



# Town of Turner, Maine

11 Turner Center Rd. Turner, Maine 04282 – 207-225-3414 - [www.turnermaine.com](http://www.turnermaine.com)

## HOLDING TANK ORDINANCE

ADOPTED NOVEMBER 15, 1995

AMENDED APRIL 12, 1997

### **SECTION I. TITLE:**

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

### **SECTION II. PURPOSE:**

The purpose of this Ordinance is to establish the requirements for the use and maintenance of holding tanks utilized as first time disposal systems designed to receive and retain wastewater from 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 general welfare of the inhabitants of the Town of Turner, Maine.

### **SECTION III. AUTHORITY AND ADMINISTRATION:**

A. This Ordinance is hereby adopted and hereafter amended pursuant to and consistent with Article VIII-A of the Maine Constitution, the provisions of Title 30A M.R.S.A. Section 3001 and the Maine Subsurface Waste Water Disposal Rules (144A CMR 241).

B. This Ordinance shall be administered by the Local Plumbing Inspector.

### **SECTION IV. APPLICABILITY:**

This Ordinance applies to the approval for the installation of and the maintenance of holding tanks utilized as first time disposal systems for commercial uses not located in the Shoreland Area as defined in the Town of Turner Zoning Ordinance nor to satisfy the requirements for a Seasonal Conversion Permit. This Ordinance does not allow the use of holding tanks for first time disposal systems for residential uses.

### **SECTION V. AMENDMENTS, VALIDITY AND SEVER ABILITY AND EFFECTIVE DATE:**

#### **A. AMENDMENTS**

1. Initiation of Amendments: An amendment to this Ordinance may be initiated by:
  - a. The Board of Selectmen, provided a majority of the Board has so voted; or
  - b. 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 Planning Board shall hold a public hearing on the proposed amendment at least 14 days prior to a town meeting. Notice of the public hearing shall be posted at the Town Office a least 14 days prior to the hearing. Notice of the hearing shall be published twice in a

newspaper of general circulation in the area. The date of the first notice shall be at least 14 days before the hearing and the date of the second notice shall be at least 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 SEVER ABILITY

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 this Ordinance is the date of adoption by the Town Meeting on November 15, 1995.

### **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, he 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 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 Turner.

### **SECTION VII. 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 by the Plumbing Inspector during normal business hours.
2. The Plumbing Inspector shall provide the applicant with a dated receipt at the time the application is submitted.
3. Within fifteen (15) days of receiving an application the Plumbing Inspector shall approve, with conditions or deny the application.

#### B. FEES

All applications for a First Time Holding Tank Permit shall be accompanied by an application fee of \$10.00 payable to the Town of Turner. The Selectmen shall have the authority to revise the fee

schedule to better reflect the actual cost to the town of administering and enforcing this Ordinance after holding a public hearing.

#### C. EXPIRATION OF APPROVALS

All Holding Tank Permit approvals shall expire one (1) year after the date of issuance unless the work there under has commenced. All work associated with the installation of a holding tank shall be completed within six (6) months from the date that work commenced.

D. All applications for a permit for a holding tank for first time disposal shall be made in writing on forms provided by the town 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;

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 part of the applicant;

5. The Holding Tank Application Form shall be accompanied by the required HHE 200 Form approved the Local Plumbing Inspector;

6. A signed agreement between the property owner and/or applicant and a transporter meeting applicable licensing requirements to pump and maintain the tank; and

7. A report or other documentation from a Site evaluator that indicates that due to site conditions, lot configuration, or other constraints, the installation of a system with a disposal field is not feasible.

#### **SECTION VIII. PERFORMANCE STANDARDS:**

The Following standards shall be utilized by the Plumbing Inspector in reviewing applications for a holding tank for first time disposal systems. The Plumbing Inspector shall approve the application unless it is found 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 Shoreland Area as defined in the Town of Turner 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 M.R.S.A. Section 4215 Subsection 2.

C. The installation of a disposal field is not feasible due to site conditions, lot configuration or other constraints.

D. The plumbing in the structure shall be modified for maximum water conservation and all water closets shall meet or exceed ASME A112.19.2 for 1.6 gallons per flush.

E. A deed covenant shall be required for structures served by a holding tank. As a minimum, the covenant shall include a statement that a holding tank is serving the structure for the disposal of human sewage and wastewater. The aforementioned statement shall be a separate stand-alone section or paragraph.

F. The agreement between the property owner and/or applicant and transporter shall be filed by the applicant in the Town Office and indicate the location of the Septage disposal site or sites. Only those sites approved by the Maine Department of Environmental Protection shall be utilized.

G. 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 the tank is pumped before it is full.

## **SECTION IX. REPORTING REQUIREMENTS:**

The applicant shall provided copies of all pumping records to the Local Plumbing Inspector by January 15th of each year.

## **SECTION X. APPEALS:**

### **A. ADMINISTRATIVE APPEALS**

The Board of Appeals, may, upon written application of an aggrieved part and after public notice, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by, or failure to act, by the Local Plumbing Inspector in the administration of this Ordinance. Such appeals shall be taken within thirty (30) days of the date of the decision.

B. The Board of Appeals shall not have the authority to allow holding tanks for first time disposal system in locations or for uses prohibited by this Ordinance.

C. An aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within 45 days from the date any decision of the Board of Appeals.

## **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, street, or body of water for 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.

**COMMERCIAL:** provisions for services on the premises, or the sale of goods to the general public on a regular basis for a charge or fee other than home occupations. For the purpose of this definition commercial shall also include the assembling, fabrication, finishing, manufacturing, packing or processing of goods. The term commercial shall not include: single family residential dwelling units, duplexes, multi-family dwelling units, mobile home parks, congregate housing, group homes, hospice, nursing homes, elderly housing complexes, hotels, motels, and dwellings or rooms for rent or lease.

**HOLDING TANK:** 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.

**LOCAL PLUMBING INSPECTOR:** a person as defined in Title 30-A M.R.S.A. Section 4221 and Title 30-A M.R.S.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 area to a year-round use.

**SHORELAND AREA:** the land area located within two hundred and fifty feet (250) feet, horizontal distance, of the normal high water line of any great pond or river; within seventy-five (75) feet of a stream; or two hundred and fifty (250) feet of the upland edge of a fresh water wetland.

**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 tubs, washing machines, sinks,

dishwashers, or other sources of water-carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

Turner HTO 10/26/95 Amended: April 12, 1997