

**TOWN OF ANSON
AUTOMOBILE GRAVEYARDS, JUNKYARDS AND AUTOMOBILE
RECYCLING BUSINESSES ORDINANCE**

Section 1. General Provisions

1.1 Purpose

The purpose of this section is to provide adequate controls to insure that the establishment, operation and maintenance of automobile graveyards, junkyards and automobile recycling businesses do not have a deleterious impact on the natural environment or the public health, safety and general welfare.

1.2 Applicability

This article shall apply to any automobile graveyard, junkyard or automobile recycling business all or part of which is within the Town of Anson.

Section 2. Permit Required

2.1 No person shall establish, operate or maintain, and the owner of property shall not permit the establishment, operation or maintenance of any automobile graveyard, junkyard or automobile recycling business all or any part of which is within the Town of Anson without first obtaining a permit therefore in accordance with the provisions of this ordinance and 30-A MRSA § 3751 et seq.

2.2 All permits issued hereunder shall be approved by the Board of Selectmen.

2.3 Permits issued hereunder for an automobile graveyard, automobile recycling business, or junkyard shall be for a term not to exceed one (1) calendar year that expires on the first day of October next following unless earlier suspended or revoked.

2.4 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.

Section 3. Administration

3.1 Contents of application. All applications for permits under this chapter shall be

filed with, and in a form satisfactory to, the municipal officers. Said application shall include, but is not limited to the following:

- a. Name and address of the applicant, all other persons having a legal interest in the property and the person or entity who will operate the site.
- b. The location of the premises for which a permit is sought by identification of tax map number and street address.
- c. The dimensions and acreage of the property.
- d. An original and three (3) copies of a site plan, drawn to a scale of one hundred (100) feet or less to the inch which contains the following information:
 - I. The boundary lines of the property for which a permit is sought.
 - II. The location of all existing and proposed buildings and structures.
 - III. The location of all existing and proposed areas within which all vehicles and junk will be located and the location where vehicles will be drained and dismantled, as applicable.
 - IV. The location of any aquifer or aquifer recharge area on the property or within one thousand (1,000) feet thereof.
 - V. The location of any classified water bodies on the property or within three hundred (300) feet thereof.
 - VI. The location of any floodplain areas located on the property.
 - VII. The location and characteristics of all existing and proposed vegetation and/or fencing that is proposed to be maintained for required screening.
 - VIII. The location of any residences, wells, schools, churches, cemeteries, public beaches, or public parks or playgrounds within one thousand (1,000) feet of the property.
 - IX. The characteristics of the soils existing on the property as determined by the Soil Conservation Service Soils Survey Map.
 - X. The contours of the property as determined by the U.S. Geological Survey Contour Map.
 - XI. The location and characteristics of all vehicular entrances and exits serving the property.
 - XII. The location of all roads within one thousand (1,000) feet of the site.

- e. A plan for containment of fluids, containment and disposal of batteries and storage and disposal of tires.
- f. A statement as to whether approval by any state agency or department is required pursuant to state law and, if so, the name of said agency or department.
- g. A nonrefundable application fee in the amount of one hundred dollars (\$100.00).
- h. A performance guarantee in an amount to be determined by the Anson Board of Selectmen to be sufficient to rehabilitate and close the site should the owner or operator cease operation. Such performance guarantee shall be in the form of an irrevocable letter of credit, performance bond or similar financial instrument acceptable to the Board of Selectmen.

3.2 Compliance standards. The municipal officers shall issue a permit under this article for an automobile graveyard, junkyard or automobile recycling business that meets all of the following standards. Such standards shall govern the operation and maintenance of all permitted premises.

- a. An effective visual screen at least six (6) feet in height shall be located and maintained around all sides of the area where vehicles or junk are to be located such that said areas are entirely screened from ordinary view from all directly abutting properties at all times.
- b. All screening requirements of 30-A MRSA § 3754-A shall be satisfied except that, for automobile recycling businesses, the screening requirements of 30-A MRSA § 3755-A shall be satisfied.
- c. No vehicle or junk shall be stored within one hundred (100) feet of any classified water body or over a sand and gravel aquifer or aquifer recharge area.
- d. No vehicles or junk shall be stored within five hundred (500) feet of any school, church, cemetery, public beach or public playground or park that existed on the date the initial permit was issued.
- e. No vehicles or junk shall be stored within one hundred (100) feet of a residence except the owner or operator's residence.
- f. No vehicles or junk shall be stored within a floodplain.
- g. No vehicle or junk may be stored or dismantled within three hundred (300) 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. This prohibition

does not apply to wells established after the effective date of this ordinance if the automobile graveyard, junkyard or automobile recycling business had already received a permit under Section 2. This prohibition does not apply to automobile graveyards, junkyards and automobile recycling businesses operating under the terms of permits issued prior to January 1, 2004.

