

**CHAPTER 7**  
**HOLDING TANKS**  
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## **7.001 – TITLE**

PROHIBITING THE USE OF HOLDING TANKS.

## **7.002 – PURPOSE**

In order to protect the public health against unsanitary and unhealthful practices and conditions, and to protect the surface waters and ground waters of the Town from contamination of seepage.

## **7.003 – GENERAL PROVISIONS**

A. Sewage holding tanks are prohibited, with the following exceptions:

1. Holding tanks installed to replace existing residential and commercial septic systems, which have failed.
2. Holding tanks installed to serve a new home constructed on a farm for use of the farm operator. In order to qualify as a farm under this section, the parcel owned by the farmer must be at least 35 contiguous acres in size and must have produced gross farm revenue of at least \$6000 in each of the previous 3 years. In order to qualify as the farm operator, a person must be able to show, using tax returns or other suitable documentation, that he/she has earned at least 75% of his gross income on the farm, in each of the past three years.

Note: The purpose of this paragraph is to allow the use of holding tanks for new construction in the case of a farmer who wishes to build a home on his/her own farm. The reason for this exception is that it is considered impractical for a farmer to live away from the farm.

3. Holding tanks serving public recreational facilities located in state, county, or town parks.
4. Holding tanks serving commercial or business establishments.

B. PENALTY

Failure to comply with the provisions of this ordinance can result in a forfeiture of not less than \$75.00 nor more than \$1,000.00 for each day of noncompliance. **Rev 0707**

## **7.004 – JURISDICTION**

### **A. Appeals.**

1. Any person aggrieved by a decision or order of the Town Planning Commission may file an appeal with the Board of Appeals. Such an appeal must be filed with the Town Planning Commission within sixty (60) days of the decision or order, and shall be filed on forms provided by the Town Planning Commission. He shall then schedule a hearing with the Board of Appeals within 30 days.

### **B. Variances.**

1. The Board of Appeals may authorize, upon specific appeal by the concerned party, variances from the terms of this ordinance. Variances shall be granted only in cases where special conditions exist such that literal enforcement of this ordinance would result in an unnecessary hardship. Variances shall not be granted in cases of self-imposed hardship, or which would contradict the purposes of this ordinance or be contrary to the public interest. Variance request must be filed with the Town Planning Commission.

### **C. MEETINGS.**

1. The board of Appeals shall hear appeals and variance requests within a reasonable time of the application. The Board shall give public notice of the hearing, which shall be conducted as a public hearing. A written decision to grant or deny shall be issued within thirty (30) days.
2. The Board of Appeals shall grant no appeal or variance, which would result in an action not complying with other applicable state and local regulations and ordinances for the Town of Pittsfield.