



Town of Island Falls, Maine

Ordinance to Regulate Automotive Graveyards, Junkyards and Trash

Section 1. Purpose:

The purpose of this ordinance is to provide adequate controls to prevent the deleterious impact of the following on public health, safety, and general welfare; and to ensure a positive town image and protect the property values of the Town's neighborhoods.

Section 2. Authority:

This ordinance is enacted pursuant to 30-A M.R.S.A. ss3001 et. seq. and ss3751 et. seq.

Section 3. Applicability:

This ordinance shall apply to all:

- automobile graveyards
- junkyards
- metal recycling business
- appliances
- construction debris
- accumulation of rubbish, trash, brush, liquid waste

Section 4. Permit Required.

No person may establish, operate, or maintain an automotive graveyard, junkyard, metal recycling business, or waste disposal business within the Town of Island Falls without a permit issued by the Town Selectmen and first approved by the Planning Board. Permits will not be issued within the residential areas.

Section 5. Administration.

5.1. This ordinance shall be administered by the Town Selectmen. No permits shall be issued unless the provisions of this ordinance are met.

5.2. Upon receipt of the application, the Town Selectmen shall provide notice and hold a public hearing in accordance with 30-A M.R.S.A. ss3754.

5.3. Permits issued will be valid for one year and renewed after a site inspection confirms compliance with the provisions of this ordinance and state law.

5.4. A fee of \$100 shall be submitted with the permit application.

Section 6. Permit Submission Requirements.

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

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

- 6.2. A site plan drawn to a scale not to exceed 1"-100', on which is shown:
 - a. the boundary lines of the property
 - b. the soils
 - 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 well that serves as a private or public water supply that is located within 300 feet of the proposed licensed site
 - e. the location of any public building, public park, public playground, public bathing beach, school, church or cemetery located within 300 feet of the proposed licensed site
 - f. the location of all roads within 1,000 feet of the proposed licensed site
 - g. the location of any body of water or freshwater wetland within property boundaries of proposed licensed premises
 - h. the boundaries of the 100-year flood plain

Section 7. Performance Standards

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

- a. The site must be adequately screened, as provided by 30-A M.R.S.A. § 3754-A(1).
- b. No automobile graveyard or junkyard may be located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery or within ordinary view from the same.
- c. No automobile graveyard, junkyard or automobile recycling business that handles junk, scrap metal, vehicles or other solid waste may be located within 300 feet of a well that serves as a public or private water supply, as provided by 30-A M.R.S.A. §3754-A(4).
- d. A vehicle containing fluids may not be stored or dismantled within 100 feet of any body of water or freshwater wetland, as defined by 38 M.R.S.A. § 436-A(5).
- e. A vehicle containing fluids may not be stored or dismantled within the 100-year floodplain.
- f. A vehicle containing fluids may not be stored or dismantled over a mapped sand and gravel aquifer.
- g. All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, battery acid, engine coolant, gasoline 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.

- h. No junk, scrap metal, vehicles or other solid wastes may be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the State or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters.
- i. To reduce noise, all dismantling of motor vehicles shall take place within a building, and shall be done after 7 a.m. and before 6 p.m. Mondays through Saturdays

Section 8. Enforcement

The Town Selectmen or their agents shall enforce this ordinance 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. § 2802, or as littering under the Maine Litter Control Act, 17 M.R.S.A. § 2261, et. seq. Violations of this ordinance shall be subject to the provisions of 30-A M.R.S.A. § 3758-A.

Section 9. 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 10. 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 provisions 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 11. Residential Trash

The purpose of the “Residential Trash” section of this Ordinance is to prevent the accumulation of unsightly trash, appliances, garbage, and brush from residential properties. The accumulation of these items has a negative effect on the aesthetics of an entire neighborhood and our community. The Town of Island Falls is a member of the Northern Katahdin Valley Solid Waste Disposal District (NKVSWD). NKVSWD provides a location for disposal of all forms of solid waste. Its hours of operation are posted and deemed convenient for everyone.

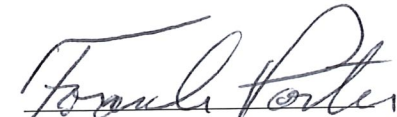
Therefore: No person shall throw or place, or cause to be thrown or placed upon the premises of himself/herself or another location within the limits of the Town of Island Falls any rubbish, garbage, appliances, brush, or debris of any kind, nor shall any owner or occupant of any such premises after receiving notice from a Town Official authorized by the Board of Selectmen to give such notice. Any person or persons failing to remove any such rubbish, garbage, appliances, brush, or debris within a period of ten (10) days after the receipt of said notice shall be subject to a fine not exceeding fifty dollars (\$50) for each violation and a fine of ten dollars (\$10) per day thereafter.

Definitions:

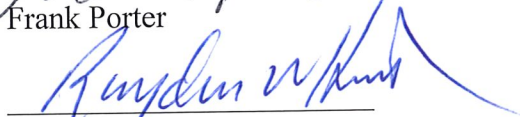
As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

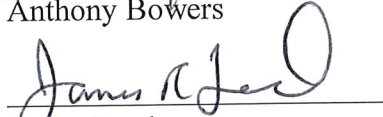
1. **Automobile graveyard:** Yard, field, or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles as defined in Title 29-A, s 101, ss42, or parts of the vehicles. This includes an area used for dismantling, salvage, or recycling operations. Insurance salvage storage areas and auto repair garages are not to be treated as automobile graveyards provided the vehicles being stored or repaired do not remain on the premises for more than 180 days.
2. **Junkyards:** A yard, field, or other outdoor area used to store, dismantle, or otherwise handle:
 - a. Discarded, worn out, or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or 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 and nonferrous material
3. **Metal recycling business:** A business using an outdoor area to collect and store scrap metal for the purpose of reuse or reconstruction.
4. **Appliances:** Refers to household appliances such as washers, dryers, refrigerators, etc. as defined in 2a.
5. **Construction debris:** Refers scrap lumber, shingles, concrete, glass, etc. accumulated through construction or demolition.

Ordinance approved on May 3, 2021 and enacted on May 12, 2021 by Board of Selectmen.


Frank Porter


Anthony Bowers


Royden Hunt


James Lord


Anthony Binotto



Certified by Town Clerk on _____

05/12/2021