- h. No vehicles or junk shall be located closer than one hundred (100) feet from a public way and fifty (50) feet from all other lot lines of the property.
- i. Upon receiving a motor vehicle to be dismantled, the fuel tank and battery shall be removed and the fuel, 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 or junk shall be permitted into or onto the ground.
- j. All applicable federal and state hazardous waste laws and regulations shall be satisfied.
- k. All vehicular entrances and exits shall be located and constructed in a manner that does not create or aggravate a traffic safety hazard.
- l. Hours of operation shall reflect the nature of the neighborhood in which the proposed business is to be located (i.e. the hours of operation in an industrial neighborhood would be longer than those in a predominantly residential neighborhood).

3.3 Conditions of approval. The municipal officers may impose conditions on the approval of any permit application hereunder to ensure compliance with the provisions of this chapter. Said conditions may include, but are not limited to, the following:

- a. That, prior to the commencement of operation, the applicant provide documentation that all approvals required from any municipal board or agency have been received.
- b. That any screening requirements imposed pursuant to the provisions of this ordinance be installed and completed prior to the issuance of any permit hereunder.

3.4 Nonconforming uses. Any automobile graveyard, junkyard or automobile

recycling business in existence and for which a valid permit was in effect on the effective date of this ordinance may remain in operation in its present location, pending expiration of said permit so long as said use complies with the provisions of 30-A MRSA § 3751 et seq. Any expansion of said junkyard or automobile graveyard beyond the size which existed and for which a valid permit was in effect on the effective date of this ordinance shall comply with all provisions of this ordinance.

3.5 Application for renewal:

Any automobile graveyard, junkyard or automobile recycling business in existence and for which a valid permit was issued under this ordinance may submit an abbreviated application providing there have been no changes to the siting, location of buildings and facilities, and operation of the business. The renewal application must include all items listed in paragraph 3.1 except that the plans required by item 3.1.d may be replaced by a written statement signed by the applicant that there have been no changes to the property since the previous plan was prepared and the plan is accurate in all respects.

Section 4. 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 MRSA § 2802 and the violator shall be subject to the penalties set for on 30-A MRSA § 4452 and any other remedy available at law.

Section 5. Suspension or Revocation

The municipal officers may suspend or revoke a permit in accordance with the provision of 30-A MRSA § 3758-A(5).

Section 6. Severability

In the event that a Court of Competent Jurisdiction rules any provision of this ordinance to be invalid, the remaining provisions shall continue in full force and effect. In the event that any provision of this ordinance conflicts with State Statutes, they shall govern.

Section 7. Definitions

Aquifer - A geological formation composed of rock or sand and gravel that stores and transmits significant quantities of recoverable water, as mapped by the Maine Geological Survey.

Automobile Graveyard - a yard, field, or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles as defined in 29-A MRSA § 101, para. 42, or parts of such vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

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. 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
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 - 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, provided that eighty (80) percent of the business premises specified in Section 3.2d of this ordinance is used for automobile recycling operations. Automobile recycling business does not include:

1. financial institutions as defined in Title 9-B, section 131, subsection 17 and 17A;
2. insurance companies licensed to do business in the state;
3. new vehicle dealers, as defined in Title 29-A section 851, licensed to do business in the State; or
4. 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.

Building - same as structure.

Classified Water Body - Classified water body shall include coastal and freshwater wetlands, floodplain wetlands, great ponds and rivers, streams or brooks as defined in 38 MRSA § 480-B.

Floodplain - The low land and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, which are inundated by a flood

that has a one (1) percent or greater chance of recurring in any year or a flood of magnitude equaled or exceeded once in one hundred (100) years on the average as identified by the Federal Insurance Administration.

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, scrapped 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 nonferrous material; and

All of these materials are hereinafter referred to as "junk".

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Structure - anything built for shelter or enclosure of persons, animals, goods, or property of any kind.

Hearing Date: February 12, 2002

Adopted: March 9, 2002

Amended: March 6, 2004

Attest, True Copy: _____
Robert S. Worthley
Anson Town Clerk