

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 452  
HOUSE BILL 296

AN ACT TO PROTECT THE PUBLIC HEALTH BY INSURING PROPER REGULATION  
OF GROUND ABSORPTION SEWAGE DISPOSAL SYSTEMS.

The General Assembly of North Carolina enacts:

**Section 1.** Chapter 130 of the General Statutes is hereby amended by inserting therein a new Article.

**Sec. 2.** Short Title. This Article shall be known and may be cited as the "Ground Absorption Sewage Disposal System Act of 1973".

**Sec. 3.** Preamble. The General Assembly finds and declares that continued installation, at a rapidly and constantly accelerating rate, of septic tanks and other types of ground absorption sewage disposal systems in a faulty or improper manner and in areas where unsuitable soil and population density adversely affect the efficiency and functioning of these systems has a detrimental effect on the public health through contamination of the ground water supply. Recognizing, however, that ground absorption sewage disposal can be rendered ecologically safe and the public health protected if such methods of sewage disposal are properly regulated and recognizing that ground absorption sewage disposal will continue to be necessary for the adequate and economical housing of an expanding population, the General Assembly intends hereby to insure the regulation of ground absorption sewage disposal systems so that such systems may continue to be used, where appropriate, without jeopardizing the public health.

**Sec. 4.** Definitions. As used herein, unless the context otherwise requires:

(a) "construction" means any work at the site of placement done for the purpose of preparing a dwelling or mobile home for initial occupancy;

(b) "location" means the initial placement of a mobile home;

(c) "relocation" means the displacement of a dwelling or mobile home from one site to another;

(d) "septic tank system" means a ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field;

(e) "ground absorption sewage disposal system" means a sewage disposal method relying primarily on the soil for leaching and removal of dissolved and suspended organic or mineral materials from human waste, including a privy;

(f) "health department" means any county, city, district, consolidated city-county or other health department authorized to be organized under Chapter 130 of the General Statutes;

(g) "mobile home dealer" means every person or firm offering mobile homes for sale within this State;

(h) "mobile home sales lot" means any place where two or more mobile homes are displayed and offered for sale.

**Sec. 5.** Improvements permit required, (a) No person shall commence the construction or relocation of any dwelling nor shall any person locate, relocate or cause to be located or to be relocated any mobile home intended for use as a dwelling, other than one in a mobile home park, on a site in an area not served by a public or community sewage disposal

system without first obtaining an improvements permit from the local health department having jurisdiction.

(b) The local health department shall issue an improvements permit authorizing work to proceed and the use of a septic tank or other ground absorption disposal system when it has determined, after a field investigation of the area, including such factors as character and porosity of soil, percolation rate, topography, depth to water table and rock or other impervious formations and location or proposed location of any water supply wells, that such a system can be installed at the site in compliance with the rules and regulations of the local board of health governing such installations; provided, however, that no septic tank system which is attempted to be installed shall be covered with soil until the local health department determines that the system as installed is in compliance with the rules and regulations governing such installations; provided further, that this Article does not limit or interfere with the authority of the State Board of Health to adopt and enforce reasonable rules and regulations under authority of G.S. 130-160.

**Sec. 6. Certificate of Completion.** Upon determining that a ground absorption sewage disposal system is properly installed, the local health department shall issue a certificate of completion authorizing a conventional dwelling to be occupied following construction or relocation activity upon that dwelling. Upon determining that a ground absorption sewage disposal system is properly installed, the local health department shall issue a certificate of completion authorizing a mobile home to be occupied following its location or relocation. No person shall occupy a dwelling or mobile home until a certificate of completion has been issued.

**Sec. 7. Improvements Permit or Certificate of Completion Required Before Other Permits to Issue,** (a) Where construction or relocation activity is proposed to be done upon a conventional dwelling, no permit required for electrical, plumbing, heating, air conditioning or other construction, location or relocation activity under any provision of general or special law shall be issued until after an improvements permit has been issued.

(b) Where location or relocation is proposed for a mobile home, no permit required for electrical, plumbing, heating, air conditioning or other construction, location or relocation activity under any provision of general or special law shall be issued until after a certificate of completion has been issued.

**Sec. 8. Limitation on Electrical Service.** It shall be unlawful for any person, partnership, firm, or corporation to allow any electric current for use at the locating or relocating of a mobile home intended to be used as a dwelling, other than one in a mobile home park, or to a dwelling upon construction, location or relocation until the official electrical inspector with jurisdiction as provided in G.S. 143-143.2 certifies to the electrical supplier that the required improvements permit for conventional dwellings or the required certificate of completion for mobile homes has been issued.

**Sec. 9. Appeals.** Any owner or builder denied an improvements permit or a certificate of completion under this Article shall have a right of appeal to the local board of health, provided such action is taken within 15 days of denial. Notice of appeal shall be given by filing with the local health director a demand for a hearing. Upon filing of such notice the local health director shall, within three days, transmit to the board of health the papers and materials constituting the record upon which the decision appealed from was made.

The local board of health shall hold a hearing within 15 days of the receipt of the notice of appeal. The board shall give the appellant not less than five days' notice of the date, time, and place of the hearing. Any party may appear in person or by agent or attorney. In considering appeals, the board shall have authority only to determine whether a ground absorption system can be installed in compliance with its rules and regulations or whether the work done so complies.

No person denied an improvements permit or certificate of completion shall proceed with any work or improvement activity whatsoever or shall occupy any dwelling or reside in any mobile home unless and until the department issues the necessary permit.

**Sec. 10.** Judicial Review. Any owner or builder denied a permit under this Article shall have a right of appeal to the district court having jurisdiction, if such appeal be made within 10 days after the date of the denial by the board.

**Sec. 11.** Duties of Mobile Home Dealers, (a) Every mobile home dealer doing business in this State shall be required to furnish each purchaser of a mobile home an easily understandable summary of the provisions of this act. The State Board of Health shall prepare the summary and shall make sufficient copies available to dealers.

(b) Each mobile home dealer shall be required to post conspicuously at the office of each mobile home sales lot the following:

"NOTICE: State law requires that the local health department determine the method and adequacy of sewage disposal before a mobile home is placed on the premises."

**Sec. 12.** Exemptions. No provision of this Article shall apply to persons developing land in areas not served by community sewer systems who present acceptable plans for installation of community sewer systems to the local health department and the North Carolina Board of Water and Air Resources and who certify that such system will be installed before permitting occupancy.

**Sec. 13.** Penalties. Any person who knowingly violates any provision of this act shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed two hundred dollars (\$200.00).

**Sec. 14.** Severability. If any provision of this act or the application thereof to any person or circumstances is declared invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are declared to be severable.

**Sec. 15.** Effective Date. This act shall become effective October 1, 1973.

In the General Assembly read three times and ratified, this the 11th day of May, 1973.