

Town of Hiram

Ordinance to Regulate Automobile Graveyards, Junkyards and Automobile Recycling Business



Adopted and Enacted by the Legislative Body
Of the Town of Hiram
On
March 1, 1997

(Retyped April 2006)

Town of Hiram
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. § 3001 et seq. and § 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. § 3752

Definitions and Explanations:

AUTO RECYCLING BUSINESS – Means the business premises 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 vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premise specified in the site plan in section 3755 – A, subsection 1, paragraph C of M.R.S.A. Title 30-A is used for automobile recycling operations.

AUTOMOBILE GRAVEYARD - Means a yard, field or other area used to store 3 or more unserviceable, discarded, worn-out or junked motor vehicles as defined in Title 29, section 1, subsection 7, 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.

GRANDFATHERING – No junkyard, automobile graveyard or automobile recycling business, existing or proposed is exempt from the statutory requirements for a local permit issued by the municipal officers since permits regularly expire as does the owners right to continue operating as stated in M.R.S.A. Title 30-A § 3753

HIGHWAY – Means any public way.

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 material ; and
- D. Garbage dumps, waste dumps and sanitary fills

MULTIPLE PERMITS - Junkyards, automobile graveyards and automobile recycling businesses with a local permit may also require a license from the DEP and a permit from the Secretary of State. These licenses and permits are administered separately and the issuance of one does not require the officials to approve the others.

RECYCLING OR RECYCLING OPERATIONS – Means the dismantling of motor vehicles for the purpose of reselling 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.

UNSERVICEABLE – Means not ready for use or not presently usable.

Section 4. Administration

- 4.1 This ordinance shall be administrated 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. § 3754

HEARINGS – Municipal officers, as provided for in section 3753, shall hold a public hearing before granting a permit to establish, operate or maintain an automobile graveyard, automobile recycling business or junkyard. They shall post a notice of the hearing at least 7 days and not more than 14 days before the hearing in at least 2 public places in the municipality and publish a notice in one newspaper having general circulation in the municipality in which the automobile graveyard, automobile recycling business or junk yard is to be located. The municipal officers shall give written notice of the application to DOT by mailing a copy of the application at least 7 days and not more than 14 days before the hearing.

Section 5. Permit Required

5.1 Permits shall be renewed annually 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 that the provisions of this ordinance and state law are complied with.

PERMIT REQUIRED – No person may establish, operate or maintain an automobile graveyard, automobile recycling business or junkyard without first obtaining a nontransferable permit from the municipal officers of the municipality in which the automobile graveyard, automobile recycling business or junkyard is to be located. Permits issued to an automobile graveyard or junkyard under this section are valid until the 1st day of the following year. Permits issued to an automobile recycling business under this section are valid for 5 years from the date of issuance and are renewable provided that the permit holder furnishes a sworn statement, annually on the anniversary date of the granting of the permit, that the facility complies with the standards of operation applicable at the time of issuance of the permit. A person operating a business that involves the recycling of automobiles may operate under a permit for an automobile graveyard or a permit for an automobile recycling business.

5.2 A fee will be charged according to Section 3756 of M.R.S.A. Title 30-A and shall be submitted with the permit application

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

1. GRAVEYARD OR JUNKYARD MORE THAN 100 FEET FROM HIGHWAY - Fifty dollars for each permit for an automobile graveyard or junkyard located more than 100 feet from the edge of any highway, plus the cost of posting and publishing the notice under section 3754; and
2. GRAVEYARD OR JUNKYARD WITHIN 100 FEET OF HIGHWAY – Two hundred dollars for each permit for an automobile graveyard or junkyard located within 100 feet from the edge of any highway, plus the cost of posting and publishing the notice under section 3754; and
3. RECYCLING BUSINESS – Two hundred fifty dollars for a 5 year permit for an automobile recycling business plus the cost of posting and publishing the notice under section 3654.

REVOCATION OR SUSPENSION OF PERMIT – Violation of any condition, restriction or limitation inserted in a permit by the municipal officers 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, automobile recycling

business or junkyard. Notice of hearing must be sent to the owner or operator by registered mail at least 7 but not more that 14 days before the hearing. The notice must state the time and the place of hearing and contain a statement describing the alleged violation of any conditions, restrictions or limitations inserted in the permit.

Section 6. Submission Requirements

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

- A. The name and address of the property owner;
- B. The name and address of the person or entity who will operate the site and;
- C. A site plan including:
 - 1. Property boundary lines;
 - 2. A description of the soils on the property;
 - 3. The location of any sand and gravel aquifer recharge areas;
 - 4. The location of any residence or school within 500 feet of where the cars will be stored
 - 5. The location of any body of water on the property or within 200 feet of the property lines
 - 6. The boundaries of the 100 year flood plain
 - 7. The location of all roads within 1,000 feet of the site;
 - 8. A plan for containment of fluids, containment and disposal of batteries and storage or disposal of tires and;
 - 9. The location within the property boundary lines where the vehicles are drained, dismantled or stored.

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 6 feet in height and built in accordance with the Department of Transportation rules issued pursuant to 30-A M.R.S.A., § 3759.

SCREENING - May be accomplished by natural or man made objects, planting or properly constructed fences, any of 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 as 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 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 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"x4" 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, 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 to 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 materials 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 materials 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, spike, 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 the edges overlap enough to present a solid appearance and effectively screen the junkyard from ordinary view.

- 7.2 No vehicles shall be stored within 250 feet of any water body or inland wetland.
- 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 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 20 feet from any lot line, unless operator has written notarized authorization from abutting property owners.
- 7.8 To reduce noise, all dismantling of motor vehicle shall take place within a building, and shall be done after 7 am and before 6 pm Mondays through Saturdays.

LIMITATIONS ON GRAVEYARD, AUTOMOBILE RECYCLING BUSINESS AND JUNKYARD PERMITS –

1. Public Facilities: No permit may be granted for an automobile graveyard or junkyard that is:
 - A. Located within 500 feet of any public park, public playground, public bating beach, school, church or cemetery; and
 - B. Within ordinary view from that public facility
2. Public and Private Water Supplies: No permit may be granted for automobile graveyard operations within 100 feet of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the automobile graveyard or the owner's or operators abutting residence. This prohibition does not apply to wells installed after the effective date of this subsection if the automobile graveyard has already received a permit under section 3753.
3. Limitation on New Permits: No permits may be granted for any automobile graveyard or junkyard established after October 3, 1973, and located within 100 feet of any highway.
4. Rules: No permit may be granted for an automobile graveyard or junkyard that does not comply with the rules adopted under section 3759. Municipal officers as provided for in section 3753 may apply more stringent restrictions, limitations and conditions in considering whether to grant or deny any permit for an automobile graveyard or junkyard adjacent to any highway.

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. § 2802 and the violator shall be subject to the penalties set forth in 30-A M.R.S.A. § 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.