

Holding Tank Ordinance

Be it enacted and ordained by the Councilmen of the Town of Oakland, Kennebec County, and it is hereby enacted and ordained as follows:

SECTION 1 Purpose

The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive waste water 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 the Town of Oakland

Section 2 Definitions

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follow:

Agent - Shall mean any person or persons officially designated by the Authority to act in its behalf.

Approved Pumper - Shall mean a pumping contractor who is properly licensed with the Department of Environmental Protection.

Authority - Shall mean the Town Council of the Town of Oakland, Kennebec County, Maine.

Holding Tank - Shall mean 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 water at another site.

Improved Property - Shall mean any property within the municipality upon which there is a structure intended for seasonal use or as a primary place of residence (year-round), and from which structure waste water shall or may be discharged.

Municipality - shall mean the Town of Oakland, Kennebec County, Maine.

Owner - Shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality.

Person - Shall mean any individual, partnership, company, association, corporation, or other group or entity.

Records - Shall mean all information pertinent to the holding tank, specifically the name of the installer, the date of the installation, the individual components, the pumping dates, the amount of wastewater pumped, the name of the pumper, and the notification and records of any required or necessary maintenance of the owner's holding tank.

Waste Water - Shall mean any liquid waste containing animal or vegetable matter in suspension or solution, of the water carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other source of water carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

SECTION 3 Rights and Privileges Granted

The Authority is hereby authorized and empowered to undertake, within the Municipality, the control of and methods of disposal of holding tank waste water and the collection and transportation thereof.

SECTION 4 Rules and Regulations

A All such rules and regulation adopted by the Authority shall be in conformance with the provisions herein. All other ordinances of the Town of Oakland, and all applicable rules and regulations of the administrative agencies of the State of Maine.

B Holding tanks may be used for seasonal structures, either existing , or newly constructed. Existing structures unable to install a replacement septic system may install a holding tank.

C Holding tanks cannot be used for seasonal conversion or for new construction of a principal place of residence.

SECTION 5 System Requirements

A Follow the normal process for a new or replacement septic system design as required by the Maine State Plumbing Code and obtain a completed septic system design plan. In the event a new or replacement septic system cannot be installed submit a holding tank application from a State Licensed Site Evaluator. (see Maine State Plumbing Code).

B Obtain a holding tank permit from the Town of Oakland, and a renewal permit each year thereafter. Site Evaluator plans must be submitted to the Code Enforcement Office. The Local Plumbing Inspector or designee may issue a permit if the plans meet the requirements of the Maine State Plumbing Code and all other law, regulations and ordinances related to the proposed project.

C Submit the required review fee with the application.

SECTION 6 Renewal Permits

Improved properties having a legally permitted holding tank shall renew their permit on a yearly basis. The expiration date of all permits will be the 28th of February. Permit fees will not be pro-rated for tanks installed less than 12 months before the February expiration date. Renewal permits will only be issued after the following conditions have been met.

A Showing documentation from an approved pumping contractor that the holding tank system has been pumped and serviced during the previous permit year.

B Notify the Code Enforcement Office with the name of the approved pumping contractor that will service the holding tank system for the upcoming year.

C The Code Enforcement Office has been given the opportunity to inspect the holding tank system during the current year, and that the system complies with all the requirements of this Ordinance.

SECTION 7 Collection and Transportation

The collection and transportation of all waste water from any improved property utilizing a holding tank shall only be completed by an approved pumping contractor. The Town's Code Enforcement Officer shall maintain a list of approved pumping contractors.

SECTION 8 Duties of Owner of Holding Tank Permit

The owner of an improved property that utilizes a holding tank agrees to conform with the following conditions and other conditions that may be made to this Ordinance in the future.

A Maintain the holding tank in conformance with this and any other ordinance of the Town of Oakland, the provisions of any applicable law, the rules of the Authority, the State of Maine Plumbing Code, and administrative agencies of the State of Maine.

B Notify the Office of Code Enforcement with the name of the authorized pumper that will service the holding tank and the expected date of service.

C Permit only approved pumping contractors to collect, transport, and dispose of the contents therein to a site approved by the Maine Department of Environmental Protection

D Supply the Code Enforcement Office a yearly record of pumping and other maintenance records performed on the holding tank prior to, and as a condition to yearly renewal.

E Have a copy of the original holding tank permit referencing the owners deed properly recorded at the Kennebec County Registry of Deeds.

SECTION 9 Fees

The Oakland Town Council shall have the right and power to fix or alter the holding tank permit fees (see fee schedule).

SECTION 10 Violations

Any person who violates any provision of this Ordinance shall be subject to the penalties outlined in the Maine Revised Statutes Annotated Title 30-A Section 4452, plus the cost of enforcement. All fines collected shall be returned to the Town of Oakland.

SECTION 11 Abatement of Nuisances

In addition to any other remedies provided in this Ordinances, any violation of this Ordinance which may constitute a nuisance may, if necessary, be abated by the Municipality under MRSA Title 30 - A Section 3428. At its descretion the Authority may also seek enforcement of this ordinance under the provisions of MRSA Title 30 - A Section 4452, as well as seeking appropriate equitable legal relief from a court of competent jurisdiction.

SECTION 12 Repeal

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

SECTION 13 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 shall not effect or impair any of the remaining provisions, sentences, clause, sections, or parts of this ordinance.

SECTION 14 Effective Date

This Ordinance shall become effective on the date of its adoption.

Enacted this _____ Day of _____, 1996

Oakland Town Council Members

_____	Ralph Farnham, Chairman
_____	David Wooley
_____	J. Hobart Pierce, Jr.
_____	Robert Knowlton
_____	Jane Sturk

Fee Schedule

Plan Review _____	\$15.00
Yearly Renewal Permit Fee _____	\$25.00

