

TOWN OF SMITHFIELD HOLDING TANK ORDINANCE

ADOPTED: March 9, 1996

Amended: **March 9, 2024**

BE IT ENACTED AND ORDAINED by the Selectmen of the Town of Smithfield, Somerset 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 indicated otherwise, the meaning of terms used in this Ordinance shall be as follows:

"Authority" shall mean selectmen of the4 Town of Smithfield Somerset County, Maine.

"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.

"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 wastewater shall or may be discharged.

"Municipality" shall mean the Town of Smithfield, Somerset 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.

"Waste water" shall mean 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 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 wastewater and the collection and transportation thereof.

SECTION 4. RULES & 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 Smithfield, all-applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine. Holding tanks cannot be used for seasonal conversion and is not allowed for a first-time residential use in the Shoreland Zone, see St of ME Subsurface Wastewater Disposal Rules, chapter 241, section 8 301.3 , or new construction, within the shoreland zone of a major watercourse.

SECTION 5. EXCLUSIVENESS OF RIGHTS AND PRIVILEGES

The collection and transportation of all wastewater 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 the Maine Department of Environmental Protection may approve sites as.

SECTION 6. 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 of Smithfield, 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 approved pumper to collect, transport, and dispose of the contents therein.
- C. Must be made of a material impermeable to sewage and odors and protected from vehicular traffic and vandalism.

SECTION 7. VIOLATIONS

Any person including but not limited to a landowner, a landowner's agent, or a contractor, who violated any provisions of Section 6 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than one hundred (\$100) dollars and not more than three hundred (\$300) dollars, plus costs. shall be penalized in accordance with 30-A, section 4452.

(See Board of Selectmen vote August 20, 2013 Town Book 2012 page 120)

NOTE: Current penalties include fines of not less than \$100 "Nor" more than \$2500 per violation for each day that the violation continues.

SECTION 8. ABATEMENT OF NUISANCES

In addition to any other remedies provided in this Ordinance, any violation of Section 6 above shall constitute a nuisance and shall be abated by municipality or Authority by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

SECTION 9. ALTERNATIVE DISPOSAL

An alternative means of wastewater disposal shall meet first time system criteria. Replacement system criteria shall not be considered.

SECTION 10. REPEAL

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

SECTION 11. 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 12. EFFECTIVE DATE

This Ordinance shall be come effective five days after its adoption.