



TOWN OF MACHIAS
TOWN OFFICE
70 COURT STREET - P. O. BOX 418
MACHIAS, MAINE 04854



***ORDINANCE TO REGULATE AUTOMOBILE GRAVEYARDS, JUNKYARDS AND
AUTOMOBILE RECYCLING BUSINESSES***

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 Section 12 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.
- 4.3. Permits shall be renewed annually on January 1 to remain valid except that automobile recycling business permits 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 annually inspect, or cause to be inspected, the site to ensure compliance with this ordinance and state law. No permit may be granted for any automobile graveyard or junkyard established after October 1973, located within one hundred feet of a highway.
- 4.4. The municipal officers or county commissioners shall collect, in advance from the applicant for a permit, a fee in accordance with the following schedule:

- A. More than 100 feet from 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 3754; and
- B. Within 100 feet from highway. Two hundred dollars (\$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 3754.
- C. Recycling business. Two hundred fifty dollars (\$250) 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. a description of the soils on the property
 - 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 of within 200 feet of the property lines
 - F. the boundaries of the 100-year flood plain
 - G. the location of all roads within 1,000 feet of the site

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 property, must be enclosed by an appropriate visual screen at least 8 feet in height and built in accordance with Department of Transportation rules issued pursuant to 30-A M.R.S.A. s3759 and maintained in proper condition.
- 7.2. The storage of vehicles and scrap products shall comply with the town's shoreland zoning ordinance.
- 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 dismantling 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 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 operator's abutting residence.
- 7.8. There shall be no open burning of any substance.
- 7.9. There shall be no disposal or release to the environment of any solid, special or hazardous wastes.
- 7.10. Inspections will be made semi-annually by municipal officers or/and their agent of all permitted businesses. Inspections will be made during regular operating hours after contacting the operator. The municipal officers and/or their agent shall respond to all written complaints. See Section 4.3.

Section 8. Violation

8.1. Enforcement

The State Police as well as local and county law officers may 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 District Court in the minimum amount of one hundred dollars (\$100) and the maximum amount of twenty-five hundred dollars (\$2,500). 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 would provide 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 30A MRSA, 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 provision of this ordinance conflicts with State statute, the State statute shall govern.

Section 12. Definitions

Automobile Graveyard: A yard, field, or other area used as a place of storage, other than temporary storage, by an establishment or place of business which engages primarily in doing auto body repair work or making repairs for the purpose of rendering a motor vehicle serviceable, for three (3) or more unserviceable, discarded, worn-out, unregistered, or junked motor vehicles - as defined in Title 29, section 1, subsection 7, or parts thereof.

Junk Yard: A yard, field, or other area used as a place of storage for:

- a) discarded, worn-out, or junked plumbing, heating supplies, household appliances, metal and furniture
- b) discarded, scrap or junked lumber
- c) old or scrap copper, brass, aluminum, rope, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous and non-ferrous material
- d) discarded vehicle tires

Recycling or recycling operations: the dismantling of motor vehicles for the purpose of reselling its component parts or rebuilding or repairing salvage vehicles for the purpose of resale or reselling the basic materials in the salvaged vehicles.

Highway: any/all state, county, town roads, including a private road which is a through road or any dead end road in which there are three (3) residents beyond the establishment seeking to be licensed (the establishment, in this case, will be required to provide visual screening).

Street: any way which is used by the public which provides access to at least six (6) lots, or any way which crosses into an abutting town or territory.

Certified:

Date: 6/10/97

Edward Eden

Melrose A. Buel

Carl J. [Signature]

Land [Signature]

Machias Board of Selectmen

Enacted at Town Meeting on June 24, 1997

Attest:

Joline M. Hooper

Joline M. Hooper / Town Clerk