Town of Fairfield
Automobile Graveyard and Junkyard Ordinance

The effective adoptive date of this Ordinance is the 9th day of October, 2002.

Amended:
May 9, 2018

A True Copy

Attest:__________________________________

Town Clerk

Town Seal
Severability
Should any portion of this ordinance be found invalid for any reason by a court of competent
jurisdiction, then all portions not found invalid shall remain unaffected and continue in full force and
effect.

Section 1. Authority
This ordinance is enacted pursuant to Title 30-A, Section 3752-Section 3756 of the Maine Revised
Statutes Annotated.

Section 2. Short Title
This ordinance shall be known and cited as the "Automobile Graveyard and Junkyard Ordinance of the
Town of Fairfield".

Section 3. Purpose
The purpose of this ordinance is to provide adequate controls to ensure that automobile graveyards,
automobile recycling businesses and junkyards do not have a negative impact on the Town's health,
safety, general welfare and property values.

Section 4. Applicability
This ordinance shall apply to all automobile graveyards, automobile recycling businesses and junkyards
as defined in Title 30-A M.R.S.A. Section 3752 and as further defined in Appendix A of this ordinance,
which is incorporated herein by reference, whether located on private or commercial property. This
ordinance shall not apply to the temporary storage, as defined in Appendix A.

Section 5. Permits Required
Unless otherwise provided by the Council, the Code Enforcement Officer shall be required to
administer this ordinance. As provided for in this section, the Town Council shall issue all permits
according to the requirements set forth below.

5.1 A person or entity may not establish, operate or maintain an automobile graveyard, automobile
recycling business or junkyard without first obtaining a nontransferable permit from the Town
Council. Including:
   1. Any automobile graveyard, recycling business location or junkyard location that was
      created after the date of enactment of this ordinance.
   2. Any proposed expansion to an existing site which is beyond the limit shown on the
      original site plan approved at the time the graveyard, recycling business or junkyard was
      first permitted prior to the date of enactment of this ordinance.
   3. Any graveyard, recycling business or junkyard that has been in existence but never
      permitted.

5.2 All permits, whether new or renewals shall be issued annually. Permits shall become effective
October 1st and expire September 30th of each year. An annual fee of $100 will be charged for
new or renewal permits. New permits issued during the year shall expire on September 30th
and must be renewed for the next year.
5.3 Prior to approval of any permit, new or renewal, the Code Enforcement Officer shall inspect the site to ensure compliance with this ordinance and State automobile graveyards, automobile recycling businesses and junkyard laws.

5.4 Before granting a permit, the Town shall schedule a Public Hearing. A notice of said Hearing shall be sent to the Town Council and mailed to all abutting property owners, posted at the Town Office and one other public place and published in the local newspaper at least 7 and not more than 14 days before said Hearing. The cost of posting and publishing said notice shall be paid by the applicant. The Town Council shall give written or electronic notice of the application to establish a new automobile graveyard or automobile recycling business to the automobile dealer licensing section of the Department of the Secretary of State, Bureau of Motor Vehicles by mailing a copy of the application at least 7 and not more than 30 days before the hearing.

5.5 Any permit granted with restrictions or conditions of approval shall clearly state those conditions or restrictions on or attached to the permit.

5.6 The denial of any permit shall be in writing and shall set forth the reasons for the denial.

Section 6. Right, Title, and Interest
No permit will be issued for an automobile graveyard, automobile recycling business or junkyard unless there is proof of ownership, a sale/lease agreement, or an authorization letter that the land (site) may be used for that particular type of operation.

6.1 All proof of ownership (copy of deed), lease agreement, or letter of agreement shall be on file at the Town Office at all times. All lease agreements and letters of agreements must show the number of years that the site may be used for that particular operation and must be notarized.

6.2 A person or entity may file an application for a permit on a site that already has a permit if the permit holder has a sales agreement with the person or entity seeking the permit. The permit may be granted but will only become valid when the transaction has been completed.

