

Amendments to the Friendship Junkyard Ordinance,

Amendments to the Friendship Junkyard Ordinance, ordinance are to include changes that have been made in the controlling legislation 30-A, 3751 et seq, since the ordinance was last amended.

Section 6. Submission Requirements

Any application for an automobile graveyard, junkyard or automobile recycling business permit shall contain the following information:

- 6.1. A. Name The property owner's name and address. ~~enor entity who will operate the site.~~
B. The name and address of the person or entity who will operate the site; and

6.2 Plan

A site plan, drawn to a scale no less than 1:1200 – no more less than one inch to represent 100 feet -on which is shown:

- (a) Property boundary lines;
- (b) A description of the soils on the property;
- (c) The location of any sand and gravel aquifer recharge areas; as mapped by the Maine Geological Survey or a licensed geologist.
- (d) The location of any residence or school within 500 feet of where the cars will be stored;
- (e) The location of any body of water on the property or within 200 feet of the property lines;
- (f) The boundaries of the 100-year flood plain;
- (g) The location of all roads within 1,000 feet of the site;

(h) A plan for containment of fluids, containment and disposal of batteries and storage or disposal of tires; and

(i) The location within the property boundary lines where vehicles are drained, dismantled or stored\

Section 7 Performance Standards

7.1 Performance standards general

The following performance standards are required of all automobile graveyards, junkyards and automobile recycling businesses, whether new or existing.

7.1.1 The site of the yard must be enclosed by a visual screen that complies with the screening requirements of 39-A M.R.S.A. Section 3759

7.1.2. A vehicle containing fluids may not be stored within 100 feet of any body of water or freshwater wetland, as defined by Title 38, section 436-A, subsection 5.

7.1.3 A vehicle may not be dismantled or stored within 500 feet of a school, church, cemetery or public playground or park that existed on the date the permit was issued.

7.1.4. A vehicle may not be dismantled or stored over a sand and gravel aquifer or aquifer recharge area.

7.1.5. A vehicle containing fluids may not be dismantled or stored within the 100-year flood plain.

7.1.6 Except as provided in subsection 3754-A, subsection 4, a vehicle may not be dismantled or stored within 300 feet of a well that serves as a public or private water supply, excluding a private well that serves only the automobile recycling business or the owner or operator's abutting residence.

7.1.7. A vehicle may not be located or dismantled closer than 20 feet from any lot line, unless the operator has notarized written permission from the abutting property owner.

7.1.8 Dismantling of a vehicle must be performed in accordance with the following standards.

(1) Batteries must be removed.

(2) All fluids, including but not limited to engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be drained into watertight, c

covered containers and must be recycled or disposed of in accordance with applicable federal and state laws, rules and regulations.

(3) Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.

(4) Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules and regulations.

(5) A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed.

(6) All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power within 180 days of acquisition. Motor vehicles acquired by and on the premises of an automobile recycling business prior to October 1, 2005 must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this subparagraph must be removed to the greatest extent practicable.

(7) All fluids, refrigerant, batteries and mercury switches must be removed from vehicles before crushing or shredding. Fluids required to be removed under this subparagraph must be removed to the greatest extent practicable.

Section 7.2, Performance standards, automobile recycling business

An automobile recycling business licensed under this section must meet the following standards.

7.2.1. The site of the yard must be enclosed by a visual screen that complies with the screening requirements of section

7.2.2. A vehicle containing fluids may not be stored within 100 feet of any body of water or freshwater wetland, as defined by Title 38, section 436-A, subsection 5.

7.2.3. A vehicle may not be dismantled or stored within 500 feet of a school, church, cemetery or public playground or park that existed on the date the permit was issued.

7.2.4. A vehicle may not be dismantled or stored over a sand and gravel aquifer or aquifer recharge area.

7.2.5. A vehicle containing fluids may not be dismantled or stored within the 100-year flood plain.

7.2.6. Except as provided in subsection 3754-A, subsection 4, a vehicle may not be dismantled or stored within 300 feet of a well that serves as a public or private water supply, excluding a private well that serves only the automobile recycling business or the owner or operator's abutting residence.

7.2.7. A vehicle may not be located or dismantled closer than 20 feet from any lot line, unless the operator has notarized written permission from the abutting property owner.

7.2.8. Dismantling of a vehicle must be performed in accordance with the following standards.

(1) Batteries must be removed.

(2) All fluids, including but not limited to engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal and state laws, rules and regulations.

(3) Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.

(4) Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules and regulations.

(5) A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed.

(6) All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power within 180 days of acquisition. Motor vehicles acquired by and on the premises of an automobile recycling business prior to October 1, 2005 must have all fluids, refrigerant, batteries and mercury switches

removed by January 1, 2007. Fluids required to be removed under this subparagraph must be removed to the greatest extent practicable.

