

TOWN OF SEARSPORT

ORDINANCE TO REGULATE JUNKYARDS, AUTOMOBILE GRAVEYARDS AND AUTOMOBILE RECYCLING BUSINESSES

Section 1. Purpose

The purpose of this ordinance is to provide adequate controls to insure that the existence of automobile graveyards, junkyards and automobile recycling businesses does not have a deleterious effect on the Town's health, safety, environment and general welfare.

Section 2. Authority

This ordinance is enacted pursuant to Title 30, M.R.S.A. Section 3001 et. seq. and Section 3751 et. seq.

Section 3. Applicability

This ordinance shall apply to automobile graveyards, junkyards and automobile recycling businesses as defined in 30, M.R.S.A. Section 3751 et. seq. This does not preclude some of these from also being licensed pursuant to the State of Maine Solid Waste Regulations or Department of Environmental Protection requirements.

Section 4. Definitions

As used in this ordinance, unless the context otherwise indicates, the following definitions apply:

4.1 "Automobile Graveyard" a yard, field or other area used to store three or more unserviceable, discarded, worn-out or junked motor vehicles or parts of such vehicles.

A. "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. "Automobile Graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

4.2 "Automobile Recycling Business" means the business premises of a person who purchases or acquires salvage vehicles for the purpose of re-selling 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 8.2 is used for automobile recycling operations.

4.3 "Highway" means any public way.

4.4 "Junkyard" means a yard, field or other area used to store:

A. Discarded, worn-out or junked plumbing, heating supplies, household appliances 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 or non-ferrous materials.

D. Garbage dumps, waste dumps and sanitary fills.

4.5 "Recycling or Recycling Operations" means the dismantling of motor vehicles for the purpose of re-selling the 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.

4.6 "Non-conforming" means a junkyard, automobile graveyard or automobile recycling business, which at the effective date of adoption or amendment of this ordinance does not meet the standards required by this ordinance.

4.7 "Motor Vehicle" means any self-propelled vehicle not operated exclusively on tracks.

4.8 "Temporary storage" means a period of not more than 90 days.

Section 5. Administration

5.1 This ordinance shall be administered by the Searsport Board of Selectmen. No junkyard, automobile graveyard or automobile recycling business permits shall be issued unless the provisions of this ordinance are met.

5.2 Upon receipt of an application, the Searsport Board of Selectmen will hold a public hearing in accordance with Title 30-M.R.S.A. Section 3754.

5.3 All permits, including recycling facility, must be renewed annual in order to remain valid . Once the site plan has been approved it does not have to be resubmitted unless changes are made on the site. The municipal officers or their designee shall annually inspect, or cause to be inspected, the site to insure that the owner/operator is operating in compliance with the provisions of this ordinance and of the state law.

5.4 There shall be no grandfather clause, so called, permitting uses in existence prior to the enactment of this ordinance to continue.

Section 6. Permit Fee

The municipal officers shall collect, in advance, from the applicant for a permit, a fee in accordance with the following schedule:

A. Automobile graveyard or junkyard more than 100 feet from the highway. Fifty dollars (\$50:) 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 5.2 of this ordinance.

B. Automobile graveyard or junkyard with in 100 feet from highway. Two Hundred dollar (\$200) 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 5.2 of this ordinance.

C. Recycling business. Fifty dollars (\$50) for a one (1) year permit for an automobile recycling business plus the cost of posting and publishing the notice under Section 5.2 of this ordinance.

Section 7. Permit

7. 1 No person may establish, operate or maintain an automobile graveyard or junkyard without first obtaining a non-transferable permit from the Seaport Board of Selectmen.

7. 2 Those licensed automobile graveyards, junkyards and/or automobile recycling businesses in existence prior to enactment of this ordinance shall be required to comply with the provisions of the ordinance within one year after its enactment.

Section 8. Submissions Requirements

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

8.1 The property owner's name and address, and the name and address of the person who will operate the site.

8.2 A site plan drawn to a scale not to exceed 1" = 100' on which is shown:

- (a) The boundary line of the property
- (b) Location and dimension of the graveyards, recycling business or junkyard. All buildings, processing equipment, operating pads, storage area for any oils, PCB's battery acid or other liquids having the potential of being generated and visual screening.
- (c) The location of any residences or schools within 500 feet of the area where cars or junk might be placed.
- (d) The location of any and all gravel aquifer recharge areas as mapped by the Maine Geological Survey or by a licensed geologist
- (e) The location of any water bodies or streams on the property or within 400 feet of the property lines.
- (f) The boundaries of the 100 year floodplain.
- (g) The location of all roads within 1,000 feet of the site.
- (h) The location of all public water supplies within 1000 feet and private water supplies within 750 feet.

8.3 Verification that all abutting property owners have been notified in writing by the applicant that an application has been filed for an automobile graveyard, junkyard or automobile recycling business.

8.4 An operating manual which addresses all of the following

- (a) Access to the facility. The operator shall provide barriers or fencing and gates to limit unauthorized persons from gaining access to the site.
- (b) Routine maintenance and general cleanliness of the entire facility site as well as litter removal.
- (c) Method of handling of and disposal of washdown
- (d) A schedule of and copies of contracts for the removal of stored wastes.

8.5 Provide evidence of ownership of the land or written authorization for the use of the land for the purpose outlined in the application.

Section 9. Performance standards for Automobile Graveyards/ Recycling Businesses

The following performance standards are required of all automobile graveyards/automobile recycling businesses except for sites determined to be non-conforming at the time of the adoption of this ordinance.

9.1 The site of the yard must be enclosed by a visual screen at least six (6) feet in height and built in accordance with rules adopted by the Department of Transportation pursuant to 30-A M.R.S.A. Section 3759.

