

**CODE ENFORCEMENT OFFICE
Town of Vinalhaven
Vinalhaven, Maine 04863**

AUTOMOBILE GRAVEYARD AND JUNKYARD ORDINANCE

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ATTACHMENTS

- Attachment 1 - Automobile Graveyard / Junkyard Permit Application**
- Attachment 2 - Automobile Recycling Business Permit Application**
- Attachment 3 - Conduct of Hearing**
- Attachment 4 - Permit to be Displayed on Premises**

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 or on the natural environment.

Section 2. Authority

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

Section 3. Applicability

3.1. This ordinance shall apply to all automobile graveyards, junkyards, and automobile recycling businesses as defined in 30-A M.R.S.A. §3752 now existing or to be established within the Town of Vinalhaven.

3.2. This ordinance shall **not** apply to the Town of Vinalhaven Transfer Station.

Section 4. Definitions

4.1. **Automobile Graveyard:** A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage, and recycling operations.

4.2. **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, as long as 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C is used for automobile recycling operations.

4.3. **Highway:** "Highway" means any public way.

4.4. **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 or furniture; (b) discarded, scrap and junked lumber; and (c) 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.

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. The municipal officers may impose restrictions, limitations, and conditions in connection with the granting of the permit.

Section 6. Administration

6.1. 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.

6.2. Upon receipt of an application, the municipal officers shall provide notice and hold a hearing in accordance with 30-A M.R.S.A. §3754. The applicant is required to provide proof of mailing the notice to abutting property owners of an application. Notice of the hearing will be posted at least 7 and not more than 14 days before the hearing in at least 2 public places in the municipality and published in one newspaper having general circulation in the municipality. Written notice of the application shall be mailed to the automobile dealer licensing section of the Department of the Secretary of State, Bureau of Motor Vehicles. Written notice shall also be given to the Vinalhaven Water District for any automobile graveyard, automobile recycling business or junkyard located within its source water supply area.

6.3. Permits issued to an automobile graveyard or junkyard are valid until the first day of October of the following year. Permits issued to an automobile recycling business shall be valid for 5 years from the date of issuance and are renewable as provided in 30-A M.R.S.A. §3753. 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.

6.4. The appropriate fee shall be submitted with the permit application. The application fee for a permit for an automobile graveyard, or junkyard of which no portion is within one hundred (100) feet of a highway shall be fifty (\$50.00) dollars, plus the cost of posting and publishing the notice required in Section 6. The application fee for a permit for an automobile recycling business shall be two hundred fifty dollars (\$250) for a 5-year permit plus the cost of posting and publishing the notice required in Section 6.

Section 7. Submission Requirements

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

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

7.2. 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 well that serves as a private or public water supply that is located within 300 feet of the proposed licensed site
- e. the location of any public building, public park, public playground, public bathing beach, school, church or cemetery located within 300 feet of the proposed licensed site
- f. the location of all roads within 1,000 feet of the proposed licensed site
- g. the location of any body of water or freshwater wetland within property boundaries of proposed licensed premises
- h. the boundaries of the 100-year flood plain

Section 8. Performance Standards

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

8.1 The site must be adequately screened, as provided by 30-A M.R.S.A. §3754-A(1). Man made fences will no longer be an acceptable screen. All new automobile recycling business licensed after July 2004 shall be screened from view from any portion of a road or any property not in the same ownership adjacent to the automobile recycling business by natural objects, plantings, or fences to form a screen that blends with the natural landscape so as to establish a natural appearance.

8.2 No automobile graveyard or junkyard may be located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery or within ordinary view from the same.

8.3 No automobile graveyard, junkyard or automobile recycling business that handles junk, scrap metal, vehicles or other solid waste may be located within 300 feet of a well that serves as a public or private water supply, as provided by 30-A M.R.S.A. §3754-A(4).

8.4 A vehicle containing fluids may not be stored or dismantled within 100 feet of any body of water or freshwater wetland, as defined by 38 M.R.S.A. § 436-A(5)

8.5 A vehicle containing fluids may not be stored or dismantled with the 100-year floodplain.

8.6 A vehicle containing fluids may not be stored or dismantled over a mapped sand and gravel aquifer.

8.7 All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, battery acid, engine coolant, gasoline and oil, must be properly handled in such a manner that they do not leak, flow or discharge into the ground or into a body of water.

8.8. No junk, scrap metal, vehicles or other solid wastes may be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the State or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters.

8.9 No vehicle may be located closer than 100 feet from any lot line.

8.10 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.

Section 9. Enforcement

- a. The Code Enforcement Officer and municipal officers shall enforce this ordinance 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. § 2802, or as littering under the Maine Litter Control Act, 17 M.R.S.A. § 2261, et. Seq. Violations of this ordinance shall be subject to the provisions of 30-A M.R.S.A. § 3758-A.
- b. The Code Enforcement Officer shall no less than annually inspect each automobile graveyard, junkyard or automobile recycling business to determine compliance with its permit, at anytime during reasonable business hours. A report of all visits by the CEO shall be forwarded to the Municipal Officers.
- c. Upon determination of the Code Enforcement Officer or complaint by an aggrieved party that the standards of this ordinance or applicable Federal, State or local ordinances are being violated and, after seven (7) days notice by certified mail return receipt requested or delivered in person to the owner or operator of an automobile graveyard, junkyard or automobile recycling business, the Municipal Officers may hold a public hearing to determine whether a permit issued to establish, operate or maintain an automobile graveyard, junkyard or automobile recycling business should be suspended or revoked. In determining whether a permit to establish, operate or maintain an automobile graveyard or junkyard should be suspended or revoked, the Municipal Officers shall consider the legality of the issuance of the permit as well as the overall operating and compliance record of the automobile graveyard, junkyard in question. Whether or not the junkyard is in compliance with all applicable laws and standards at the time of a suspension or revocation hearing shall not be the sole basis for determining whether or not to suspend or revoke a permit. A permit to establish, operate or maintain an automobile graveyard or junkyard may be suspended or revoked even if it is in compliance with all applicable laws and standards at the time of a hearing if it is determined that there has been repeated or serious violations of applicable laws and standards or damage to the environment such as noise, air, light, ground or surface water pollution.

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. Appeals

An aggrieved party may make an appeal within forty-five (45) days from a decision of the Municipal Officers to Knox County Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Adopted at Special Town Meeting April 20, 2004