

	West Virginia Department of Health and Human Resources				
	MANUAL OF ENVIRONMENTAL HEALTH PROCEDURES				
Section	Waste Water	Date	May 1, 1992	Procedure #	WW-18
Subject	Subdivision Requirements			Page	1 of 1

The office of the Attorney General recently issued a memorandum, attached, clarifying some often asked questions concerning the Sewage System Rules' subdivision requirements. The following is a brief restatement of the questions posed and the response:

1. Question: Does the term "by act of construction" as found in the definition of a subdivision in the Sewage System Rules indicate that the addition of a second dwelling to a lot constitutes a subdivision when the lot has undergone no further surveying, platting or recording?

Answer: Yes.

2. Question: When a subdivision is created "by act of construction" must the second dwelling added to the lot have a separate 10,000 square reserve area?

Answer: Yes.

3. Question: Can the Sewage System Rules be interpreted to require that surveys or plats showing the 10,000 square foot reserve area be presented to the Clerk of the County Commission and admitted to the county record?

Answer: No. Such information is required, however, to be on file with the health department as part of the overall subdivision approval, and can be recorded at the courthouse at the option of the subdivider.

References

History

Attachments

[Attorney General Memorandum dated April 15, 1992](#)