

TOWN OF STEUBEN

ORDINANCE TO REGULATE AUTOMOBILE GRAVEYARDS, JUNKYARD AND AUTOMOBILE RECYCLING BUSINESS

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.

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.

Section 5. Administration

5.1. 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.

5.2. 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.

5.3. 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.

5.4. A fee of \$50.00 shall be submitted with the permit application.

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 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 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 adequately screened, as provided by 30-A M.R.S.A. § 3754-A(1).

7.2 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.

7.3 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).

7.4 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)

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

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

7.7 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 or onto the ground or into a body of water.

7.8 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.

Section 8. Enforcement

The municipal officers or their agents 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.

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.

Adopted & Effective November 8, 2011

Julie A. Ginn, Town Clerk