

TOWN OF MACHIASPORT

JUNKYARD ORDINANCE

Ordinance to Regulate Junkyards, Automobile Graveyards, and Automobile Recycling Businesses
(FINAL DRAFT accepted by Planning Board on February 13, 2003, forwarded to Board of Selectmen on March 3, 2003).

Section 1. Purpose

The purpose of this ordinance is to provide adequate controls to ensure that junkyards, automobile graveyards, and automobile recycling businesses do not have a deleterious impact on the public's health, safety, and general welfare and to further ensure that persons who meet the definition of owner or operator of junkyards, automobile graveyards, and automobile recycling businesses without intent also comply with the requirements of this ordinance.

Section 2. Authority

This ordinance is enacted pursuant to Title 30-A MRSA, Section 3001 et seq., and Section 3751 et seq.

Section 3. Applicability

This ordinance shall apply to all junkyards, automobile graveyards, and automobile recycling businesses as defined in Title 30-A MRSA, Section 3752. It is not limited to commercial operations and also applies to any parcel of land or other property that meet the definition of junkyard, automobile graveyard, and automobile recycling businesses contained herein regardless of the intent of the owner or operator of said parcel to operate a junkyard, automobile graveyard, or automobile recycling business.

Section 4. Administration

4.1 This ordinance shall be administered by the municipal officers.

4.2 No person or entity may establish, operate, or maintain a junkyard, automobile graveyard, or automobile recycling business without first obtaining a permit from the municipal officers. No such permit shall be issued unless the provisions of this ordinance are met.

4.3 Upon receipt of an application for a permit, the municipal officers shall hold a hearing in accordance to the provisions of Title 30-A MRSA, Section 3754.

4.4 Permits shall be non-transferable. To remain valid, permits shall be renewed annually following an inspection of the premises by the municipal officers, or their agent, to assert continued compliance with the provisions of this ordinance.

4.5 The permit fee shall be determined by Title 30-A MRSA, Section 3756.

Section 5. **Permit**

5.1 Any permit application for a junkyard, automobile graveyard, or automobile recycling business shall be addressed to the municipal officers and contain the following information:

A. The name and address of the property owner and the name and address of the person or entity who will operate the site.

- B. A site plan drawn to scale not to exceed 1”-100’, on which is shown
- the boundary lines of the property
 - a description of the soils on the property
 - the location of any aquifer or aquifer recharge area, as mapped by the Maine Geological Survey or a licensed geologist
 - the location of any residence or school within 500 feet of the area where vehicles, appliances, and other equipment will be stored
 - the location of any water body on the property or within 200 feet of the property lines
 - the boundaries of the 100-year flood plain
 - the location of all roads within 1000 feet of the site
 - a plan for containment of fluids, containment and disposal of batteries, and storage or disposal of tires
 - the location within the property boundary lines where vehicles, appliances, and other equipment will be drained, dismantled, or stored.

5.2 The municipal officers may issue a permit to a junkyard, an automobile graveyard, or an automobile recycling business if the applicant demonstrates that the business meets the operations standards set forth in Section 6 of this ordinance.

Section 6. **Siting and Performance Standards**

The following siting and performance standards are required of all junkyards, automobile graveyards, and automobile recycling businesses including those not holding a valid license issued by the Town of Machiasport as of the date of adoption of this ordinance.

6.1 Unless it is located at least 600 feet from any highway (Title 30-A MRSA, Section 3755) the site must be screened to ordinary view from the highway at all times by natural objects, plantings, or fences. If used, a fence or visual screen at least 6 feet in height must be built in accordance with the Maine Department of Transportation rules issued pursuant to Title 30-A MRSA, Section 3759. The height of the screen shall be adequate to hide all materials located inside the fence. At no time can the materials located inside the fence be placed in a manner that would make them visible from outside the fence.

- 6.2 Upon reception on site of any vehicle, appliance, or equipment
- no discharge of any fluid from any vehicle, appliance, or equipment shall be permitted into or onto the ground
 - the battery, freon, and parts containing mercury shall be removed, recycled, or disposed of according to all applicable Federal and State laws, rules, and regulations

- the engine lubricant, transmission fluid, brake fluid, engine coolant, and other fluids shall be drained into watertight, covered containers. Those fluids shall be stored on a concrete base in a sheltered area and shall be recycled or disposed of according to all applicable Federal and State laws, rules, and regulations
- proof of where the materials are being recycled or disposed of must be provided to the municipal officers.

6.3 No vehicle, motor, transmission, or equipment containing fluids or parts containing mercury shall be stored or dismantled within 200 feet of any body of water or freshwater wetland, as defined by Title 38, Section 436-A, Subsection 5.

6.4 No vehicle, motor, transmission, or equipment containing fluids or parts containing mercury shall be stored or dismantled within 500 feet of any school, church, public playground, or public park that existed on the date that the permit was issued.