Section 7. Submission Requirements
Applicants for permit renewals shall be submitted by September 1st of each year. If found to be incomplete; the Code Enforcement Officer shall immediately notify the permit holder that the required information must be submitted prior to the Public Hearing date. If there are no changes to the ownership, size or nature of the existing automobile graveyard, automobile recycling business or junkyard facility, an applicant for a renewal permit does not need to submit the information as further described in this section, except as otherwise specified by the Town Council.

7.1 For new permit applicants, or for existing facilities which are proposed to be changed or expanded beyond the original permitted area, a completed application must be submitted at least 30 days prior to the required Public Hearing to provide the public an opportunity for review.
All such applications shall contain the following information:

7.2 The property owner's name and address and the name and address of the person or entity that will operate the site.

7.3 A site plan drawn to scale not to exceed 1" = 100', on which is shown:

   a. The boundary lines of the property
   b. Soils information from Somerset County Soil Conservation Service web site: http://somersetswcd.org/
   c. The location of any and all gravel aquifer recharge area(s) as mapped by the Maine Geological Survey, or a licensed geologist web site: http://www.maine.gov/dacf/mgs/index.shtml
   d. The location of all wells within three hundred (300) ft. of where cars or junk will be placed
   e. The location of any public building, schools, churches, playgrounds or public parks, public bathing beach within five hundred (500) feet of the area where cars or junk will be placed
   f. The location of any water bodies on the property or within two hundred (200) feet of the property lines
   g. The boundaries of the 100-year flood plain, if applicable
   h. The location and name or route number of all roads within one thousand (1000) feet of the site
   i. Yard access roads
   j. Designated areas for the storage of vehicles, vehicle parts and any and all other items associated with this facility.

This site plan does not need to be an engineered drawing.

7.4 A written plan must be submitted describing how all fluids/special wastes will be stored and eventually disposed of. Estimates of quantities and schedules for removal and disposal must be included along with agreements with haulers. Storage and disposal of batteries and tires must also be addressed in this written plan to show compliance with State and Federal solid waste and hazardous waste regulations.

7.5 Copies of all permits and licenses held by the operator at this facility.

7.6 No permit will be issued for an automobile graveyard, automobile recycling business or junkyard to a person or entity seeking a new site or buying an existing site until all revoked permits and all violation and enforcement actions have been corrected. This would include not only local violations, but also any violations of State/Federal laws regardless of where committed.

7.7 Any person or entity submitting false or misleading information on an automobile graveyard, automobile recycling business or junkyard site permit application will be subject to revocation of the permit after a public hearing or a penalty of one thousand ($1000) dollars or both if the
Town Council finds that the misleading or false information was critical to granting of the permit.

7.8 Highways; Interstate System and Primary System. A permit may not be granted for an automobile graveyard within 1,000 feet of the right-of-way of any highway incorporated in both the Interstate System and Primary System or within 600 feet of the right-of-way of any other highway, except for:
A. Those automobile graveyards or junkyards that are kept entirely screened from ordinary view from the highway at all times by natural objects, plantings or fences. Screening required by this paragraph must be:
(1) At a height, density and depth sufficient to accomplish complete screening from ordinary view;
(2) Well constructed and properly maintained at a minimum height of 6 feet;
(3) Placed outside of the highway right-of-way; and
(4) Acceptable to the Town Council; and
B. Those automobile graveyards or junkyards located within areas that have been zoned for industrial use and located more than 600 feet but less than 1,000 feet from the right-of-way of any highway incorporated in both the Interstate System and Primary System.

Section 8. Operating Standards
All automobile graveyards and junkyards permitted pursuant to State Law, Title 30 A, Section 3753 are required to comply with the following standards:

8.1 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.

8.2 A vehicle containing fluids may not be stored or dismantled:
(1) Within 100 feet of any body of water or freshwater wetland, as defined by Title 38, Section 436-A, Subsection5;
(2) Within the 100-year floodplain; or
(3) Over a mapped sand and gravel aquifer.

8.3 Junk, scrap metal, vehicles or other solid wastes may not be placed or deposited, directly or indirectly, into the inland waters of the State or on the ice of inland waters or on the banks of inland waters in such a manner that they may fall or be washed into these waters.

