

**An Ordinance to Regulate Automobile Graveyards, Junkyards,  
And Automobile Recycling Operations  
In the Town of Industry, Maine**

Section 1. Purpose

The purpose of this ordinance is to provide adequate control to ensure that automobile graveyards, junkyards, and automobile recycling operations do not have any obscure or unexpected harmful effects on the Town's health, safety, and general welfare, and to protect water quality and environmental standards in Industry and the adjoining towns.

Section 2. Authority

This ordinance is enacted pursuant to 30-A M.R.S.A. subsections 3751 thru 3760

Section 3. Applicability

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

Section 4. Requirements for all new automobile graveyards, junkyards, and automobile recycling operations.

4.1 Any person wishing to locate a new automobile graveyards, junkyards, and automobile recycling operation within the town of Industry shall apply to the Selectmen for a permit required by state law pursuant to 30-A M.R.S.A. subsection 3753 et seq. The applicant 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 as determined by a registered soil evaluator
- c. the location of any sand or gravel aquifer or aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist
- d. the location of any residences, schools, churches, or public recreation areas within 500 feet of the area where the card or junk will be placed.
- e. the location of any water bodies on the property or within 300 feet of the property lines
- f. the boundaries and elevation of the 100-year flood plain
- g. public and private water supplies within 100 feet
- h. public or private roads, as defined in the Industry Shoreland Zoning Ordinance, within 1000 feet of the facility.

Section 5. Performance Standards which shall be complied with for all new automobile graveyard, junkyard, or automobile recycling operations.

- 5.1 An effective visual screen, as approved by the Selectmen or their designated agent, at least 6 feet in height shall be located and maintained around all sides of the area junk or automobiles are deposited or along all property lines, so no junk or vehicles are visible from any public or private road or right of way used for pedestrian or vehicular traffic.
- 5.2 No vehicles or junk shall be stored within 300 feet of any residence, private or public water supply, school, church, or public recreation area, except the owners residence or well.
- 5.3 No vehicles or junk will be stored within 500 feet of any residence, private of public water supply, school, church, or public recreation area, except the owners residence or well.
- 5.4 No vehicle or junk will be stored over a sand or gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or licensed geologist.
- 5.5 No vehicles or junk shall be stored within the 100 year flood plan.
- 5.6 Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid, and engine coolant shall be drained into a watertight, covered container 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 vehicles or junk shall be permitted into or onto the ground.
- 5.7 All vehicles or junk shall be located no closer than 100 feet from all lot lines.
- 5.8 If in the direct watershed of a stream, river, or wetland closer than 1000 feet, there must be a buffer of impervious vegetation not less than 100 feet wide maintained adjacent to the storage and or dismantling area. There shall be no junkyards, automobile graveyards, or recycling operations within on thousand feet (1000') of a great pond.
- 5.9 Reserved
- 5.10 All Federal and State hazardous waste laws and regulations shall be complied with.

Section 6. Automobile Graveyards, Junkyards, and Automobile Recycling operations in existence at the time this ordinance is enacted.

- 6.1 Any licensed and legally permitted automobile graveyard, junkyard, or automobile recycling operation in existence at the time this ordinance in enacted may remain in operation on the parcel of land on which it is presently located as long as it meets all pertinent statutory requirements.
- 6.2 Any existing automobile graveyard, junkyard, or automobile recycling operation shall not expand onto a parcel of land described in a separate deed or as a separate parcel on the same deed unless all of the provisions of this ordinance are met on the separate parcel.
- 6.3 Within three years of the enactment of this ordinance all existing automobile graveyard, junkyard, or automobile recycling operations shall be enclosed as described in Section 5, item 5.1.
- 6.4 Persons actively engaged in commercial farming shall be exempt from this ordinance until such time as they cease farming operations.

Section 7. Administration

- 7.1 This ordinance shall be administered by the selectmen. No automobile automobile graveyard, junkyard, or automobile recycling operation permit shall be issued under 30 M.R.S.A.

3751 thru 3760 et seq. unless the provisions of the ordinance are complied with. The Selectmen may attach reasonable conditions to any permit issued to insure compliance with performance standards and other requirements of the ordinance.

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

7.3 A non-refundable initial fee of \$150 (one hundred fifty dollars) will be paid on application for a permit for an graveyard, junkyard, or automobile recycling operation, and fee of \$50 (fifty dollars) for an annual permit renewal.

7.4 All professional fees required for compliance documents will be responsibility of the applicant.

#### Section 8. Enforcement

8.1 The municipal officers shall enforce this ordinance 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 M.R.S.A. sub section 4452.

#### Section 9. Amendment

9.1 This ordinance may be amended by vote of the legislative body.

#### Section 10. Effective date

10.1 This ordinance shall become effective on the date of adoption.

#### 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 supersede.

#### Section 12. Definitions

12.1 The definitions used in this ordinance shall be the same as set forth in 30 M.R.S.A sub-section 3752. Any words not defined shall have their commonly accepted and used meaning.

#### Section 13. Severability

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

#### Section 14. Appeals

14.1 An appeal may be taken within forty-five days from a decision of the municipal officers, by any party, to Superior Court in accordance with Rule 80 B of the Maine Rules of Civil Procedure.