

AUTOMOBILE RECYCLING ORDINANCE  
(DISMANTLING AND SALVAGE OPERATIONS)  
FOR THE  
TOWN OF ADDISON, MAINE

ENACTED: OCTOBER 27, 1994  
DATE

TO BECOME EFFECTIVE JANUARY 1, 199

CERTIFIED BY: Glenda C. Emerson  
NAME

Town Clerk  
TITLE

AFFIX SEAL

ATTST: A TRUE COPY  
11-2-94  
Nancy Hicks  
Dep. Town Clerk

## *Town of Addison*

### AUTOMOBILE RECYCLING ORDINANCE (DISMANTLING AND SALVAGE OPERATIONS)

#### **Purpose**

The purpose of this ordinance is to provide adequate controls to ensure that automobile recycling operations do not have a deleterious impact on the health, safety, and general welfare of the people of the Town of Addison.

The operation of an automobile recycling operation is a privilege granted to an individual by the state acting through the selectmen of the Town of Addison. Because the law defines these types of operations to be a nuisance, the selectmen must decide whether or not to issue a permit under the operation proposed by the applicant.

Title 30-A, sections 3751-3760 impose an obligation on municipalities to license automobile recycling operations which meet State and local requirements and to enforce the law against people who are in violation.

State law shall take precedent over town ordinance when more restrictive. Town ordinance will apply whenever the town requirements are equal or more restrictive than the State law.

#### **Authority**

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

It has been recognized by the state of Maine that recycling of automobiles is a business enterprise that, when conducted in accordance with certain standards, differs from the enterprise of an automobile graveyard and that adoption of uniform state standards for this type of business enterprise would assist in development and regulation of that business.

#### **Licensing**

Any automobile recycling operation established, operated or maintained is required to be licensed whether or not the person is actually in the automobile recycling business.

**Freshwater Wetlands:** means freshwater swamps, marshes, bogs and similar areas which are adjacent to the Department of Transportation

A. Of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that, in a natural state, the combined surface area is in excess of 10 acres; and

B. Inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

**Administration**

This ordinance shall be administered by the selectmen. No automobile recycling permit shall be issued unless the provisions of this ordinance are met.

Upon receipt of an application, the selectmen shall hold a hearing in accordance with 30-A M.R.S.A. section 3754. A public hearing shall be held before granting a permit to establish, operate or maintain an automobile recycling operation. A notice of the hearing shall be posted at least 7 and not more than 14 days before the hearing in at least 2 public places in the town and a notice shall be published in one newspaper having general circulation in the town. The selectmen shall give written notice of the application to the Department of Transportation by mailing a copy of the application at least 7 days and not more than 14 days before the hearing.

The selectmen shall inspect at any time, or cause to be inspected at any time, the automobile recycling site to ensure compliance with the provisions of this ordinance and state law. At a minimum said inspection shall occur annually. Records of inspections shall be maintained by the selectmen.

**Automobile Recycling Operation Requirements**

The following requirements must be met before a permit may be granted for an automobile recycling business:

- The automobile recycling operation must be a plot of less than three (3) acres. The plot must be clearly staked out and must be kept entirely screened to the ordinary view from residences and

### Operating Standards

The following operating standards are required of all automobile recycling operations, whether new or existing:

- All vehicles must be stored within the enclosure designated as the recycling operation. Temporary storage outside of the operation area shall be limited to five (5) vehicles for five (5) days.
- No vehicle shall be stored or dismantled within 300 feet of any body of water or within 100 feet of a freshwater wetland.
- No vehicles shall be dismantled or stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.
- No vehicles shall be dismantled or stored within the 100-year flood plain.
- No vehicle, whether temporarily or permanently stored, shall be located closer than 20 feet from any lot line. No vehicles shall be located or dismantled closer than 20 feet from any lot line.
- 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 on the ground.
- An automobile recycling operation must employ a system of containment to collect, store for recycling, or properly dispose of used oils, fluids, coolants, and spilled battery acid that ensures that no discharge from any vehicle is permitted into or onto the ground.
- Containers used for the storage of used oils, fluids, and coolants must be watertight and free from leaks.
- All fluids must be recycled or disposed of in accordance with applicable federal or state laws, rules, and regulations or a licensed disposal facilities must be contracted to handle the

