

12.C. Automobile Graveyards, Automobile Junkyards and Automobile Hobbyists

12.C. 1 Purpose

The purpose of this Ordinance is to provide adequate controls to ensure that automobile graveyards, automobile junkyards, automobile recycling businesses and automobile hobbyists do not have a harmful impact on the public health, safety and general welfare.

12.C.2 Authority and Applicability

Authority: This Ordinance is enacted pursuant to 30-A M.R.S.A. ss3002 et seq. and ss3751 et seq.

Applicability:

- A. This Ordinance shall apply to any automobile graveyard, automobile junkyard, automobile recycling business or automobile hobbyists now existing or to be established, all or part of which is within the Town of Limington.
- B. This Ordinance shall apply to any automobile graveyard, automobile junkyard, automobile recycling or automobile hobbyist business that was created **DO WE NEED A DATE HERE OR DO WE NEED THIS AT ALL.**
- C. This Ordinance shall apply to any proposed expansion to an existing site which is beyond the limits shown on the original site plan approved at the time the automobile graveyard, automobile junkyard, automobile recycling business or automobile hobbyist was first permitted.
- D. This Ordinance shall apply to any automobile graveyard, automobile junkyard, automobile recycling or automobile hobbyist business that has been in existence but never permitted.
- E. This Ordinance shall not apply to any Town of Limington waste handling facility.
- F. This Ordinance shall not apply to bona fide farm and/or agricultural uses when unserviceable vehicles scrap material and other items that may meet the definition of junk are stored for future use or to repair or maintain farm equipment used in connection with the owner's ongoing farm or agricultural operations. Should the farm or agricultural use cease, the provisions of this Ordinance shall be met.
- G. Farm or agricultural operations shall provide proof of farming operations with a copy of their Schedule F Federal Form.
- H. This Ordinance shall not apply to bona fide farm and/or agricultural uses when unserviceable vehicles, scrap metal and other items that may meet the definition of junk are stored for future use or to repair or maintain farm equipment used in connection with the owner's ongoing farm or agricultural operations. Should the farm or agricultural use cease, the provisions of this Ordinance shall be met.
- I. Farm or Agricultural operations shall provide proof of farming operations with a copy of their Schedule F Federal Form.

12.C.3 Permits, Denials, Revocations, Clean Up

12.C.3.A No person or entity may establish, operate or maintain an automobile graveyard, automobile junkyard, automobile recycling business or automobile hobbyist business without first obtaining a Conditional Use Permit from the Planning Board. Prior to issuance of the CUP, the applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from the DEP stating that a permit is not required.

12.C.3. B All permits, whether new or renewals, shall be issued annually.

12.C.3.C Any automobile graveyard, automobile junkyard, automobile recycling business or automobile hobbyist permit application which is not approved at the time of review, has six (6) months from the expiration date to become re-licensed. Any permit issued after six (6) months from the expiration date of the previous permit shall comply with all requirements of the new site approvals. In other words, the site will lose its grandfathered status and be considered a new permit site. This shall also apply to any permits revoked during the year.

12.C.3.D Any existing automobile graveyard, automobile junkyard, automobile recycling business or automobile hobbyist not issued a permit because of a lack of any application or an incomplete application must clean up the site within six (6) months of the date of expiration of the last permit issued.

12.C.3.E In addition to its other enforcement options, the Town may revoke any permit when, after notice and public hearing, it is shown that the operator or owner is not in compliance with the conditions of the permit or the requirements of this Ordinance.

12.C.3.F Any automobile graveyard, automobile junkyard, automobile recycling business or automobile hobbyist that has either been denied a license or has had a license revoked shall have six (6) months to clean up the site of said business. If applicable, the property owner, if different from the applicant, shall be held responsible for the clean up.

12.C.3.G If necessary, the Town may pursue clean up activities as provided for in title 30-A, Section 3758 as amended.

12.C.4 Site Considerations

12.C.4.A No motor vehicles or material shall be located on a sand and gravel aquifer or on an aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist.

12.C.4.B No motor vehicles or material shall be located within the 100 year flood plain, as mapped by the Federal Insurance Administration, the Army Corps of Engineers, or the U.S Department of Agriculture, unless information presented by the applicant is sufficient to persuade the Planning Board that flooding is not an issue.

- 12.C.4.C No vehicle shall be located closer than one hundred (100) feet from any lot line.
- 12.C.4.D A visual buffer capable of completely screening from public view all portions of the automobile graveyard, automobile junkyard, automobile recycling business or automobile hobbyist shall be established and maintained along all property lines.
- 12.C.4.E The location and name or route number of all roads within one thousand (1,000) feet of the site.
- 12.C.4.F No motor vehicles or material shall be stored within five hundred (500) feet of any dwelling or public or private school.
- 12.C.4.G No motor vehicles or material shall be stored within three hundred (300) feet of any water body.
- 12.C.4.H The site shall comply with the requirements of Title 183 ss1.

12.D.5 Operational Considerations

- 12.D.5.A Upon receiving a motor vehicle, the battery shall be removed and the engine lubricant, transmission fluids, brake fluid and engine coolant shall be drained into watertight, covered containers. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground.
- 12.D.5.B To reduce noise all dismantling of motor vehicles shall take place within a fully enclosed building and shall be done after 7:00AM and before 6:00 PM, Mondays through Saturdays. No dismantling of motor vehicles shall be allowed on Sundays.
- 12.D.5.C A written plan must also be submitted describing how all fluids/special wastes will be stored and eventually disposed of. Estimates of quantities and schedules for removal and dispose shall be included along with agreements with haulers. Storage and disposal of batteries and tires shall also be addressed in this written plan.

12.E.6 Enforcement and Penalties

- 12.E.6.A. The Code Enforcement Officer (CEO) shall enforce this Ordinance. If the CEO finds a violation of this Ordinance, the CEO shall notify in writing the person responsible for it, specifying the nature of the violation, ordering whatever action may be necessary to correct it and giving that person not more than thirty (30) calendar days to make the correction. A copy of the notice shall be given to the Select Board.
- 12.E.6.B If the violation is not corrected as ordered by the CEO, he may initiate any and all actions and proceedings, legal, or equitable, that may be necessary or appropriate to enforce this Ordinance. The CEO may grant one extension of not more than one hundred and eighty (180) calendar days to the time allowed by him for correction of the violation if he determines, based upon all relevant circumstances, that the person responsible for the violation cannot be reasonably be expected to make the corrections

with the time allowed due to personal physical disability or financial hardship or seasonal weather conditions.

12.E.6.C

Any person who violates this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A. ss4452, including, without limitation, a penalty of \$100.00 to \$2,500.00 per day for a specific violation, injunctive relief and reasonable attorney fees, expert witness fees and costs.

Definitions