

ORDINANCE TO REGULATE AUTOMOBILE GRAVEYARDS, JUNKYARD AND AUTOMOBILE
RECYCLING BUSINESSES FOR THE TOWN OF PALMYRA

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. Sec 3001 et seq. and Sec 3751 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. Sec. 3752

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. Sec. 3754.

4.3 Permits shall be renewed annually to remain valid except that automobile recycling business permits shall be valid for five (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 that the provisions of this ordinance and state law are complied with.

4.4 A fee of "See Fee Schedule" shall be submitted with the land use permit application.

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 one inch to 100 feet (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 water bodies 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

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 must be enclosed by a visual screen at least six (6) feet in height and built in accordance with Department of Transportation rules issued pursuant to 30-A M.R.S.A. Sec. 3759.

7.2 No vehicle shall be stored within 300 feet of any water body or inland wetland.

7.3 No vehicle shall be stored within 500 feet of any private well, 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 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 onto the ground.

7.7 No vehicle shall be located closer than 100 feet from any lot line.

7.8 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 8. 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. Sec. 2802 and the violator shall be subject to the penalties set forth in 30-A M.R.S.A. Sec. 4452 and any other remedy available at law.

Section 9. 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 10. 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 11. Penalty for Violation

The Maine Supreme Judicial Court has held that the statutory minimum penalty for operation of a junkyard without the required permit (\$100 per day for a continuing violation) cannot be waived or reduced. *Town of Orono v. LaPoint*, 698 A.2d 1059 (Me. 1997). The Court's reasoning in this decision should cause the same result in the case of any violation of the State auto graveyard and junkyard law or of the Maine Department of Transportation's screening rules.

I certify that the proceeding ordinance was adopted at Town Meeting on March 12, 2000

Joan R. Bradley, Town Clerk

Town
Seal