(7) All fluids, refrigerant, batteries and mercury switches must be removed from vehicles before crushing or shredding. Fluids required to be removed under this subparagraph must be removed to the greatest extent practicable. [2005, c. 683, Pt. A, §52 (AMD).][2005, c. 683, Pt. A, §52 (AMD) .]

7.3 .1 Operations setbacks. No vehicle shall be stored within 500 300 feet of any private well, school, church or public playground or public park. **This prohibition does not include a private well that serves only the automobile graveyard, junkyard, automobile recycling business or the owner's or operator's abutting residence. This prohibition does not apply to wells installed after an automobile graveyard, junkyard or automobile recycling business has already received a permit under section this ordinance.** [§3745-A]

7.3.2 Fluid containment. Upon receiving a motor vehicle, the battery shall be removed, and **all fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water;** the battery shall be removed, and the 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 and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. ~~No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground.~~

7.4 ~~No vehicle shall be located closer than 100 feet from any lot line, A vehicle may not be located or dismantled closer than 20 feet from any lot line, unless the operator has notarized written permission from the abutting property owner.~~

[Previously 7.2.4] ~~7.5 To reduce noise, all dismantling of motor vehicles shall take place within a fully enclosed building, and shall be done after 7:00a.m. and before 6:00p.m. Mondays through Saturdays. No dismantling of motor vehicles shall be allowed on Sundays.~~

FRIENDSHIP JUNKYARD ORDINANCE,
AN ORDINANCE TO REGULATE JUNKYARDS, AUTOMOBILE GRAVEYARDS,
AND AUTOMOBILE RECYCLING BUSINESS

Town of Friendship

Section 1. Purpose

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

“ Junkyards, automobile graveyards and automobile recycling businesses pose potential risks to the environment, particularly to groundwater and surface water quality if gasoline, oil or other fluids are not managed and disposed of properly. Proper location and operation of these facilities are critical to ensure protection of groundwater and surface water quality, other natural resources and the health and welfare of Maine citizens. These facilities may create nuisance conditions potentially affecting abutting landowners and others if not located and operated properly. For these reasons, it is declared that these facilities are appropriately subject to certain environmental and operational standards and to appropriate municipal and state regulation.” 30-A MRSA §3751

Section 2. Authority

This ordinance is enacted pursuant to 30-A M.R.S.A. section 3001 et seq., and section 3751 et. seq.

Section 3. Applicability

This ordinance shall apply to all automobile

graveyards, junkyards and automobile recycling businesses as defined in this ordinance and in 30-A M.R.S.A. section 3752

Section 4. Permit Required

No person may establish, operate or maintain an automobile graveyard, automobile recycling business or junkyard without first obtaining a nontransferable permit from the municipal officers.

Section 5. Administration

5.1 Administered by town officers. This ordinance shall be administered by the municipal officers. No automobile graveyard, junkyard or automobile recycling business permit shall be issued unless the provisions of this ordinance are met.

5.2 Hearing must be held. Upon receipt of an application, the municipal officers shall hold a hearing in accordance with 30-A M.R.S.A. section 3754.

5.3 Term of permit. Permits shall be renewed annually to remain valid until the first day of the following year. Permits issued to an automobile recycling business permits shall be valid for 5 years. The municipal officers shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state law are complied with.

5.4. Fees A fee per 30-A M.R.S.A. section 3756 shall be submitted with each permit application:
Junkyard or automobile graveyard: more than 100 feet from highway \$150.00; within 100 feet from highway \$300.00;
Automobile recycling business: \$250.00 for five-year permit.

Section 6. Submission Requirements

Any application for an automobile graveyard, junkyard or automobile recycling business permit shall contain the following information:

6.1 A. The property owner's name and address.

B. The name and address of the person or entity who will operate the site

6.2 Plan A site plan drawn to a scale no less than 1:1200 - no less than one inch to represent 100 feet - on which is shown:

- a. the boundary lines of the property
- b. A description of the soils on the property;
- c. the location of any sand and gravel 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 vehicles will be placed.
- e. the location of any water bodies on the property or within 200 feet of the property lines
- f. the boundaries of the 100-year flood plain
- g. the location of all roads within 1000 feet of the site

h. A plan for containment of fluids, containment and disposal of batteries and storage or disposal of tires; and

i. The location within the property boundary lines where vehicles are drained, dismantled or stored.

6.3 Renewal Once the site plan is approved it does not have to be resubmitted unless changes are made on the site.

Section 7. Performance Standards

The following performance standards are required of all automobile graveyards, junkyards and automobile recycling businesses, whether new or existing:

7.1.1 The site of the yard must be enclosed by a visual screen that complies with the screening requirements of

39-A M.R.S.A. Section 3759

7.1.2. A vehicle containing fluids may not be stored within 100 feet of any body of water or freshwater wetland, as defined by Title 38, section 436-A, subsection 5.

