

Marilyn Roderick
Marilyn Roderick, Deputy
Clerk

**TOWN OF BAILEYVILLE
ORDINANCE TO REGULATE AUTOMOBILE GRAVEYARDS AND JUNKYARDS**

Section 1. Purpose

The purpose of this ordinance is to provide adequate controls to ensure that automobile graveyards and junkyards do not have a deleterious impact on the Town's health, safety, and general welfare.

Section 2. Authority

This ordinance is enacted pursuant to 30-A M.R.S.A. section 3755, subsection 5.

Section 3. Applicability

This ordinance shall apply to all automobile graveyards and junkyards as defined in state law, 30-A M.R.S.A. 3752-B, within the Town of Baileyville.

Section 4. Requirements for all new automobile graveyards and junkyards

4.1 Any person wishing to locate a new automobile graveyard or junkyard within the Town shall apply to the Town Council for a permit required by state law pursuant to 30-A M.R.S.A. 3751 et seq. The application shall present either a permit from the Maine Department of Environmental Protection or a letter from the DEP stating that a permit is not required.

4.2 The applicant shall submit a site plan drawn to 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 or 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 cars or junk will be placed.
- e. the location of any waterbodies on the property or within 200 feet of the property lines.
- f. the boundaries of the 100-year floodplain.

Section 5. Performance Standards which shall be complied with for all new junkyards and automobile graveyards.

5.1 An effective visual screen at least 14 feet in height shall be located and maintained around all sides of the area where junk or automobiles are deposited or along all property lines.

5.2 No vehicles or junk shall be stored within 300 feet of any waterbody or inland wetland.

5.3 No vehicles or junk shall be stored within 500 feet of any residence, private well or school.

5.4 No vehicles or junk 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.

5.5 No vehicles or junk shall be stored within the 100-year floodplain.

5.6 Upon receiving a motor vehicle, the battery shall be removed, and 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 or 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 on the ground.

5.7 All vehicles or junk shall be located no closer than 100 feet from all lot lines.

5.8 To reduce noise all dismantling of motor vehicles with power tools shall take place within a building, and shall be done after 7 a.m. and before 6 p.m. Mondays through Saturdays.

5.9 All Federal and State hazardous waste laws and regulations shall be complied with.

Section 6 - Automobile Graveyards and Junkyards in existence at the time this Ordinance is enacted.

6.1 Any automobile graveyard or junkyard in existence at the time this ordinance is enacted may remain in operation on the parcel of land it is presently located on providing it meets all pertinent statutory requirements.

6.2 Any existing junkyard or automobile graveyard shall not expand onto a parcel of land described in a separate deed unless all the provisions of this ordinance are met on the separate parcel.

6.3 Within one (1) year of the enactment of this ordinance all existing automobile graveyards and junkyards shall be enclosed by an effective visual screen at least 14 feet high located and maintained around the area where the automobiles or junk are being deposited or along all property lines.

Section 7 - Administration

7.1 This ordinance shall be administered by the the Town Council. No automobile graveyard or junkyard permit shall be issued under 30-A M.R.S.A. 3751 et seq. unless the provisions of this ordinance are complied with. The Council may attach reasonable conditions to any permit issued to insure compliance with the performance standards and other requirements of this ordinance.

7.2 Permits shall be renewed annually to remain valid. Once the site plan is approved it does not have to be resubmitted. The municipal officers shall annually, or as necessary, inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state law are complied with.

7.3 An annual fee which complies with State Law and shall be submitted with the permit application.

Section 8 - Enforcement

8.1 This ordinance shall be enforced by the municipal officers in accordance with state law. Any violation of this ordinance shall also be deemed a nuisance, and the violator shall be subject to the penalties set forth in 30-A M.R.S.A. 4506.

Section 9 - Amendment

9.1 This ordinance may be amended in the same manner as adopted.

Section 10 - Effective Date

10.1 The effective date of this Ordinance shall be when enacted.

Section 11 - Conflicts

11.1 If the provisions of this ordinance conflict with statutory provisions and regulations enforced by the Department of Environmental Protection, the state laws shall supercede.

Section 12 - Severability

12.1 If any provision of this ordinance shall be declared invalid, that invalid provision shall not affect any other portion of this ordinance.

INTRODUCED: September 25, 1989

PUBLIC READING: October 18, 1989

PUBLIC HEARING: October 23, 1989

ADOPTED: October 23, 1989

EFFECTIVE: October 23, 1989

CONDUCT OF HEARING

1. 1. The Chairman shall give a statement of the application.
EXAMPLE: Modern Auto and Parts Sales Co., operated by Ralph Armentino, Jr., located on the northerly side of Route 25, any town.
2. The applicant shall present the facts in connection with his application for an automobile junkyard or "automobile graveyard".
3. The Board shall have an opportunity to question the applicant.
4. All those in support of the application shall be heard.
5. The Board shall have the opportunity to question those in support of the application.
6. Those in objection to the application shall be heard.
7. The Board shall have the opportunity to question those in objection to the application.
8. The Board shall have the opportunity to question anyone who was heard.

TO MAINTAIN ORDERLY PROCEDURE, EACH SIDE SHALL PROCEED WITHOUT INTERRUPTION BY THE OTHER.

It is suggested that the Board reserve their decision until they have an opportunity to discuss the applications as a Board.

this chapter.

Sec. 15. 29 MRSA §351-A, as enacted by PL 1981, c. 436, §6, is amended to read:

§351-A. Appeal from action of the Secretary of State

Any After a hearing before the Secretary of State or his deputy, any person aggrieved by the act of the Secretary of State to refuse to grant or renew a license under this subchapter or to suspend or revoke a license or by any other act of the Secretary of State which he alleges to be improper, unreasonable or unlawful under this subchapter may, within 30 days' notice of the decision, appeal to the Superior Court for a judicial review as provided in Title 5, chapter 375, subchapter VII.

Sec. 16. 29 MRSA §355, sub-§1, as enacted by PL 1973, c. 529, §1, is amended to read:

1. Description. A description of vehicles, including make, model, model year, body type, identification number, color and whether new or used;

Sec. 17. 29 MRSA §364, as amended by PL 1981, c. 437, §13, is further amended to read:

§364. Enforcement

All state, county and local law enforcement officers, and all inspectors appointed and deputized by the Secretary of State pursuant to section 52, shall expeditiously enforce the provisions of this subchapter and, section 832, Title 10, chapter 217 and Title 30, chapter 215, subchapter I as it relates to auto-mobile graveyards.

Sec. 18. 29 MRSA §530, sub-§1, ¶B, as enacted by PL 1977, c. 692, §3, is amended to read:

B. Any person who operates a motor vehicle on any way without being duly licensed or without holding a valid instruction permit or in violation of any condition or restriction placed on the use of an instruction permit or operator's license under the authority of this subchapter