

APPENDIX A: MODEL HOLDING TANK ORDINANCE

This Appendix is not intended to be enforced as part of the Subsurface Wastewater Disposal Rules' minimum requirements. Elements enclosed by brackets, [], must be replaced with specific language.

BE IT ENACTED AND ORDAINED by the Selectmen of the Town of Madawaska, Aroostook 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 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:

"Authority" means Selectmen of the Town of Madawaska, Aroostook County, Maine.

"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.

"Municipality" means Town of Madawaska, Aroostook 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 Authority 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 Authority must be in conformity with the provisions herein, all other ordinances of the Town of Madawaska, 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 changes. The Authority 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 Authority, 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 this Town of Madawaska, the provisions of any applicable law, the rules and regulations of the Authority, and any administrative agency of the State of Maine; and
- B. Permit only the Authority, or its agent, to collect, transport, and dispose of the contents therein.

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.

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 municipality or Authority 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. Effective date. This ordinance becomes effective five days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 18th day of November, 2014, A.D., by the Selectmen of the Town of Madawaska, Aroostook County, in lawful session duly assembled.

Selectmen of the Town of Madawaska, Aroostook County, Signatures:

Signature [Signature] Date 11/13/14

Signature [Signature] Date 11/13/14

Signature [Signature] Date 11/13/14

Signature Brenda Theriault Date 11/13/14

Signature [Signature] Date 11/13/14

Received by
Kathleen J. Pelletier
11/20/14 10:30 A.M.
Tn. Clk.