The pertinent portions of the rules are appended hereto as enclosure (1)

9.2 No vehicle shall be stored within 300 feet of any waterbody or inland wetland.

9.3 No vehicle shall be stored within 500 feet of any school, church or public playground or park that existed at the time of the initial application.

9.4 No vehicle shall be stored within 300 feet of a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.

9.5 No vehicles shall be stored within the 100-year floodplain.

9.6 No vehicles shall be stored within 500 feet of an abutting residence or within 100 feet of an abutting property line unless the owner/operators has notarized, written permission from the abutting property owner. No vehicles shall be stored within 750 feet of the public or private water supply, excluding a private well that serves only the business or the owner's /operator's abutting residence.

9.7 Dismantling of a vehicle must be performed in accordance with the following standards.

(a) The battery must be removed.

(b) Engine lubricant, transmission fluid, brake fluid and engine coolant must be drained into a watertight, covered container and must be recycled or disposed of in accordance with applicable federal or state laws, rules or regulations. A system of containment must also be utilized wherever these fluids are stored, and the storage containment must exceed 110% of the volume of fluid containers. Records shall be maintained to verify amounts and disposal methods used for handling these fluids

(c) Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.

(d) Any recycling operation must comply with all applicable federal or state laws related to hazardous materials.

9.8 No vehicle shall be located closer than 100 feet from any lot line or public road in existence at the time of the initial application.

9.9 There shall be no open burning of any substance.

9.10 There shall be no disposal or release to the environment of any solid, special or hazardous waste.

Section 10. Performance Standards/Junkyards

The following performance standards apply to all junkyards:

10.1 Meet all performance standards outlined by Section 10 of this ordinance

10.2 Establish and maintain a plan to minimize any fire hazard at the facility by providing sufficient on-site equipment, e.g. fire extinguishers maintained in proper working order.

10.3 Substitute the word "junk" for the word "vehicle" when applying Section 10 to performance standards for junkyard.

10.4 Provide and maintain a ground and surface water quality monitoring plan to test for the presence of contaminants such as oil, acid metals, PCB's etc. Costly test should be unnecessary if all of the performance standards are followed and verified.

Section 11. Enforcement

This ordinance shall be enforced by the municipal officers or their authorized agents in accordance with Title 30-A, M.R.S.A. Subsection 4452.

Section 12. Effective Date and Amendment Procedures

This ordinance shall become effective 30 days after adoption by the legislative body and may be amended only by a vote of the legislative body.

Section 13. 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 state statute shall govern.

Adopted March 14, 1995

ENCLOSURE 1

Screening:

Screening may be accomplished by natural or man-made objects, plantings or property constructed fences, any or which must completely screen the junkyard from ordinary view from any portion of any highway within the prescribed distances throughout the entire calendar year, all of which shall be outside of the highway right -of-way limits.

Natural or man-made objects may be interpreted to be

1. Hills, gullies, or embankments. Such man-made objects must be constructed to blend with the landscape with loaming and seeding or other treatment as may be necessary to establish a natural appearance.
2. Buildings or other installations.
3. Combinations of above.

Plantings:

Trees, shrubs, or other vegetation of sufficient height, density and depth of planting or growth to completely screen in the junkyard from ordinary view from any highway within the prescribed distance throughout the entire calendar year may be used for screening.

Fences:

Fences shall be so located and of sufficient height to completely screen the junkyard from ordinary view from any highway within the prescribed distances. Although the minimum height of any fence is stated to be six feet, it must be emphasized that height must be sufficient to accomplish the complete screening from ordinary view. All fences shall be well constructed and maintained. Only sound undamaged material, uniform in appearance, and erected in a workmanlike manner will be acceptable.

Suggested Materials:

Posts: Wood – sound, round or square, preferably cedar, hackmatack, spruce, or fir Preservative treatment with creosote oil or cuprinol is suggested. 4" x 4" minimum (square) or 4" minimum diameter (round).

Metal – Steel pipe or structural section steel either galvanized or base coat painted with red lead or other rust inhibitive paint.

All posts to extend a minimum of 4 feet below ground level and to be set plumb. Recommended post spacing 8' to 12'. End and corner posts to be diagonal braced to nearest adjacent post.

Stringers: Minimum 2 x 4 – Spruce or Fir – Sound and free of excessive or weakening knots, and relatively free from warp or wain, preferably treated with creosote or cuprinol after cutting to length. Solidly spiked to wood posts or bolted to metal posts. Three stringers for 6 or 8 foot height of fence, 4 stringers for 10 or 12 foot height. Over 12 foot height would require a special design.

Steel pipe or structural section stringers may be used. These should be either galvanized or base coat painted with red lead or other rust inhibitive paint.

Facing Materials:

Facing material may be wood, composite, sheet metal or plastic. Although new material will not be a requirement, bent, damaged, poor quality, scrap, discarded, mixed or conglomerate materials will not be acceptable,

Suggested material would be sound, new or used boards; exterior grade hardboard or plywood; corrugated steel, aluminum, or plastic.

It is suggested that all fastenings be galvanized nails, spikes, bolts, clamps, etc. , and that all wood materials be treated with either a creosote oil base stain or cuprinol (with color additive) to preserve and prolong the life of the fence and to present a uniformity of appearance.

Since wind damage is a problem with any fence, bracing may be required and certainly would be essential on any fence over 8 feet in height. In board fence construction, relief of wind pressure may be achieved by placing the boarding alternatively on outside and inside of stringers with the spacing to be such that edges overlap enough to present a solid appearance and effectively screen the junkyard from ordinary view.