

Sabattus, Maine – Code of Ordinances

AUTOMOBILE GRAVEYARDS, JUNKYARD & RECYCLING BUSINESS ORDINANCE

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 harmful impact on the public health, safety and general welfare.

Section 2. Authority and Applicability

Authority: This ordinance is enacted pursuant to 30-A M.R.S.A. ss3001 et seq. and ss3751 et. seq.

Applicability:

A. This ordinance shall apply to any automobile graveyard, junkyard or automobile recycling businesses now existing or to be established, all or part of which is within the Town of Sabattus.

B. This ordinance shall not apply to any Town of Sabattus waste handling facility.

C. This Ordinance shall not apply to bona fide farm and/or agricultural uses when - unserviceable vehicles- scrap metal and other items that may meet the definition of junk are stored for future use or to repair or maintain farm equipment used in connection with the owner's ongoing farm or agricultural operations. Should the farm or agricultural use cease, the provisions of this ordinance shall be met.

D. Farm or Agricultural operations shall provide proof of farming operations with a copy of their Schedule F Federal Form.

Section 3. Definitions

In this ordinance, the following terms have the following meanings. Terms not defined will have their customary dictionary meaning.

Agricultural Operation - Operations that include, but are not limited to the harvest of agricultural products such as milk, hay, corn, fruit and other harvest type of items grown on the land and used for the continued agricultural operation.

Automobile Graveyard - A yard, field or other area used as a place to store 3 or more unregistered or uninspected motor vehicles, other than temporary storage not to exceed ninety (90) days by an establishment or place of business which is engaged primarily in doing auto body repair work for the purpose of making repairs to render a motor vehicle serviceable, for three (3) or more unserviceable, discarded, worn out or junked motor

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vehicles as defined in Title 29-A MRSA, Section 101, subsection 42, or parts of such vehicles. Automobile graveyard includes an area used for dismantling, salvage and recycling of motor vehicles.

Automobile graveyard does not include:

- 1) An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;
- 2) An area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, section 101 as long as the hobbyist's activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist, except that a municipal ordinance may require areas used by an automobile hobbyist to comply with the screening requirements in section 3754-A, subsection 1, paragraph A and the standards in section 3754-A, subsection 5, paragraph A, paragraph B, subparagraph (1) and paragraph C. For the purposes of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;
- 3) An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;
- 4) An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A, chapter 5;
- 5) An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A, section 851;
- 6) An area used for the storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in Title 29-A, section 851;
- 7) An area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or

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8) An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A, section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.

Automobile Recycling Business - A premise of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that eighty (80) percent of the business premises specified in Section 7.C. is used for automobile recycling operations.

Automobile recycling business does not include:

1) New vehicle dealers, as defined in Title 29-A, section 851, licensed to do business in the State; or

2) That portion of the business premises that is used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business.

Junkyard - A yard, field or other area used to store discarded, worn out or junked plumbing, heating supplies, household appliance or furniture, scraped or junked lumber, rotten wood, scrap metal, rope, rags, batteries, paper trash, rubber debris or any other waste material, garbage dumps, waste dumps, and sanitary fills.

Unserviceable Vehicle - Any motor vehicle which is wrecked, dismantled, unable to be operated legally on any public highway, such as, but not limited to unregistered or undisputed automobiles, or which is not being used for the purpose for which it was manufactured regardless of whether it is registered.

Section 4. 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. Permit Fee as per Town of Sabattus Fee Schedule.

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Section 5. Administration

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.
2. Upon receipt of an application, the municipal officers shall hold a hearing in accordance with 30-A M.R.S.A. ss3754.
3. Permits shall be renewed annually to remain valid except that automobile recycling business permits shall be valid for 5 years. 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. A fee per 30-A M.R.S.A. ss3756 shall be submitted with the permit application. See Appendix “A” – Fee Structure for current fees.

Section 6. Submission Requirements

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

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

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3. Once the site plan is approved it does not have to be resubmitted unless changes are made on 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:

1. The site must be enclosed by a visual screen at least 6 feet in height and built in accordance with Department of Transportation rules issued pursuant to 30-A M.R.S.A. ss3759
2. No vehicle shall be stored within 300 feet of any water body or inland wetland.
3. No vehicle shall be stored within 500 feet of any private well, school, church or public playground or public park.
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.
5. No vehicles shall be stored within the 100-year flood plain.
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. No vehicle shall be located closer than 100 feet from any lot line.
8. To reduce noise, all dismantling of motor vehicles shall take place within a fully enclosed building, and shall be done after 7:00a.m. and before 6:00p.m. Mondays through Saturdays. No dismantling of motor vehicles shall be allowed on Sundays.

Section 8. Enforcement

The municipal officers and/or the Town Code Enforcement Officer in accordance with state law shall enforce this ordinance. Any violation of this ordinance shall also be deemed a nuisance within the meaning of 17 M.R.S.A. ss2802 and the violator shall be subject to the penalties set forth in 30-A M.R.S.A. ss4452 and any other remedy available at law.

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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. Legal Non-Conforming ("Grand fathered") Uses, Structures, and Lots

Structures, uses, and lots which were legally existing as of the adoption of this Ordinance but which do not conform to the requirements of the Ordinance shall be treated as non-conforming and may continue and be maintained, repaired, and improved. Expansions of non-conforming structures, uses or lots must conform to all other standards of this Ordinance.

Section 11. Severability and Conflict

In the event that a Court of competent jurisdiction rules any provision of this ordinance to be invalid, the remaining provision 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

If a decision of the Municipal Officer(s) is objectionable to the landowner, operator of the facility or any person aggrieved or when it is claimed that the provisions of this Ordinance do not apply or that the true intent of the Ordinance has been misconstrued or wrongfully applied, the landowner, operator of the facility or person aggrieved may appeal the decision of the Municipal Officer(s) within 30 days to the Board of Appeals following the procedures set forth by the Town of Sabattus.

Accepted:

Original Adoption:

Revision Dates:
