

Chapter 110

HOLDING TANKS

§ 110-1. New construction.

§ 110-3. Variance or hardship exception.

§ 110-2. Existing buildings.

§ 110-4. Violations and penalties.

[HISTORY: Adopted by the Town Board of the Town of Pleasant Springs 11-7-1989 by Ord. No.89-1 as § 7.03 of the 1989 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction —See Ch. 70.
Nuisances-See Ch. 152.

Subdivision of Land-See Ch. 190.

§ 110-1. New construction.

Holding tanks for the collection of human sanitary liquid waste or wastewater, if intended to serve new construction, shall be prohibited. This section prohibits both installation and use of holding tanks to serve new construction.

§ 110-2. Existing buildings•

When the use of a holding tank becomes the only available alternative for the disposal of sanitary liquid waste for an existing building, the use of a holding tank shall be permitted, subject to approval by the Town of Pleasant Springs on a case-by-case basis. Application shall be made to the Town Clerk, and such application shall be considered by the Town Board to determine if the use of the holding tank is the only available alternative. Issuance of a permit for installation and use of a holding tank to serve an existing building or buildings shall further be contingent on compliance with all other applicable rules, regulations, ordinances, and statutes regarding such installation and use.

§ 110-3. Variance or hardship exception. [Amended 11-4-2003]

Any person or entity aggrieved by the application of this chapter to a property owned by that person or entity shall be entitled to apply for a variance or an extraordinary hardship exception to the Town Board. Such application for variance or extraordinary hardship exception shall be made to the Town Clerk on a form furnished by the Clerk, and the Town Board shall consider relevant facts and circumstances, including but not limited to the following:

- A. Whether any other type of private or public sewage system is available to serve the subject premises.
- B. Whether the proposed installation and use of a holding tank would have adverse environmental effects or would adversely affect the public health, safety and welfare.

- C. The alternative uses available for the subject property and the economic injury to the owner.
- D. The historic zoning of the property, the use made thereof, and whether or not the parcel in question was created as a separate parcel prior to the effective date of this chapter.

§ 110-4. Violations and penalties. [Amended 11-4-2003]

Any violation of this chapter shall be punishable upon conviction as provided in Chapter I, General Provisions, § I-I of this Code. The Town of Pleasant Springs shall further be entitled to abate the violation of this chapter by any appropriate legal means, including obtaining an injunction, declaratory relief and enlisting the aid of enforcement mechanisms available to other governmental agencies.