

**TOWN OF GOULDSBORO
ORDINANCE TO REGULATE AUTOMOBILE
GRAVEYARDS, JUNKYARDS AND AUTOMOBILE
RECYCLING BUSINESSES**

Revised: June 2007

Section 1. Purpose

The purpose of this ordinance is to provide adequate controls to ensure that automobile graveyards, junkyards and automobile recycling businesses do not have a deleterious impact on the public health, safety, and general welfare.

Section 2. Authority

This ordinance is enacted pursuant to 30-A M.R.S.A. s3001 et seq. and s3755 et seq.

Section 3. Applicability

This ordinance shall apply to all automobile graveyards, junkyards and automobile recycling businesses as defined in 30-A M.R.S.A. s3752 and as defined in s12 of this ordinance.

Section 4. Administration

- 4.1 This ordinance shall be administered by the municipal officers. No automobile graveyard, junkyard or automobile recycling business permit shall be issued unless the provisions of this ordinance are met.
- 4.2 Upon receipt of an application, the municipal officers shall hold a hearing in accordance with 30-A M.R.S.A. s3754. Upon receipt of a new application the municipal officers shall provide notification in writing to all abutters within one thousand (1000) feet of the property line and hold a hearing in accordance with 30-A MRSA Section 3754.
- 4.3 All applications for permits must be made by September 1st. Failure to file applications by September 1st will result in late fees/penalties to be assessed by the Board of Selectmen in the minimum amount of one hundred dollars (\$100.00) and the maximum amount of twenty-five hundred dollars (\$2500.00). Permits shall be renewed annually on October 1st to remain valid. (Automobile recycling business permits, however, shall be valid for 5 years.) Once the site plan is approved it does not have to be resubmitted unless changes are made on the site. The municipal officers shall semi-annually inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state laws are complied with. No permit may be granted for any automobile graveyard or junkyard established after October 1973, and located within one hundred (100) feet of any highway.

4.4 The municipal officers shall collect all fees in accordance with the fee schedule prior to the issuance of any and all permits required by this ordinance as follows:

- A- More than 100 feet from highway. Fifty dollars for each permit for an automobile graveyard or junkyard located more than 100 feet from any highway, plus the cost of posting and publishing the notice under section 3754; and
- B- Within 100 feet from highway. Two hundred dollars for each permit for an automobile graveyard or junkyard located within 100 feet from any highway, plus the cost of posting and publishing the notice under section 3754.
- C- Recycling business. Two hundred fifty dollars for a 5-year permit for an automobile recycling business plus the cost of posting and publishing the notice under section 3754.

Section 5. Permit Required

No person may establish, operate or maintain an automobile graveyard, junkyard or automobile recycling business without first obtaining a nontransferable permit from the municipal officers.

Section 6. Submission Requirements

Any application for an automobile graveyard, junkyard or automobile recycling business permit shall contain the following information:

- 6.1 The property owner's name and address and the name and address of the person or entity who will operate the site.
- 6.2 A site plan drawn to a scale not to exceed 1"-100', on which is shown:
 - A- the boundary lines of the property
 - B- the soils
 - C- the location of any sand and gravel aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist
 - D- the location of any residences or schools within 500 feet of the area where vehicles will be placed
 - E- the location of any waterbodies on the property or within 200 feet of the property lines
 - F- the boundaries of the 100-year flood plain
 - G- the location of all roads within 1000 feet of the site
 - H- the location of any well within 100 feet of property lines
 - I- indicate area within property boundaries to be used for storage and/or dismantling of vehicles and junkyard operations
 - J - a plan for the containment of fluids, contaminants. and disposal of batteries, and storage or disposal of tires.
- 6.3 A list of names and addresses of all abutters within one thousand (1000) feet of the property line.

