

# **HOLDING TANK ORDINANCE**

Approved March 9, 1998

## **SECTION I. Title**

This Ordinance shall be known and cited as the Town of Skowhegan, Maine, Holding Tank Ordinance, and will be referred to as this Ordinance.

## **SECTION II. Purpose**

The purpose of this Ordinance is to establish the requirement for the use and maintenance of holding tanks utilized as first time disposal systems designed to receive and retain wastewater from residential use. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and general welfare of the inhabitants of the Town of Skowhegan, Maine.

## **SECTION III. Authority and Administration**

- A. This Ordinance is hereby adopted and hereafter amended pursuant to and consistent with Article VIII of the Maine Constitution, the provision of Title 30-A and the Maine Subsurface Waste Water Disposal Rules (144A CMR 241).
- B. This Ordinance shall be administered by the Board of Selectmen and the Local Plumbing Inspector.

## **SECTION IV. Applicability**

This Ordinance applies to the approval for the installation, and maintenance, of holding tanks as first time disposal systems in a areas not governed by the Shoreland Zoning Ordinance. In addition to the prohibition on using holding tanks as first time disposal systems in the Shoreland Zone they are also prohibited from being used to satisfy the requirements of a Seasonal Conversion Permit.

## **SECTION V. Amendments, Validity and Severability and Effective Date.**

- A. Amendments.
  - 1. Initiation of Amendments: an amendment to this Ordinance may be initiated by:
    - a. The Local Plumbing Inspector;
    - b. The Board of Selectmen, provided a majority of the Board has so voted; or

- c. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.
2. The Board of Selectmen shall hold a public hearing on the proposed amendment at least fourteen (14) days prior to the meeting of the Governing Body. Notice of the public hearing shall be posted at the Town Office at least fourteen (14) days prior to the hearing. Notice of the hearing shall be published in a newspaper of general circulation in the area. The date of the first notice shall be at least fourteen (14) days prior to the hearing and the date of the second notice shall be at least seven (7) days before the hearing.
3. Adoption of Amendments: An amendment to this Ordinance may be adopted by a majority vote of the Town Meeting.

B. Validity and Severability

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.

C. Effective Date

The effective date of the Ordinance is the date of adoption by the Town Meeting.

SECTION VI. Enforcement

A. Nuisances

Any violation of this Ordinance shall be deemed a nuisance.

B. Local Plumbing Inspector

It shall be the duty of the Local Plumbing Inspector to enforce the provisions of this Ordinance. If the local Plumbing Inspector shall find that any provision of this Ordinance is being violated, they shall notify in writing, the person responsible for such violation, indicating the nature of the violation and the action necessary to correct it. A copy of such notices shall be maintained as a permanent record.

C. Legal Action

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notification from

the Plumbing Inspector, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality.

#### D. Fines

Any person, including but not limited to the landowner, a landowners agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A. Section 4452. Each day the violation exists shall be considered a separate violation. Such persons shall also be liable for court costs and attorney fees incurred by the Town of Skowhegan.

### SECTION VIII. Application Procedure and Content

#### A. Application Procedure

1. All applications for a Holding Tank Permit shall be in writing on forms provided for that purpose. Applications shall be received at the Local Plumbing Inspector's office and presented to the Board of Selectmen at their regular scheduled meeting.
2. The applicant, or his duly authorized agent, shall attend the Selectmen's meeting to discuss the application. The Selectmen, or their designee, shall provide the applicant with a dated receipt at the meeting where the application is first presented.
3. Within thirty-five (35) days of receiving an application the Selectmen shall approve, approve with conditions, or deny the application.

#### B. Fees

All applications for a first timed Holding Tank Permit shall be accompanied by an application fee of twenty-five (25) dollars. If the application is approved by the Board of Selectmen, a plumbing permit fee of one hundred (100) dollars will be charged at the time a plumbing permit is issued by the Local Plumbing Inspector.

#### C. Expiration of Approvals

All Holding Tank Permit approvals shall expire two (2) years after the date of issuance unless the work thereunder has commenced and, in this case, the permit can be extended for a n additional six (6) months.

D. All applications for a permit for a holding tank for first time disposal shall be made in writing on forms provided for that purpose. The submission shall contain the following information and exhibits:

1. Name of the owner(s) of record and applicant's name and address, if different.
2. Sketch map showing the general location of the property;
3. The tax map and lot number of the parcel;
4. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant;
5. A signed agreement between the property owner and a tank pumper to pump and maintain the tank on a regular basis;
6. A completed HHE 200 application from a licensed Site Evaluator that indicates that due to site conditions, lot configuration, or other constraints, the installation of a system with a disposal field that complies with the State Plumbing Code is not legally possible.

#### SECTION IX. Performance Standards

The following standards shall be utilized by the Board in reviewing applications for a holding tank for first time disposal systems. The Board shall approve the application unless the Board finds that the applicant has not satisfied one or more of the following standards.

- A. A holding tank for a first time disposal system shall not be permitted in any area regulated under the Town of Skowhegan's Shoreland Zoning Ordinance.
- B. A holding tank for a first time disposal system shall not be permitted to satisfy the requirements for a Seasonal Conversion Permit under Title 30-A MRSA Section 4215 subsection 2.
- C. The installation of a disposal system in compliance with the State Plumbing Code is not feasible due to site conditions, lot configuration, or other constraints.
- D. The interior plumbing shall be modified for weather conservation and all water closets shall not exceed 1.6 gallons per flush.
- E. The structure that is served by a holding tank shall have a notarized statement that a holding tank is serving the structure for the disposal of human sewage and wastewater. This statement shall be attached to the deed and recorded in the Registry of Deeds within ten (10) days of the approval of the permit. The Local

Plumbing Inspector shall not issue a plumbing permit until he/she has received a copy of the deed with the aforementioned statement.

- F. The agreement between the property owner and tank pumper shall be filed in the Town Office and indicate the location of the site or sites that the septage will be disposed of. Only those sites approved by the Maine Department of Environmental Protection shall be utilized.
- G. The property owner shall deep a copy of the pumping records and, if ordered, provide the Local Plumbing Inspector with copies of all such records within three (3) days of notification
- H. The holding tank shall be equipped with a visual and audible alarm device. The alarm shall be located and adjusted in a manner that assures that the tank is pumped before it is full.

#### SECTION X. Appeals

An appeal may be taken by a aggrieved party to Superior Court in accordance with State law within forty-five (45) days from the date any decision of the Board of Selectmen.

#### SECTION XI. Definitions

**Aggrieved Party:** An owner of land whose property is directly affected by the granting or denial of a permit; or a person whose land abuts or is across a road or street from which a permit is granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of a permit.

**Holding Tank:** A closed, water-tight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding Tanks are designed and constructed to facilitate ultimate disposal of waste wafer at another site.

**Local Plumbing Inspector:** A person as defined in Title 30-A MRSA Section 4221 and Title 30-A Section 4451.

**Seasonal Conversion Permit:** Written authorization issued by the Local Plumbing Inspector to allow the conversion of a seasonal dwelling unit located in a shoreland zone to a year-round use as per title 30 A MRSA Section 4201-4216.

**Waste Water:** Any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried waste from the discharge of water closets, laundry tubes, washing machines, sinks, dishwashers, or other sources of water-carried waste of human

origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.