

## **Ordinance to Regulate Automobile Graveyards and Junkyards**

### **Section I. Purpose**

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

### **Section II. Definitions**

- A. Automobile graveyard. "Automobile graveyard" means a yard, field or other area used to store 3 or more unserviceable, discarded, worn-out or junked motor vehicles as defined in Title 29-M.R.S.A., Section 1, subsection 7, or parts of such vehicles.
1. "Automobile graveyard" does not include any area used for temporary storage by an establishment or place of business which is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.
- B. Highway. "Highway" means any public way.
- C. Junkyard. "Junkyard" means a yard, field or other area used to store:
1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
  2. Discarded, scrap, and junked lumber;
  3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel, and other scrap ferrous or nonferrous material; and
  4. Garbage dumps, waste dumps and sanitary fills.

### **Section III. Authority**

This ordinance is enacted pursuant to 30-A M.R.S.A. §3001 et seq. and §3751 et seq.

### **Section IV. Applicability**

This ordinance shall apply to all automobile graveyards and junkyards as defined in 30-A M.R.S.A. §3752.

### **Section V. Administration**

- A. This ordinance shall be administered by the Selectpersons. No automobile graveyard or junkyard permit shall be issued unless the provisions of this ordinance are met.
- B. Upon receipt of an application, the Select persons shall hold a hearing in accordance with 30-A M.R.S.A. §3754.

- C. Permits shall be renewed annually to remain valid. Once the site plan is approved it does not have to be resubmitted unless changes are made on the site. The municipal officers shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state law are complied with.
- D. The municipal officers shall collect, in advance from the applicant for a permit, a fee in accordance with the following schedule:
  - 1. 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 Title 30-A M.R.S.A., Section 3754; and
  - 2. 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 Title 30-A M.R.S.A., Section 3754.

Section VI. Permit Required.

No person may establish, operate or maintain an automobile graveyard or junkyard without first obtaining a nontransferable permit from the Select persons.

Section VII. Submission Requirements.

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

- A. The property owner's name and address and the name and address of the person or entity who will operate the site.
- B. A site plan drawn to a scale not to exceed 1"=100', on which is shown:
  - 1. the boundary lines of the property
  - 2. the soils
  - 3. the location of any gravel aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist
  - 4. the location of any residences or schools within 500 feet of the area where cars will be placed
  - 5. the location of any water-bodies on the property or within 200 feet of the property lines
  - 6. the boundaries of the 100-year flood plain
  - 7. the location of all roads within 1000 feet of the site

Section VIII. Performance Standards.

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

- A. Screening is required and must be well constructed and properly maintained at a minimum height of 6 feet and acceptable to the municipal officers. The automobile graveyard or junkyard is to be kept entirely screened to ordinary view from the public way

and abutting landowners at all times by natural objects, plantings, or fences and built in accordance with Department of Transportation rules issued pursuant to 30-A M.R.S.A. §3759. This is required to minimize degradation and displeasure to surrounding properties as well as the impact on the inhabitants of those properties.

- B. No vehicle shall be stored within 300 feet of any water-body or inland wetland.
- C. No vehicle shall be stored within 500 feet of any private well, school, church, or public playground or public park.
- D. 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.
- E. No vehicles shall be stored within the 100-year flood plan.
- F. Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake 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 on to the ground.
- G. No vehicle shall be located closer than 100 feet from any lot line. The automobile graveyard or junkyard shall be placed at least 200' from any public way. It shall also be at least 100' from abutting landowners.
- H. To reduce noise, all dismantling of motor vehicles shall take place within a building, and shall be done after 7 a.m. and before 6 p.m. Mondays through Saturdays.
- I. A cleared gravel area must be maintained to place vehicles on. A distance of at least 10 feet is to be maintained between the vehicles and the vegetation surrounding the automobile graveyard or junkyard. The purpose of this restriction is for fire protection.
- J. A cement pad covered with a roof to shelter used fluids from the elements. The cement pad shall have a lip to prevent fluids from leaking off from the pad. The purposes of this restriction is to prevent the leaching of used fluids into the soil.
- K. Before the automobile graveyard or junkyard application is considered, the applicant must seek approval by the Planning Board of the Town of Sidney of a commercial enterprise as well as any additional ordinance requirements that are pertinent to the graveyard or junkyard.
- L. Adequate fire protection equipment must be available to subdue any type of fire that may occur at the automobile graveyard or junkyard; fire extinguishers, water, fire blankets, etc.

#### Section IX. Enforcement

This ordinance shall be enforced by the municipal officers or their authorized agents in accordance with state law. Any violation of this ordinance shall also be deemed a nuisance within the meaning of 17 M.R.S.A. §4452 and any other remedy available at law.

#### Section X. 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 XI. Severability and Conflict

- A. 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 State statute shall govern.
- B. The effective date of this ordinance is March 16, 1991.