

**AUTOMOBILE GRAVEYARD/JUNKYARD ORDINANCE
FOR THE TOWN OF ETNA
JUNKYARD AND AUTOMOBILE GRAVEYARDS**

Defeated
6/1/97

SECTION I: PURPOSE

Junkyards and so-called "Auto Graveyards" have been steadily expanding and frequently encroach upon highways. These junkyards and graveyards have become a nuisance, and a menace to safe travel on public ways, often distracting the attention of drivers of motor vehicles because it appears cars are parked on the highway or that an accident has occurred. It is declared that such junkyards and automobile graveyards are a nuisance and are properly subject to regulation and control.

SECTION II: TITLE

This Ordinance shall be known and may be cited as the "Automobile Graveyard/Junkyard Ordinance" of the Town of Etna, Penobscot County, Maine.

SECTION III: AUTHORITY

This Ordinance is enacted pursuant to 30-A M.R.S.A. SS3001 et seq. and ~3751 et seq.

SECTION IV: APPLICABILITY

This Ordinance shall apply to all automobile graveyards and junkyards as defined in 30-A M.R.S.A. SS3752.

SECTION V: ADMINISTRATION

This Ordinance shall be administered by the Selectmen. No automobile graveyard or junkyard permit shall be issued unless the provisions of this ordinance are met.

SECTION VI: DEFINITIONS

AUTOMOBILE GRAVEYARD:

"Automobile Graveyard" means a yard, field or other area used to store three (3) or more unserviceable, discarded, worn-out or junked motor vehicles 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.

B. "Automobile Graveyard" includes an area used for automobile dismantling, salvage, and recycling operations.

C. "Salvage Yards" shall be the same as "Automobile Graveyard."

D. Automobile recycling business. "Automobile 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 premises specified in the site plan in Title 30-A section 375J-A, subsection 1, paragraph C is used for automobile recycling operations.

Recycling or recycling operations. "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.

JUNKYARD: "Junkyard" means a yard, field, or other area to store:

A. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture:

B. Discarded, scrap and junk lumber:

C. Old scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel, and other scrap ferrous or nonferrous materials; and

D. Garbage dumps, waste dumps and sanitary fills. **HIGHWAY:** "Highway" means any public way.

INTERSTATE SYSTEM: "Interstate System" means those portions of the Maine I-95 and the State Highway System Incorporated in the National System of Interstate and Defense Highways, as officially designated by the Department of Transportation.

PRIMARY SYSTEM: "Primary System" means that portion of the state highway system which the Department of Transportation has by official designation incorporated into the Federal-Aid Primary System.

SECTION VII: PERMIT:

No person may establish, operate or maintain an automobile graveyard or junkyard without first obtaining a nontransferable permit from the Code Enforcement Officer and the Municipal Officers. Permits issued under this section are valid until the first day of the following year.

Permits issued to an automobile recycling business under this section are valid for five (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.

Costs: Automobile graveyard or Junkyard permits are at a cost of 150.00 plus cost of posting and publishing the notices made payable to the Town of Etna.

Recycling business: Two hundred fifty dollars for a five (5) year permit for an automobile recycling business, plus the cost of posting and publishing the notice under Title 30-A section 3754. Payable to the Town of Etna.

Hearings: The Municipal Officers shall hold a public hearing before granting a permit to establish, operate, or maintain an automobile graveyard or junkyard. They shall post a notice of the hearing at least seven (7) and not more than 14 days before the hearing in at least two (2) public places in the Town of Etna and publish in one newspaper having a general circulation in the town.

LIMITATIONS ON PERMITS: Reference to Title 30-A SS3755.

1. Highways, Interstate, Primary Systems and Private Ways. No permit may be granted for an automobile graveyard or junkyard within 1000 feet of the right-of way of any highway incorporated in the Interstate and Primary Systems or within 600 feet of the right-of-way of any other highway, except for:

A. Those automobile graveyards or junkyards which are kept entirely screened to ordinary view from the highway at all times by natural objects, plantings or fences.

1. Screening required by this paragraph must be well constructed and properly maintained at a minimum height of six (6) feet and acceptable to the Municipal Officers or Code Enforcement Officer. The permit shall specify that compliance with these rules is required. Referenced to Title 30-A M.R.S.A.-SS3759.

B. Junkyards and automobile graveyards must be screened from ordinary view from neighbors and 100 feet from any public way or private way. All adjoining lot lines to be consistent with Etna Ordinance of 20 feet.

2. Public Facilities: No permit may be granted for an automobile graveyard or junkyard which is:

A. Located within 300 feet of any public park, public playground, public bathing beach, school, church or cemetery.

B. Within ordinary view from that public facility.

3. Preparation, Storage and Burning:

A. All junk and salvage materials shall be stored within the screened fenced areas and the operation shall be conducted in such a manner as to prevent unsightliness to the adjacent areas.

B. Open burning of salvage material or junk shall be conducted in accordance with State regulations. Waste fluids and useable materials shall be disposed Of in an environmentally sound manner.

4. Public and Private Water Supplies: No permit may be granted for automobile graveyard operations within 100 feet of 1 well that server 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 operator's abutting residence.

5. Rules: Municipal Officers and Code Enforcement Officer, in issuing a permit for an automobile graveyard or junkyard may apply more stringent restrictions, limitations and conditions in considering whether to grant or to deny any permit adjacent to any highway.

6. Standards: Municipal Officers and the Code Enforcement Officer shall consider compliance with local ordinances in deciding whether to Grant or deny a permit for any Automobile Graveyard or Junkyard and in attaching conditions of approval to grant a permit. Some of these Standards are listed below:

A. Compliance with State and Federal hazardous waste regulations:

B. Tire and Traffic Safety:

C. Levels of noise which can be heard outside the premises:

D. Distance from existing residential or institutional uses: and

E. The effect on ground wafer and surface water. SECTION VIII: VIOLATION:

1. *Enforcement.* The State Police as well as local and county law officers shall enforce this subchapter. Municipal officers or their designee may also enforce this subchapter.

2. *Penalties:* Whoever violates this ordinance will be fined 1100.00 per day. Each day that the violation continues will be a separate offense, for a maximum of 82500.00. Referenced in Title 30A SS4452 and any other remedy available at Law.

3. *Revocation or Suspense of Permit:* Violation of any condition, restriction or limitation inserted in a permit by the municipal officers or Code Enforcement Officer is cause for revocation or suspension of the permit by the same authority which issued the permit.

No permit may be revoked or suspended without a hearing, and notice to the owner or the operator of the automobile graveyard or junkyard. Notice of hearing shall be sent to the owner or operator by registered mail at least seven (7), but not more than 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 IX. EFFECTIVE DATE AND AMENDMENT.

This Ordinance shall become effective on the date of adoption, and may be amended by vote of the legislative body.