- A site plan drawn to scale on which is shown:
  - (1) the boundary lines of the property
  - (2) the soils
  - (3) the location of any sand and gravel aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist
  - (4) the location of any residences or schools within 500 feet of the area where cars will be placed
  - (5) the location of any bodies of water or wet areas on the property or within 200 feet of the property lines
  - (6) the boundaries of the 100-year floodplain
  - (7) the location of all highways within 1000 feet of the site
- All questions listed on the application must be answered in full.
- Additional information to be submitted with the application:
  - (1) A current soil test of the storage area will be required for all first time applications and, thereafter, as requested by the Code Enforcement Officer. Indicate the areas where the tests were taken on the site plan.
  - (2) Show, on the site plan, the location of the storage area and any buildings and/or other preparation areas where vehicles will be prepared for storage including distances from storage area and buildings and/or preparation areas to property lines.
  - (3) Site plan to include any wells or private residences within 500 feet of the storage area and dismantling area.
  - (4) Description of the system of containment to be used to collect, recycle, or properly dispose of used oils, fluids, and coolants, and any spilled battery acids.
  - (5) Annual certification that containers for storage of used oils, fluids,

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 by law.

No permit may be revoked or suspended without a hearing and notice to the owner or the operator of the automobile recycling business. Notice of hearing must be sent to the owner or operator by registered mail at least seven (7) but not more than fourteen (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.

The selectmen and the code enforcement officer shall be responsible for enforcing this ordinance.

Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the provisions set forth in this ordinance or the regulations established by the state of Maine is liable for any penalties assessed.

Penalties include, but are not limited to, the following:

- The minimum penalty for starting an automobile recycling operation without a permit is \$100, and the maximum penalty is \$2,500. These penalties may be assessed on a per-day basis.
- The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500. These penalties may be assessed on a per-day basis.
- The violator may be ordered to correct or abate the violations.
- If the town of Addison is the prevailing party, the town must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.
- The maximum penalty may exceed \$2,500, but may not exceed \$25,000, when it is shown that there has been a previous conviction of the same party within the past 2 years for violation of the automobile recycling ordinance or applicable state or federal regulations. These penalties may be assessed on a per-day basis.

All proceedings arising under ordinances and laws administered by the town

All fences shall be will constructed and maintained. Only sound undamaged material, uniform in appearance, and erected in a workman-like manner will be acceptable.

*Suggested Materials*

Posts: Wood - Sound, round or square, preferably cedar, hackmatack, spruce, or fir. Preservative treatment is suggested. 4" x 4" minimum (square) or 4" minimum diameter (round).

Metal - Steel pipe or structural section steel either galvanized or base coat painted with rust inhibitive paint.

All posts to extend a minimum of 4 feet below ground level and to be set plumb. Recommended post spacing 8 feet to 12 feet. End and corner posts to be diagonal braced to nearest adjacent post.

Stringer: Minimum 2x4 - Spruce or Fir - Sound and free of excessive or weakening knots, and relatively free from warp or wain, preferably treated with a preservative after cutting to length. Solidly spiked to wood posts or bolted to metal posts. Three stringers for 6 or 8 foot height of fence, 4 stringers for 10 or 12 foot height. Over 12 foot height would require special design.

Steel pipe or structural section stringers may be used. These should be either galvanized or base coat painted with rust inhibitive paint.

*Facing Material*

Facing material may be wood, composite, sheet metal or plastic. Although new material will not be a requirement, bent, damaged, poor quality, scrap, discarded, mixed or conglomerate materials will not be acceptable.

Suggested materials would be sound, new or used boards; exterior grade hardboard or plywood; corrugated steel, aluminum, or plastic.

It is suggested that all fastenings be galvanized nails, spikes, bolts, clamps, etc., and that all wood materials be treated with a preservative to prolong the life of the fence and to present a uniformity of appearance,

Since wind damage is a problem with any fence, bracing may be required and certainly would be essential on any fence over 8 feet in

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the Automobile Recycling Ordinance.

After enacted by the voters of the Town of Addison, this Ordinance shall become effective January 1, 1995

Given under our hands this 12<sup>th</sup> day of October, 1994.

Michael L. Murphy  
Michael L. Murphy

Virgil L. Crowley  
Virgil L. Crowley

David T. Ouellet  
David T. Ouellet

Selectmen Town of Addison

"Attest: A true copy of the ordinances entitled Automobile Recycling Ordinance for the Town of Addison, Maine," as certified to me by the municipal officers of Addison on the 12<sup>th</sup> day of October, 1994.

Signature

Glenda C. Emerson  
Glenda C. Emerson  
Town Clerk of Addison