

Town of Bridgton

ORDINANCE TO REGULATE AUTOMOBILE GRAVEYARDS, JUNKYARDS AND AUTOMOBILE RECYCLING BUSINESSES



Enacted: February 27, 2001
Amended: June 12, 2007; June 11, 2019

**TOWN OF BRIDGTON
ORDINANCE TO REGULATE AUTOMOBILE GRAVEYARDS, JUNKYARDS
AND AUTOMOBILE RECYCLING BUSINESSES**

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 in the Town of Bridgton.

Section 2. Authority

This Ordinance is enacted pursuant to the Home Rule powers as provided in Article VIII, part second, section 1 of the Maine Constitution, 30-A M.R.S. § 3001 et seq., 30-A M.R.S. § 3754-A, and all other applicable authority.

This Ordinance shall be known as the "Ordinance to Regulate Automobile Graveyards, Junkyards, and Automobile Recycling Businesses" of the Town of Bridgton, adopted and effective by vote of the Town Meeting.

Section 3. Applicability

This Ordinance shall apply to all automobile graveyards, junkyards, and automobile recycling businesses as defined in 30-A M.R.S. § 3752, as amended, or any successor provisions.

The provisions of this Ordinance are in addition to, and do not supplant, the requirements under 30-A M.R.S., Chapter 183, subchapter 1, as amended, or any successor provisions.

Section 4. Permit Required

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

Section 5. Administration

A. 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.

B. Upon receipt of an application, the municipal officers shall hold a hearing in accordance with 30-A M.R.S. § 3754, as amended, or any successor provisions.

C. Permits issued to an automobile graveyard or junkyard shall be valid until the first day of October of the following year. Permits issued to an automobile recycling business shall be valid for 5 years from the date of issuance and are renewable as provided in 30-A M.R.S. § 3753, as amended, or its successor provisions.

D. The municipal officers or their designees shall annually inspect, or cause to be inspected, the site of any permitted automobile graveyard, junkyard, or automobile recycling business to ensure compliance with the provisions of this Ordinance and state laws and regulations, and license or permit approvals, decisions, or conditions.

E. A fee in accordance with the fee schedule set forth in 30-A M.R.S. § 3756 shall be submitted with the permit application.

Section 6. Submission Requirements

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

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

B. A site plan drawn to a scale not to exceed 1"=100', 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 vehicles will be placed.
- (5). the location of any water bodies on the property or within 200 feet of the property lines
- (6). the boundaries of the 100-year flood plain
- (7). the location of all roads within 1000 feet of the site

C. A detailed statement setting forth the means by which the proposal shall comply with the applicable operating standards set forth in 30-A M.R.S. §§ 3754-A(5) and 3755-A, as amended, or its successor provisions, and the performance standards of this Ordinance.

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

Section 7. Hearing

1. Hearing. The municipal officers shall hold a public hearing before granting a permit to establish a new automobile graveyard, junkyard, or automobile recycling business, in accordance with 30-A M.R.S. § 3754, as amended, or its successor provisions.

2. Notice. The municipal officers shall require an applicant to provide proof of mailing a notice of the application to all abutting property owners. The municipal officers shall post a notice of the hearing at least 7 and not more than 14 days before the hearing in at least 2 public places in the municipality and shall publish a notice in one newspaper having general circulation in the municipality in which the automobile graveyard, junkyard, or automobile recycling business is to be located. The municipal officers 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. The municipal officers shall give written notice of the application to the public water supplier if the application is for an automobile graveyard, automobile recycling business, or junkyard located within the supplier's source water supply area. The notice may be given by mailing a copy of the application at least 7 and not more than 14 days before the hearing.

Section 8. Performance Standards

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

A. The site must be enclosed by a visual screen that complies with the screening requirements of 30-A M.R.S. § 3754-A(1), as amended, or any successor provisions.

B. No vehicle shall be stored within 300 feet of any water body or inland wetland.

C. No vehicle shall be stored within 500 feet of any private well, school, church or public playground or public park.

D. No vehicles shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.

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

F. 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.

G. No vehicle shall be located closer than 100 feet from any lot line.

H. 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.

Section 9. 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. § 2802, and the violator shall be subject to the penalties set forth in 30-A M.R.S. §§ 3758-A and 4452 and any other remedy available at law.

Section 10. Effective Date and Amendment

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

Section 11. Legal Non-Conforming ("Grandfathered") Uses, Structures, and Lots

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 considered non-conforming but may continue and be maintained, repaired, and improved.

Section 12. Legal Non-Conforming ("Grandfathered") Uses, Structures, and Lots (continued)

Expansions of non-conforming structures, uses, or lots must conform to all other standards of this Ordinance.

Section 13. 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 14. Appeals

A. Any person, firm or corporation aggrieved by a decision of the municipal officers may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

B. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

C. Appeals from decisions of the municipal officers shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the municipal officers and all documents and other evidence comprising the record on which the municipal officers' decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the municipal officers. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the municipal officers was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a

decision of the municipal officers or to remand the matter to the municipal officers for further proceedings.

A. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

B. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an appeal from a decision of the municipal officers. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty-five (35) days of the close of the public hearing shall constitute a denial of the appeal.

C. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

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