

15A NCAC 18A .1951 APPLICABILITY OF RULES

(a) Except as required in Paragraph (b) of this Rule, the minimum horizontal distance requirements in Rule .1950(a)(4), (11), (12), or (13) shall not apply to the installation of a single septic tank system serving a single-family residence not to exceed four bedrooms on a lot or tract of land:

- (1) which, on July 1, 1977, is specifically described in a deed, contract, or other instrument conveying fee title or which is specifically described in a recorded plat; and
- (2) which, on July 1, 1977, is of insufficient size to satisfy the minimum horizontal distance requirements in Rule .1950(a)(4), (11), (12), or (13) of this Section; and
- (3) which, on the date system construction is proposed to begin, is not capable of being served by a community or public sewerage system.

(b) For those lots or tracts of land described in Rule .1951(a) of this Section, where any of the minimum horizontal distance requirements prescribed in Rule .1950(a)(4), (11), (12), or (13) of this Section can be met, such minimum horizontal distances shall be required.

(c) For those lots or tracts of land described in Rule .1951(a) of this Section, where a specific minimum horizontal distance requirement prescribed in Rule .1950(a)(4), (11), (12), or (13) of this Section cannot be met, the maximum feasible horizontal distance, as determined by the local agency, shall be required. Provided, however, that at least the following minimum horizontal distances shall be required in all cases:

- (1) Rule .1950(a)(4) of this Section, the minimum horizontal distance shall be not less than 50 feet;
- (2) Rule .1950(a)(11) of this Section, the minimum horizontal distance shall be not less than 8 feet;
- (3) Rule .1950(a)(12) and (13) of this Section, the minimum horizontal distance shall be not less than 5 feet.

(d) All other provisions of this Section except as exempted by this Rule shall apply to the lots or tracts of land described in Rule .1951(a) of this Section. Any rules and regulations of the Commission for Public Health or any local board of health in effect on June 30, 1977, which establish greater minimum distance requirements than those provided for in this Section, shall remain in effect and shall apply to a lot or tract of land to which Rule .1950(a)(4), (11), (12), or (13) of this Section do not apply.

(e) It shall be the responsibility of any owner of a lot or tract of land, who applies for a permit required by Rule .1937 of this Section, and who seeks, under the provisions of Rule .1951(a) of this Section, to exempt his lot or tract of land from any of the minimum horizontal distance requirements of Rule .1950(a)(4), (11), (12), or (13) of this Section to provide to the local health department necessary records of title to the lot or tract of land for which the exemption is sought in order that the local agency may determine whether the applicant is entitled to any such exemption.

(f) For those lots or tracts of land which, on the effective date of this Section, are specifically described in a deed or recorded plat, and the minimum horizontal distance requirements prescribed in Rule .1950(a)(15)(B) cannot be met, the maximum feasible horizontal distance, as determined by the local health department, shall be required, but shall not be less than ten feet.

*History Note: Authority G.S. 130A-335(e);
Eff. July 1, 1982;
Amended Eff. January 1, 1990.*