

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**O-12-07**

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 14th day of May, 2007:

Present:	Vote:
David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
Stran L. Trout	Aye

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Motion was made by Mr. Davis, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE AMENDING SECTION 38-172  
OF THE NEW KENT COUNTY CODE  
TO CHANGE CONSTRUCTION  
STANDARDS FOR SEPTIC TANK SYSTEMS**

WHEREAS, it is appropriate to amend the Health and Sanitation Ordinance to provide guidance and clarification to the residential septic tank construction standards found in section 38-172 of the County Code; and

WHEREAS, the Department of Conservation and Recreation has recommended changes to the New Kent County Code regarding how best to implement the Chesapeake Bay Act requirements found in the County's Health and Sanitation ordinances in order to bring more certainty and less subjectivity into the construction process; and

WHEREAS, the adoption of these text amendments would support the public necessity, convenience, general welfare and good environmental practices in the County of the New Kent; and

NOW THEREFORE BE IT ORDAINED by the New Kent County Board of Supervisors this 14<sup>th</sup> day of May 2007 that Chapter 38 of the New Kent County Code be and is hereby amended as follows:

**Sec. 38-172. Construction, inspection and approval of septic tank systems, house sewers and connections; state department of health rules and regulations.**

(a) The entire septic tank system shall be built in accordance with the design of plans shown on the septic tank permit. Such design shall provide for a primary drainfield area and a secondary, or repair drainfield area with a capacity equal to that of the primary drainfield area. The secondary, or repair drainfield area shall be utilized only if the primary drainfield fails, and not for the purpose of expansion of the primary drainfield in order to accommodate additions to or enlargement of the structures served by such system. The size and type of the sewer lines shall be specified on the permit. A filter may be installed on the septic tank prior to the discharge of effluent from the septic tank. The sewer line from the building to the septic tank, including all necessary connections and filters, shall be subject to inspection and approval by the health department. The installation of a filter and proper maintenance of the filter will exempt the homeowner from the five-year pump out requirement described in Sections 38-176 and 94-39 of the Code.

(b) The septic tank system shall be constructed in accordance with specifications set forth in the state department of health rules and regulations, and the requirements set forth in this article. A copy of such regulations shall remain on file in the office of the county administrator. (Code 1999, 8-16)

This ordinance shall be effective on the date of its adoption.

  
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John A. Budesky  
County Administrator

  
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Stran L. Trout  
Chairman