

TOWN OF SEARSPORT

HOLDING TANK ORDINANCE

Section 1. Purpose. The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain wastewater from residential or commercial uses. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this municipality.

Section 2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance is as follows:

"Holding tank" means a closed, watertight structure, designed and used to receive and store wastewater or septic tank effluent. A holding tank does not discharge wastewater 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 wastewater at another site.

"Improved property" means any property within the municipality upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by humans or animals and from which structure wastewater may be discharged.

"LPI" means Local Plumbing Inspector.

"Municipality" means Town of Searsport, Waldo County, Maine.

"Owner" means any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality.

"Person" means any individual, partnership, company, association, corporation, or other group or entity.

"Wastewater" means any domestic wastewater, or other wastewater from commercial, industrial, or residential sources which has constituents similar to that of domestic wastewater. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

Section 3. Rights and privileges granted. The Licensed Plumbing Inspector (LPI) is hereby authorized and empowered to undertake, within the municipality, the control of, and methods of, disposal of holding tank wastewater and the collection and transportation thereof.

Section 4. Rules and regulations to be in conformity with applicable law. All such rules and regulations adopted by the Town of Searsport must be in conformity with the provisions herein, all other ordinances of the Town of Searsport, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine. Holding tanks can not be used for seasonal conversion or new construction within the shoreland zone of a major water course.

Section 5. Rates and charges. The Searsport Board of Selectmen shall have the right and power to fix, alter, charge, and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates, as authorized by applicable law.

Section 6. Exclusiveness of rights and privileges. The collection and transportation of all wastewater from any improved property utilizing a holding tank must be done solely by, or under the direction and control of, the Local Plumbing Inspector, and the disposal thereof must be made at such site or sites as may be approved by the Maine Department of Environmental Protection.

Section 7. Duties of owner of improved property. The owner of an improved property that utilizes a holding tank must:

- A. Maintain the holding tank in conformance with this or any other Ordinance of the Town of Searsport, the provisions of any applicable law, and any administrative agency of the State of Maine; and
- B. Permit only the Maine Department of Environmental Protection licensed septage waste haulers to collect, transport, and dispose of the contents therein and provide the LPI a copy of the disposal manifest within 14 days.

Section 8. Violations. Any person who violates any provisions of Section 7 must, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred and not more than Three Hundred dollars, plus costs. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. If the Town of Searsport is the prevailing party in any action brought to enforce this ordinance, the Town of Searsport must be awarded reasonable attorney's fees, expert witness fees, and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.

Section 9. Abatement of nuisances. In addition to any other remedies provided in this ordinance, any violation of Section 7 above constitutes a nuisance and must be abated by the Town of Searsport by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

Section 10. Alternative disposal. An alternative means of wastewater disposal must meet first time system criteria. Replacement system criteria must not be considered.

Section 11. Repeal. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

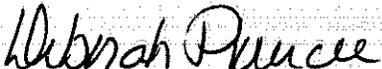
Section 12. Severability. If any sentence, clause, Section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity must not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.

Section 13. Water Use Monitoring. The Local Plumbing Inspector may require the installation of a water meter to monitor the flow to the holding tank.

Section 14. Effective date. This ordinance becomes effective five days after its adoption.

Adopted March 8, 2014

This is a true and attested copy by:


Deborah Plourde, Town Clerk