

TOWN OF PALERMO 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 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 this municipality.

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

“Holding tank” shall mean a closed, watertight 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 continuous or periodic habitation, occupancy, or use by humans or animals and from which structure waste water shall or may be discharged.

“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.

“Waste water” shall mean any domestic waste water, or other waste water from commercial, industrial, or residential sources which has constituents similar to that of domestic waste water. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

Section 3. Rights and privileges granted. The Selectmen are hereby authorized and empowered to undertake, within the Town of Palermo, the control of and methods of disposal of holding tank waste water 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 Selectmen shall be in conformity with the provisions herein, all other ordinances of the Town of Palermo, 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.

Section 5. Rates and changes. The 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 waste water from any improved property utilizing a holding tank shall be done solely by, or under the direction and control of, the Selectmen, and the disposal thereof shall be

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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 shall:

- A. Maintain the holding tank in conformance with this or any other Ordinance of the Town of Palermo, the provisions of any applicable law, the rules and regulations of the Selectmen, and any administrative agency of the State of Maine; and
- B. Permit only the Selectmen, or its agent, to collect, transport, and dispose of the contents therein.

Section 8. Violations. Any person who violates any provisions of Section 7 shall, 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 shall constitute a nuisance and shall be abated by the Selectmen of Palermo by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

Section 10. Alternative disposal. An alternative means of waste water disposal shall meet first time system criteria. Replacement system criteria shall 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 shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.

Section 13. Effective date. This ordinance shall become effective on March 10, 2001.

Attest: a true copy of an ordinance entitled "Town of Palermo Holding Tank Ordinance" as certified to me by the municipal officers of Palermo on the seventh day of February 2001.

Janet Potter
Town Clerk