8.4 Junkyard and automobile graveyard owners must demonstrate at the time of licensing that the facility or facilities for which they seek permits are, or are part of, a viable business entity and the facility or facilities are actively engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale or trade.

8.5 To reduce noise created by the commercial business that can be heard outside the premises, all dismantling of motor vehicles shall take place after 7:00 a.m. and before 6:00 p.m. Mondays through Saturdays. No dismantling of motor vehicles shall take place on Sundays.
8.6 Town Council Members shall designate the Code Enforcement Officer to carry out the provisions of this ordinance to determine compliance with any laws, ordinances, licenses or permit approvals to:
A. Enter any automobile graveyard, automobile recycling business, or junkyard property and inspect all outside areas, equipment and activities at reasonable hours for compliance with this ordinance.
B. Enter any building on the property with the consent of the owner, occupant or agent to inspect the activities within any building for compliance with this ordinance.

8.7 No vehicles or junk shall be stored within three hundred (300) feet from the property line of any school, church, public playground, public park or cemetery or within ordinary view from a public building.

8.8 No vehicles or junk shall be dismantled or stored within three hundred (300) feet of a well that serves as a public or private water supply unless such well serves the business or the owner or owners abutting residence. Automobile graveyards, junkyards and automobile recycling businesses operating under the terms of permits issued prior to the effective date of this subsection and handling junk, scrap metal, vehicles or other solid waste within 300 feet of wells that serve as public or private water supplies may continue to operate in those locations under the terms of those permits. The Town Council may renew a permit allowing the continued handling of junk, scrap metal, vehicles or other solid waste within 300 feet of a well serving as a public or private water supply as long as no further encroachment toward the well occurs. The Town Council may not renew a permit if there is substantial, credible evidence that the permitted activities have caused contaminations of the well.

8.9 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.

8.10 All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or parts that render the vehicles incapable of being driven under their own motor power, appliances and other items within 180 days of acquisition. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable. Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable Federal and State laws, rules and regulations.

Section 9. Permit Denials, Revocations, Clean Up
The Town Council may issue a permit to an automobile graveyard, automobile recycling business, or junkyard if that automobile graveyard, automobile recycling businesses or junkyard meets the operating standards set forth in section 8 of this ordinance and the Town Council may attach conditions of approval to all permits for automobile graveyards, automobile recycling businesses or junkyards.
Any automobile graveyard, automobile recycling or junkyard businesses permit application which is not approved at the time of review, has three (3) months from the expiration date to become relicensed. Any permit issued after three (3) months from the expiration date of the previous permit shall comply with all requirements for new site approvals. In other words, the site will lose its grandfathered status and be considered as a new permit site. This will also apply to any permits revoked during the year.

The Code Enforcement Officer may grant one extension of not more than three (3) months of the time for correction of the violation if, based upon all relevant circumstances, that the person responsible for the violation cannot reasonably be expected to make the correction with the time allowed due to seasonal weather conditions, personal physical illness or financial hardship.

9.1 Any existing automobile graveyard, automobile recycling business/junkyard not issued a permit because of a lack of any application or an incomplete application must clean up the site within three (3) months of the date of expiration of the last permit issued.

9.2 In addition to its other enforcement options, the Town may revoke any permit when, after notice and 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.

9.3 Any automobile graveyard, automobile recycling businesses/junkyard that has either been denied a license or has had a license revoked shall have three (3) months to clean up the site of said automobile graveyard/junkyard. If applicable, the property owner if different from the applicant will be held responsible for clean-up.

Section 10. Enforcement and Penalties
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 the person not more than 30 calendar days to make the correction. A copy of the notice shall be given to the municipal officers.

If the violation is not corrected as ordered by the CEO, the CEO will notify the Town Council and they 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 three (3) months for correction of the violation. If CEO determines, based upon all relevant circumstances, that the person responsible for the violation cannot reasonably be expected to make the correction with the time allowed due to seasonal weather conditions, personal physical illness, or financial hardship.

Any person who violates this ordinance shall be penalized in accordance with Title 30-1 MRSA 4452 including, without limitation, a penalty of $100 to $2500 per day for a specific violation, injunctive relief and reasonable attorney fees, expert witness fees and costs.