Section 7. Performance Standards

The following performance standards are required of all automobile graveyards, junkyards and automobile recycling businesses, whether new or existing:

- 7.1 The site if visible from any public or private way or adjoining developed or inhabited residential or commercial property, must be enclosed by a visual screen at least 6 feet in height and built in accordance with Department of Transportation rules issued pursuant to 30-A M.R.S.A. s3759.
- 7.2 No vehicle shall be stored within 300 feet of any waterbody or inland wetland.
- 7.3 No vehicle shall be stored within 500 feet of any school, church or public playground or public park.
- 7.4 No vehicles shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.
- 7.5 No vehicles shall be stored within the 100-year flood plain.
- 7.6 Upon arrival for either storage, salvage, or dismantling of a motor vehicle, the battery shall be removed, and the engine lubricant, fuel, transmission fluid, brake fluid, differential/ rear-end fluid, and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground.
- 7.7 A vehicle may not be dismantled or stored within one hundred (100) feet of a well that serves as a public or private water supply, excluding a private well that serves only the automobile recycling business or the owner or operators abutting residence. A vehicle may not be located or dismantled closer than twenty (20) feet from any lot line, unless the operator has notarized written permission from the abutting property owner.
- 7.8 There is no open burning of any substance.
- 7.9 There is no disposal or release to the environment of any solid, special or hazardous wastes.
- 7.10 Inspections will be made by municipal officers or/and their agent of all permitted businesses semi-annually, (the first inspection being made before June 1st). Inspections will be made during regular operating hours after contacting the operator. In addition all written complaints will also be responded to by the municipal officers and/or their agent. See 4.3
- 7.11 A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale, and the date (or dates) upon which all fluids, refrigerants, batteries, and mercury switches were removed.

Section 8. Violation

- 8.1 Enforcement. The State Police as well as local and county law officers shall enforce this subchapter. Municipal Officers or their designee may also enforce this subchapter.
- 8.2 Penalties. Any violator of this ordinance shall pay to the town, upon its complaint, a civil penalty assessed by the Municipal Officers or the District Court in the minimum amount of one hundred (100) dollars and the maximum amount of twenty-five hundred (2500) dollars. In addition, the town may request from the court an order

that the violator correct or abate the violations, and that the violator pay its reasonable attorney fees, expert witness fees, and costs. Each day that the violation continues constitutes a separate offense.

The municipal officers are hereby authorized, in lieu of formal court action; to enter into a consent agreement with any violator which provides for the correction or abatement of the violation and may provide for the payments specified above.

- 8.3 Revocation or Suspension of Permit. Violation of any condition, restriction or limitation inserted in a permit by the municipal officers or county commissioners is cause for revocation or suspension of the permit by the same authority that issued the permit. No permit may be revoked or suspended without a hearing and notice to the owner or operator of the automobile graveyard, recycling business or junkyard. Notice of hearing must be sent to the owner or operator by registered mail at least seven (7) but no more than fourteen (14) days before the hearing. The notice must state the time and place of hearing and contain a statement describing the alleged violation of any conditions, restrictions, or limitations inserted in the permit.

Section 9. Appeals

Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may within thirty (30) days of the denial, suspension or revocation, appeal the decision to the municipal Board of Appeals as defined in Title 30-A M.R.S.A., Section 2691. The municipal Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, revocation or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality and/or was issued in an argumentative and capricious manner.

Section 10. Effective Date and Amendment

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

Section 11. 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 provisions of this ordinance conflicts with State statute, the State statute shall govern.

Section 12. Definitions

Automobile Graveyard: A yard, field, or other area used to store three or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of such vehicles; includes an area used for automobile dismantling, salvage and recycling operations. Auto graveyard does not include any area used for temporary storage [ninety (90) days] by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.

Automobile Recycling Business: The business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles, or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C, is used for automobile recycling operations.

Automobile Repair/Body Shop: A business establishment whereby vehicles are held less than ninety (90) days, and engaged in general repair, engine rebuilding, or parts replacement, or body, frame or fender straightening, and repair or painting and undercoating, or the sale of gasoline, other motor fuels or motor oil.

Junkyard: A yard, field, or other outside area used to store, dismantle or otherwise handle:

- A. discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances, metal and furniture;
- B. discarded, scrap and junked lumber;
- C. old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous and non ferrous material;
- D. garbage dumps, waste dumps, and sanitary landfills; and
- E. discarded vehicle tires.

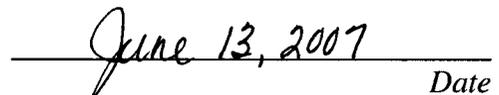
Road: An existing State, county, or town way or a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds or a road dedicated for public use and shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "road" shall not include those ways that have been discontinued or abandoned.

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.



Attested

*Yvonne P. Wilkinson
Clerk of Gouldsboro*



Date