



AN ORDINANCE AMENDING THE TOWN CODE AND UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO PROHIBITION OF DRIVING OVER AND/OR PARKING ON SEPTIC AREAS.

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Nags Head (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160D-702, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

WHEREAS, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

WHEREAS, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

WHEREAS, the Septic Health Advisory Committee recommended the Planning Board consider a text amendment to inhibit parking and driving on septic systems as this can cause expensive repairs to the property owner and a health risk to people and wildlife;

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipsis ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

PART I. That **Section 10.12.9, Parking on Septic Areas Prohibited**, be added as follows:

10.12.9 Driving or parking on the designated septic system areas is expressly prohibited. To resolve violations of this ordinance, the property owner shall be required to install a physical barrier separating vehicular areas from septic system areas in order to limit damage to the system. Acceptable physical barriers may include fencing, posts with rope, raised landscape beds, landscape timbers or other landscaping treatments as approved by the Unified Development Ordinance (UDO) Administrator. Physical barriers must be installed with an adequate setback to prevent damage to the septic system, as determined by the UDO Administrator. This section may be enforced by any one or more remedies authorized by N.C.G.S. 160A-175.

PART II. That **Appendix A – Definitions**, be amended to add the following definitions:

Septic System means a subsurface wastewater system consisting of a settling tank and a subsurface disposal field.

Septic Tank means a watertight receptacle for sewage which, after bacterial action, discharges the effluent.

Disposal Field aka 'drain field' or 'dispersal field' means an area of ground under

whose surface the overflow from a septic tank is distributed in drain tile to be absorbed in the soil.

Septic System Area means an area containing the septic tank, disposal field/drain field and other components of a working septic system as approved on a recorded plat or an approved, stamped site plan by the Dare County Environmental Health Department.

PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 5th day of June 2024.

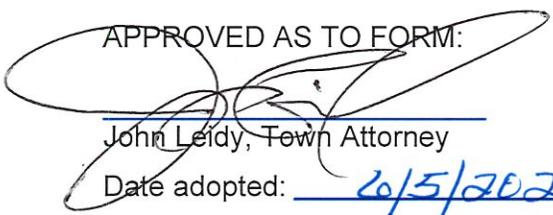

Benjamin Cahoon, Mayor

ATTEST:


Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:


John Leidy, Town Attorney

Date adopted: 6/5/2024

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: AYES NAYS