Section 11. Appeals
Any and all appeals under this ordinance may be taken within 30 days of the decision to the Somerset County Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.
Section 12. Severability and Conflict
In the event that any provision of this ordinance is ruled to be invalid, the remaining provisions shall continue in full force and effect. In the event that any provision of this ordinance is found to be less restrictive than State law, the requirements of State law shall govern.

Section 13. Conflict and Other Laws
Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or any other ordinance, regulation or statute, the provision imposing the greater restriction shall control. The newest version of this ordinance shall be the one that is enforced.

Section 14. Effective Date
This ordinance shall be effective upon adoption by Fairfield Town Council and may be amended by the Town Council in accordance with Town requirements for amending ordinances.

APPENDIX A – Definitions

Automobile Graveyard: "Automobile graveyard" as used in this ordinance shall mean a yard, field or other area used as a place of storage, other than temporary storage, to store three (3) or more unregistered or uninspected motor vehicles, as defined in Title 29-A M.R.S.A. section 101 subsection (42), or parts of the vehicles. Automobile graveyard includes an area used for automobile dismantling, salvage and recycling operations. For purposes of this ordinance, the term "unregistered or uninspected motor vehicle" shall mean not ready for use or presently useable as a motor vehicle, as opposed to incapable of being registered or inspected.

Junkyard: "Junkyard" as used in this chapter shall mean a yard, field, or other outside area used to store, dismantle or otherwise handle:
  a. Discarded worn out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances and furniture;
  b. Discarded, scrap and junked lumber; and
  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;
  d. Garbage dumps, waste dumps and sanitary fills

Automobile Recycling Business: "Automobile recycling business" means the business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112 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 basic materials in the salvage vehicles, provided that 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C is used for automobile recycling operations.

Temporary Storage: The term "temporary storage" as used in this ordinance shall mean storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle’s storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business.
APPENDIX B

General

Screening:
May be accomplished by natural or man-made objects, plantings or properly constructed fences, any of which must completely screen the items from ordinary view from any portion of any public way or abutting property throughout the entire calendar year. All screening must be located outside of the public way right-of-way limits.

Natural or man-made objects may be interpreted to be:

1. Hill, gullies, or embankments. Such man-made objects must be constructed to blend with the landscape with loaming and seeding or other treatment as may be necessary to establish a natural appearance
2. Buildings or other installations
3. Combinations of above

Plantings:
Trees, shrubs, or other vegetation of sufficient height, density and depth of planting or growth to completely screen the junkyard from ordinary view from any highway within the prescribed distance throughout the entire calendar year may be used for screening.

Fences:
Fences shall be so located and of sufficient height to completely screen the junkyard from ordinary view from any highway within the prescribed distances. It must be emphasized that height must be sufficient to accomplish the complete screening from ordinary view. All fences shall be well constructed and maintained. Only sound undamaged material, uniform in appearance, and erected in a workmanlike manner will be acceptable.

Suggested Materials:

Post:
Wood-sound, round or square. Preservative treatment is suggested. 4"X4" (square) or 4” minimum diameter (round).

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

All posts to extend a minimum of 40 inches below ground level and to be set plumb.

Recommended post spacing 8' by 12'. End and corner posts to be diagonal braced to nearest adjacent post.
Stringers:
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 stain/paint after cutting to length. Solidly spiked wood posts or bolted to metal posts. Three stringers for 6’ to 8’ foot height of fence, 4 stringers for 10’ to 12’ foot height. Over 12 foot in height would require a special design.

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

Facing Materials:
Facing materials 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; corrugated steel, aluminum, or plastic.

It is suggested that all fasteners be galvanized nails, spikes, bolts, clamps, etc., and that all wood materials be treated with a preservative stain/paint (of uniform color) to preserve and 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 height. In board fence construction, relief of wind pressure may be achieved by placing the boarding alternatively on outside and inside of stringers with the spacing to be such that the edges overlap enough to present a solid appearance and effectively screen the junkyard from ordinary view.