Alternative on-site sewage system amendments
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Amendment to Va. Code § 15.2-2157, discussed at Housing & Environmental Standards meeting, 1 November.

Lines 126 – 135 of draft discussed at the meeting.

B. Any locality that (i) has a record of the location of alternative onsite sewage systems; (ii) has notified owners of their maintenance responsibility for such systems; and (iii) has a method to identify property transfer may adopt an ordinance establishing a uniform schedule of civil penalties for violations of specified provisions for the operation and maintenance of alternative onsite sewage systems, as defined in § 32.1-163, that are not abated or remedied within 30 days after receipt of notice of violation from the local health director or his designee. It shall not be a defense to this section that the inventory of alternative sewage systems is incomplete, but no owner shall be issued a summons until after having received written notice of the maintenance responsibility for such system ~~in the same manner as set forth in subsection F of this section~~. The notice shall be sent to the owner of the property requiring abatement or correction within 30 days of mailing or posting of the notice. A written abatement notice sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section. No civil action authorized under this section shall proceed while a criminal action is pending.

Line 182 – I recommend changing 60 to 30 days. If it is an imminent threat to public safety, the times set up by the section are simply too long. Subsection F is triggered by "an award of civil penalties". This means the clock only starts after it has gone to general district court. The effect of the wording means that a neighbor may have to accept raw sewage lying on the ground near his or her property line for months.