6.5 No vehicle, motor, transmission, or equipment containing fluids or parts containing mercury shall be stored or dismantled over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.

6.6 No vehicle, motor, transmission, or equipment containing fluids or parts containing mercury shall be stored or dismantled within the 100-year flood plain.

6.7 No vehicle, motor, transmission, or equipment containing fluids or parts containing mercury shall be stored or dismantled within 100 feet of a well that serves as a public or private water supply, excluding a private well that serves only the business or the owner or the operator's abutting residence.

6.8 No vehicle, motor, transmission, or equipment containing fluids or parts containing mercury shall be stored or dismantled within 200 feet from any lot line unless the operator has notarized written permission from the abutting property owner.

6.9 To reduce noise, all dismantling of motor vehicles shall be done after 7am and before 6pm Mondays through Saturdays. The crushing of motor vehicles is subject to the above schedule though temporary suspension of the rule can be obtained from the municipal officers for good cause.

Section 7. Enforcement and Permit Revocation

7.1 This ordinance shall be enforced by the municipal officers, the county law officers, and the State Police as provided in Title 30-A MRSA, Section 3758. Any violation of this ordinance shall also be deemed a nuisance within the meaning of Title 17 MRSA, Section 2802 and the violator shall be subject to the penalties set forth in Title 30-A MRSA, Section 4452 and any other remedy available by law.

7.2 The municipal officers may suspend or revoke a license upon cause, notice, and hearing for any violation of this ordinance.

Section 8. **Effective Date and Amendment**

This ordinance shall become effective on the date of adoption and may be amended by a vote of the legislative body.

Section 9. **Severability and Conflict**

In the event that any provision of this ordinance is ruled to be invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect. In the event that any provision of this ordinance conflicts with State statute, the local ordinance shall govern.

Section 10. **Definitions**

- 10.1 **Junkyard:** “Junkyard” means a yard, field, other area, or property used to store
- discarded, worn out, or junked plumbing, heating supplies, household appliances and furniture
 - discarded, scrap, and junked lumber
 - old or scrap metals, rope, rags, batteries, paper trash, rubber debris, waste, and other scrap of ferrous or nonferrous material
 - garbage dump, waste dump, and sanitary fill
 - old, worn out, discarded furniture, tires, and other material items that may reasonably be considered to be of insignificant market value. The mere declaration that items are for sale do not make those items something other than junk.

- 10.2 **Automobile Graveyard:** “Automobile graveyard” means a yard, field, other area, or property used to store 3 or more unserviceable, unregistered, discarded, worn out, or junked
- motor vehicles as defined in Title 29-A MRSA, Section 101, Subsection 42
 - snowmobiles as defined in Title 12 MRSA, Section 7821
 - All Terrain Vehicles as defined in Title 12 MRSA, Section 7851
 - or parts of such vehicles.

A. “Automobile graveyard” includes an area used for automobile dismantling, salvage, and recycling operations.

B. “Automobile graveyard” **does not include** any area used for **temporary storage** by an establishment or place of business that is primarily engaged in doing automobile repair work or auto body repair work to render a motor vehicle serviceable.

- C. “Automobile graveyard” **does not include**
- an area where used cars that are for sale are being displayed
 - an area where unregistered farm or business equipment is stored
 - an area where casual sale of personal vehicles take place.

10.3 **Automobile Recycling Business:** “Automobile recycling business” means the business premises of a person or entity who acquires salvage vehicles for the purpose of

- reselling the vehicles or their component parts
- repairing or rebuilding the vehicles for resale
- selling the basic materials in the salvage vehicle

provided that 80% of the business premises specified in the permit application’s site plan is used for automobile recycling operations.

10.4 **Recycling or Recycling Operations:** “Recycling or recycling operations” means the dismantling of motor vehicles, appliances, and other pieces of equipment for the purposes of

- reselling their component parts or basic materials
- repairing or rebuilding those vehicles, appliances, and other pieces of equipment for resale.

10.5 **Dismantling:** “Dismantling” shall mean the removal of multiple parts from a motor vehicle, appliance, or other equipment for the purpose of salvaging those parts and disposing of the remains.

10.6 **Non-transferable Permit:** “Non-transferable permit” means that a permit issued under this ordinance may not be transferred to another individual or entity. In the event of the sale of a Junkyard, Automobile Graveyard, or Automobile Recycling Business, the new owner must apply for a new permit.

10.7 **Temporary Storage:** “Temporary storage” under this ordinance means the storage of any material or vehicle for a period of time not exceeding 90 days.

10.8 **Other Property:** “Other property” under this ordinance means a property other than real estate property (derelict storage trailer, barge, etc.) used to store items normally found in a junkyard as defined in Section 10.1 of this ordinance.

Section 11. **Disputes**

Written appeals to the provisions of this ordinance shall be addressed to the Board of Appeals of the Town of Machiasport.