

TOWN OF SULLIVAN ORDINANCE

Regulating the Establishment/Operation of Junk Yards/Automobile Grave Yards and the Storage/Disposal of Garbage and Junk

Adopted: June 14, 1995

Amended: June 28, 2004

Section IV, subsection 3 Amended: June 27, 2005

I. Title

This Ordinance shall be known as "An Ordinance pertaining to the establishment/operation of junk yards/automobile graveyards and the storage/disposal of garbage and junk".

II. Purpose

The purpose of this ordinance is to promote the general health and welfare of the Town of Sullivan, to assure a continuous upgrading of the community's appearance, and to protect property values.

III. Authority

This ordinance is enacted pursuant to the Home Rule provisions of the Constitution of the State of Maine and authority vested to the Sullivan Board of Selectmen via the town meeting process.

IV. Definitions

1. **"Garbage"** means all animal and vegetable waste and all decayable matter including waste resulting from the handling, sale, storage, packaging, preparation, cooking and consumption of food and food products. For the purpose of this ordinance, garbage shall not mean or include organic matter contained in maintained compost piles or covered subsurface packaged garbage decomposing units so long as no health hazard or other nuisance is created, shall not include leaves, coniferous needles, grass clippings, tree trimmings or similar plant materials used for fill or mulching purposes, and shall not include agricultural wastes produced by a farm or farm operation conforming with best management practices as defined in 17 M.R. S. A. § 2805.

2. **"Junk"** means all rubbish and trash, including discarded, worn out or junked household appliances, furniture, plumbing and heating supplies; discarded scrap and junked lumber and wood products; old or scrap metal of any kind, including automotive remnants; paper products, bedding, glass, plastic, styrofoam, insulation, composition shingles, insulation, rags, rope, batteries and other scrapped or junked manufactured items and materials, but excluding garbage.

3. **"Automobile graveyard"** means an outdoor area with more than **two (2)** "unregistered or uninspected" motor vehicles, or parts thereof, such as bodies, motors, frames, tires, etc. A **Junker** is either an unregistered or an uninspected vehicle (**i.e. a vehicle must be both registered and inspected in order not to be considered "junk"**). The term shall not include a location used for temporary storage (not more than 180 days) **by a place of business** which is engaged primarily in doing automotive repairs for the purpose of making motor vehicles **serviceable**.

4. **“Junkyard”** means an area used for the storage of any and/all items listed in item #2, **“Junk”**.

V. **Prohibition**

1. Storage. It shall be unlawful to store any garbage and/or junk outside of a closed structure within 300 feet of any dwelling, retail or service establishment, or public road within the town, unless such garbage or junk is stored in closed, rigid containers that provide protection against animals, insects, wind and precipitation, except that:

(a) Garbage may be stored in sealed plastic bags outside a closed structure or containers for a period not to exceed ten (10) days, provided that such garbage will be removed from the premises with ten (10) days.

(b) Any item of junk that does not fit within a standard container may be stored outside a closed structure or containers for a period not to exceed twenty (20) days.

(c) Junk stored within a licensed junkyard or automobile graveyard may be stored within 300 feet of any structure used solely for the purpose of storing, processing, salvaging, or selling such junk, to the extent permitted by law.

(d) Junk which is to be salvaged or repaired may be stored for a period not to exceed 60 days within 300 feet of a repair establishment.

VI. **Town Permit Required**

No **“automobile graveyard”** and/or **“junkyard”** shall be established, or operated or maintained, or permitted by the owner or occupier of any land without first obtaining a **nontransferable** permit from the Town of Sullivan.

VII. **Applications**

Persons who now have or hereafter intend to establish, operate or maintain, an automobile graveyard or junkyard as herein defined shall file an application for a permit with the Selectmen. The Application shall contain information as will enable the Selectmen to determine: **(1)** the location; **(2)** the proximity to roadways and boundary lines; **(3)** the visual impact from roadways and adjoining properties; **(4)** the scope of operations, including the number of automobiles, amount of junk, area of land to be involved; **(5)** any method of indoor storage or screening proposed by the applicant; **(6)** the duration of operation of the automobile graveyard or junkyard; **(7)** the effect on ground water; and **(8)** the effect on traffic safety. The selectmen may require such additional information and documents as they may consider necessary to consider the foregoing factors.

VIII **Hearings**

Before issuing a permit to establish, operate or maintain an automobile graveyard or junkyard, the selectmen shall hold a public hearing, notice of which **shall be posted at least 7 days and not more than 14** days prior to said hearing in not less than **2** public places in the Town of Sullivan, and in the Ellsworth American or other newspaper of general circulation within the town. The municipal officers shall give such notices to the Maine Department of Transportation and other state agencies as shall be required by law.

IX. Requirements for Permits

The Selectmen shall issue a permit for the establishment, maintenance and operation of an automobile graveyard or junkyard when the applicant has satisfied them that (1) the location will not significantly diminish property values of the neighborhood; (2) the proximity to roadways complies with state law; (3) the proximity to adjoining boundary lines is not closer than 400 feet without consent of the adjoining landowner in writing; (4) the visual impact from roadways and adjoining properties does not significantly diminish the appearance of the neighborhood; (5) that items are stored indoors to the extent practical; (6) that items are screened by fence, building or natural vegetation from view from the road and adjoining landowners, unless such adjoining land owners consent in writing; (7) the duration of operation of the automobile grave yard or junkyard will not exceed one year, unless the permit is renewed; (8) ground water will not be contaminated; (9) traffic safety will not be diminished; and (10) the applicants meet other requirements imposed by State or Federal law. **NO Permit shall be issued for longer than one year.**

X. Fee

The Applicant shall pay with each application such fee as may be required by 30-A M. R. S. A. § 3756, as amended.

XI. Enforcement

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer finds that any provision of this Ordinance are being violated, he shall notify in writing the person or persons responsible for such violations, stating in general terms the nature of the violations, and ordering that the violations cease.

XII. Penalties

Any person, including but not limited to a landowner, the landowner's agent, or a contractor who violates the provisions of the Ordinance is liable for civil penalties and remedies set forth in Maine Revised Statutes.

The minimum penalty for a specific violation is one hundred dollars (**\$100.00**) and the maximum penalty is twenty-five hundred dollars (**\$2,500.00**) A specific violation occurs on each day a violation continues to exist after written notice of violation has been sent to the land owner/occupier. Civil penalties may be assessed on a day basis and the violator may be held liable for all costs incurred by the Town of Sullivan in enforcing compliance with this Ordinance, including attorney's fees, filing costs, appraisals and costs of service.

XIII. Conflicts with other Ordinance & State or Federal Law.

The requirements of this Ordinance are in addition to those imposed by other Ordinances of the Town and by State and Federal Law. This Ordinance does not repeal, annul or in any way impair or remove the necessity of compliance with any other rules, regulations, bylaw, permit or provision of law.

Whenever any requirement of this Ordinance is inconsistent with any requirement of another Ordinance, the more restrictive provision shall apply.

Whenever any requirement of this Ordinance is inconsistent with State or Federal Law, then State or Federal Law shall apply.

XIV. Effective Date

This Ordinance takes effect immediately upon its enactment.

XV. Appeals

The Board of Appeals may upon written application of an aggrieved party, hear appeals from the determination of the Code Enforcement Officer.