7.1.3 A vehicle may not be dismantled or stored within 500 feet of a school, church, cemetery or public playground or park that existed on the date the permit was issued.

7.1.4. A vehicle may not be dismantled or stored over a sand and gravel aquifer or aquifer recharge area.

7.1.5. A vehicle containing fluids may not be dismantled or stored within the 100-year flood plain.

7.1.6 Except as provided in subsection 3754-A, subsection 4, a vehicle may not be dismantled or stored within 300 feet of a well that serves as a public or private water

supply, excluding a private well that serves only the automobile recycling business or the owner or operator's abutting residence.

7.1.7. A vehicle may not be located or dismantled closer than 20 feet from any lot line, unless the operator has notarized written permission from the abutting property owner.

7.1.8 Dismantling of a vehicle must be performed in accordance with the following standards.

(1) Batteries must be removed.

(2) All fluids, including but not limited to engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal and

(3) Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.

(4) Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules and regulations.

(5) A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired a copy of the vehicle's title or bill of sale and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed.

(6) All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of

being driven under their own motor power or that are otherwise incapable of being driven under their own motor power within 180 days of acquisition. Motor vehicles acquired by and on the premises of an automobile recycling business prior to October 1, 2005 must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this subparagraph must be removed to the greatest extent practicable.

(7) All fluids, refrigerant, batteries and mercury switches must be removed from vehicles before crushing or shredding. Fluids required to be removed under this subparagraph must be removed to the greatest extent practicable.

7.2 Performance Standards, automobile recycling business and regulations.
recycling business licensed under this section must meet the following standards.

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7.3 .1 Operations setbacks. No vehicle shall be stored within **300** feet of any private well, school, church or public playground or public park. This prohibition does not include a private well that serves only the automobile graveyard, junkyard, automobile recycling business or the owner's or operator's abutting residence. This prohibition does not apply to wells installed after an automobile graveyard, junkyard or automobile recycling business

has already received a permit under section this ordinance. [§3745-A]

7.3.2 Fluid containment. Upon receiving a motor vehicle, the battery shall be removed, and all fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water; according to all applicable Federal and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials.

7.4 No vehicles shall be stored within 300 feet of a sand and gravel aquifer or within an aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.

7.5 No vehicles shall be stored within the 100-year flood plain.

7.6 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 watertight, covered containers 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 vehicle shall be permitted into or onto the ground.

7.7 A vehicle may not be located or

dismantled closer than 20 feet from any lot line, unless the operator has notarized written permission from the abutting property owner.

Section 8. Enforcement

This ordinance shall be enforced by the municipal officers or their authorized agents in accordance with state law. Any violation of this ordinance shall also be deemed a nuisance within the meaning of 17 M.R.S.A. section 2802 and the violator shall be subject to the penalties set forth in 30-A M.R.S.A. section 4452 and any other remedy available at law.

Section 9. Effective Date and Amendment

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

9.2 Structures, uses, and lots which were legally existing as of the adoption of this Ordinance but which do not conform to the requirements of the Ordinance shall be brought into conformance by April first on the year following date of adoption.

Section 10. Definitions

As used in this ordinance unless the context otherwise indicates, the following terms have the following meanings.

10.1. Automobile graveyard. "Automobile graveyard" means a yard, field or other area used to store three or more unserviceable, discarded, worn-out or

junked motor vehicles as defined in Title 29-A, section 101, subsection 42, or parts of such vehicles.

a. "Automobile graveyard" does not include any area used for temporary storage by an establishment or place of business that 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.

10.2. 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 section 6.2.a. is used for automobile recycling operations.

10.3. Highway. "Highway" means any public way.

10.4. Junkyard. "Junkyard" means a yard, field or other area used to store:

- a. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
- b. Discarded, scrap and junked lumber;
- c. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris,

waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and

d. Garbage dumps, waste dumps and sanitary fills.

10.5. 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.

Section 11. Severability and Conflict

In the event that any provision of this ordinance is ruled to be invalid by a Court of competent jurisdiction, the remaining provision shall continue in full force and effect. In the event that any provision of this ordinance conflicts with State statute, the State statute shall govern.

Section 13. Appeals

If a decision of the Municipal Officer(s) is objectionable to the landowner, operator of the facility or any person aggrieved or when it is claimed that the provisions of this Ordinance do not apply or that the true intent of the Ordinance has been misconstrued or wrongfully applied, the landowner, operator of the facility or

person aggrieved may appeal the decision of the Municipal Officer(s) within 30 days to the Board of Appeals following the

procedures set forth by the Town of
Friendship.

Amended on March 15, 2010

Enacted on March 16, 2004