

JUNKYARD AND AUTOMOBILE GRAVEYARD ORDINANCE FOR THE TOWN OF NEW PORTLAND

SECTION 1. PURPOSE

The purpose of junkyard licensing is to regulate the placement of junkyards and automobile graveyards in the Town of New Portland and to establish minimum requirements for such junkyards and automobile graveyards to protect the health, safety, and general welfare.

SECTION 2. AUTHORITY AND ADMINISTRATION

The licensing requirements herein set down are intended to replace and supercede the authority delegated to municipalities under Maine Law, Title 30-A M.R.S.A. ss. 3751-3760, as municipal home rule authority.

No junkyard and/or automobile graveyard shall be established, operated, or maintained without first obtaining a non-transferable license to do so from the Planning Board, which license shall be valid only until January 1 of the following year.

SECTION 3. PLANNING BOARD APPROVAL

A license for the establishment of a junkyard or automobile graveyard shall not be issued until the location and operation of such junkyard or automobile graveyard shall have been approved under this Ordinance by the Board, such approval setting forth such special requirements for fencing, screening, setback, etc. as the Board may deem necessary as a condition of its approval in order to adequately serve the public health and welfare, and to protect the appearance of the area.

Applications to the Planning Board shall be in writing, including a plan of operations and a permit fee, as required by state law. The fee shall be \$200 for any facility where any portion thereof would be within 100 feet of the right-of-way of a public way, or \$50 where the facility would be more than 100 feet from a public way.

The Planning Board is required to consult with selectmen, abutters, and interested members of the general public prior to approval of the license. Upon receipt of application for a license, the Board shall notify the selectmen and all landowners with property adjoining or lying across a public way from, the location of the junkyard or automobile graveyard. The Board shall hold a public hearing on the application.

The Planning Board shall approve, approve with conditions, or deny the application for license within 45 days of receiving the application.

SECTION 4. SETBACKS AND SCREENING

Any area to be used as a junkyard or occupied by junkyard automobiles, or parts thereof, shall be kept entirely screened from highways and streets, residences, and from any place of public assembly or recreation. Screening shall consist of dense vegetation or well-constructed and properly maintained walls or fences at least six (6) feet high. The Planning Board may require the applicant to submit drawings or written specifications for the fencing or screening to be used, and approval by the Planning Board may be made conditional upon the applicant's promise that he will provide fencing or screening as specified. Failure to do so within six (6) months from the date of issuance of the license shall constitute a violation of this Ordinance and shall be punishable by law.

All portions of a junkyard or automobile graveyard shall be separated by at least three hundred (300) feet from any public park, public playground, public beach, school, church, or cemetery. All portions of a junkyard or automobile graveyard shall be set back at least one hundred (100) feet from any public way unless such facility was in operation prior to October 3, 1973.

SECTION 5. CARE OF HAZARDOUS, TOXIC OR FLAMMABLE MATERIALS

In conducting the business of junkyards or automobile graveyards, no flammable gases and/or liquids shall be left exposed or handled in such a manner as to create a danger of fire or explosion.

The operator shall have a contingency plan for dealing with spills of fuels, oils, chemicals, or other materials in such a way as to minimize the threat to the public.

SECTION 6. PROHIBITION AGAINST BURNING CERTAIN SUBSTANCES

In conducting junkyards or automobile graveyards, no automobile tires or other substance causing offensive smells or emitting large volumes of black smoke shall be burned on the premises. At a minimum, all sections of the Maine Department of Environmental Protection Regulation 06-096, Chapter 102 shall be adhered to.

SECTION 7. PROHIBITION AGAINST OBSTRUCTIONS TO TRAFFIC

No road or sidewalk adjoining the licensed premises of a junkyard or automobile graveyard shall be obstructed to the inconvenience of pedestrians and/or vehicular traffic.

SECTION 8. STATE LAW

All other pertinent provisions of the State Law on junkyards and/or automobile graveyards, Chapter 215, Title 30, Revised Statutes of Maine, as amended, shall be observed.

SECTION 9. ENFORCEMENT

Any person who violates any provision of this Ordinance may be punished by a fine of not less than \$100. Each day a violation exists shall be considered a separate offense. Enforcement of this Ordinance shall be the responsibility of the municipal officials or the Code Enforcement Officer.

SECTION 10. DEFINITIONS

"Automobile Graveyard" means a yard, field, or other area used to store 3 or more powered construction, automotive, or other motor vehicles which are unserviceable, worn-out, discarded or junked, or parts thereof. It does not include any area used for temporary storage by an establishment or place of business which is primarily engaged in doing auto body or other repair work to make vehicles serviceable, or seasonal storage of serviceable agricultural equipment.

"Junkyard" means a yard, field or other area used to store discarded or worn-out and unuseable furniture, metals, appliances, lumber, or other waste materials.

"Plan of Operations" means a written plan containing a map of the facility, a description of what is done within the facility, hours of operation, and plans for control of erosion, dust, and hazardous or toxic materials.

"Highways," "roads," and "public ways" mean the same thing and are used interchangeably in this ordinance.

SECTION 11. VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.