to allow the determination of the adequate size of facilities necessary for the proposed extension.
 - b. Upon approval of the extension plans the property owner or developer shall be responsible for providing 100% of the full costs of the sewer improvements including all approved pump stations and system components, between the owner's property and the County system.
 - c. If public right-of-way is not available, the property owner or developer shall obtain the necessary rights-of-way and/or easements.
 - d. All contracts for installation of sewer lines and the construction and installation of same shall be subject to the inspection and approval by County and the fees for inspection shall be borne by the owner or developer.
- (2) On Petition by Residents
- a. Sewer extensions may be made upon receipt of a petition requesting such improvements. The petition shall be signed by at least 51% in number of the owners of property who also own at least 50% of the lineal feet of frontage of the lands abutting the proposed improvements.
 - b. The petitioners shall be responsible for all advertising and notification fees.
- (3) Action by Town Board of Commissioners
- a. In the event that the Town Board of Commissioners determines that a proposed sewer-project is both necessary and in the public interest of the citizens of the town, the town may undertake the proposed extension of services on its own motion.
- (B) Method of assessment
- (1) The frontage abutting on the project, at an equal rate per foot of frontage; or
 - (2) The street frontage of the lots served, or subject to being served, by the project, at an equal rate per foot of frontage; or
 - (3) The area of land served, or subject to being served, by the project, at an equal rate per unit of area; or
 - (4) The valuation of land served, or subject to being served, by the project, being the value of the land without improvements as shown on the tax records of the county, at an equal rate per dollar of valuation; or
 - (5) The number of lots served, or subject to being served, by the project when the project involves extension of an existing system to a residential or commercial subdivision, at an equal rate per lot; or
 - (6) A combination of two or more of these bases.
- (C) For each project, the board shall endeavor to establish an assessment method from among the bases set out in this section which will most accurately assess each lot or parcel of land according to the benefit conferred upon it by the project. Assessment shall be paid by all property owners benefiting from the project. Town property shall be assessed on the same basis as any other property. These fees shall be in addition to formal tap fees, usage charges or impact fees which have been already adopted.

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Reference [§ 153A-186. Bases for making assessments –county statutes].

§51.06 Public Notice of Extension

- (A) The town recognizes that utility extensions within town limits may have a significant impact on property values and/or the ability of the property owners to pay any assessment.
- (B) If the requested extension is by petition by residents or by action by the Board of Commissioners and the method of payment is by special assessment of the property owners; the board shall first adopt a preliminary resolution that shall contain the following:
 - (1) A statement of intent to undertake the project;
 - (2) A general description of the nature and location of the project;
 - (3) A statement as to the proposed basis for making assessments, which shall include a general description of the boundaries of the area benefited if the basis of assessment is either area or value added;
 - (4) A statement as to the percentage of the cost of the work that is to be assessed;
 - (5) A statement as to which, if any, assessments shall be held in abeyance and for how long;
 - (6) A statement as to the proposed terms of payment of the assessment; and
 - (7) An order setting a time and place for a public hearing on all matters covered by the preliminary resolution which shall be not earlier than three weeks nor later than 10 weeks from the date of the adoption of the preliminary resolution.
- (C) At least 10 days before the date set for the public hearing, the council shall publish a notice that a preliminary assessment resolution has been adopted and that a public hearing will be held on it at a specified time and place.
 - (1) The notice shall generally describe the nature and location of the improvement.
 - (2) 10 days prior to the hearing, the council shall cause a copy of the preliminary resolution to be mailed to the owners, as shown on the county tax records, of all property subject to assessment if the project should be undertaken. The person designated to mail these resolutions shall file with the council a certificate showing that they were mailed by first-class mail and on what date. The certificate shall be conclusive as to compliance with the mailing provisions of this section in the absence of fraud.
- (D) At the public hearing, the council shall hear all interested persons who appear with respect to any matter covered by the preliminary resolution. After the public hearing, the council may adopt a resolution directing that the project or portions thereof be undertaken. The assessment resolution shall describe the project in general terms (which may be by reference to projects described in the preliminary resolution) and shall set forth the following:
 - (1) The basis on which the special assessments shall be levied, together with a general description of the boundaries of the area benefited if the basis of assessment is either area or value added;
 - (2) The percentage of the cost to be specially assessed;
 - (3) The terms of payment, including the conditions under which assessments are to be held in abeyance, if any.

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- (4) The percentage of cost to be assessed may not be different from the percentage proposed, and the projects authorized may not be greater in scope than the projects described in the preliminary resolution.

City Reference [GS§ 160A-223, § 160A-224, § 160A-225]

County Reference [GS § 153A-190, § 153A-191, § 153A-192, § 153A-201.

Authority to hold assessments in abeyance]