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## **Holding Tank Ordinance**

**Be It Enacted And Ordained** by the Councilors of the Town of Bradley, Penobscot 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 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:

**Authority:** Shall mean the Councilors or their designated representative of the Town of Bradley, Penobscot County, Maine.

**Agent:** Shall mean the person designated in a holding tank permit to maintain a holding tank after initial installation.

**Holding Tank:** 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:** 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.

**Municipality:** Shall mean the Town of Bradley, Penobscot County, Maine.

**Owner:** Any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality.

**Person:** Any individual, partnership, company, association, corporation, or other group or entity.

**Waste Water:** Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers or other source of water-carried 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 to be in conformity with applicable law.** All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of the Town of Bradley, 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, see Subsection 301.3 of 144a CMR 241, or new construction within the Shoreland zone of a major water course.

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

A. Maintain the holding tank in conformance with this or any other Ordinance of this Town, 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 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 shall constitute a nuisance and shall 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 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 effect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.

**Section 13. Effective date.** This ordinance shall become effective thirty days after its adoption.

ENACTED AND ORDAINED, Councilors into an Ordinance this 27 day of February A.D., 1996 of the Town of Bradley of Penobscot County in lawful session duly assembled.

Councilors of the Town of Bradley

Stephen A. Cole

Lucille Grant

Thomas E. Maden

Russell Giddens

Bernard J. King

**A True Copy**

Don Thompson

Attest: Town Clerk

Don Thompson