

Adopted December 17, 1991

**TOWN OF NORWAY-PARIS
RECYCLING ORDINANCE**

Section 1. Title and Purpose.

This ordinance shall be known as the Recycling Ordinance for the Town of Norway-Paris. This ordinance has several purposes: to preserve and protect the environmental resources, to protect the health, safety, and welfare of the public, to enhance the quality and character of life in the Town, and to improve efforts to recover and reuse valuable resources currently being wasted.

Section 2. Scope.

This ordinance applies to all domestic, commercial, and industrial producers, haulers, and other persons who deposit solid waste within the Town of Norway-Paris or at the Norway-Paris Solid Waste, Inc. Transfer Station.

Section 3. Authority.

This ordinance is adopted pursuant to the Home Rule powers granted in the Maine Constitution, 30-A M.R.S.A. Section 3001 et seq., and 38 M.R.S.A. Section 1301 et seq.

Section 4. Definitions.

The definitions set forth in 38 M.R.S.A. Section 1303 apply to this ordinance and are incorporated herein. Any word not otherwise defined shall have its ordinary meaning.

Section 5. Recycling Requirement.

All solid waste shall have the following commodities (“recyclable materials”) separated out in readily-manageable form when delivered to the Town solid waste disposal facility or Town recycling facility:

1. Newspapers
2. Glass – separated by color
3. Plastic – separated by type
4. Aluminum – including cans
5. Corrugated cardboard
6. Office paper
7. Computer paper
8. Metal (non-aluminum) cans

General refuse of waste with recyclable materials removed shall be delivered to the transfer station in clear plastic bags or in open containers so as to permit the easy inspection of said refuse.

Section 6. Recycling Facility.

The Town shall provide a facility for the collection and storage of recyclable materials, located at a place or places to be designated by the Board of Directors of Norway-Paris Solid Waste, Inc.

Section 7. Administration and Enforcement.

The Board of Directors of the Norway-Paris Solid Waste, Inc. or their duly appointed agents shall administer and enforce this ordinance. Promptly after the enactment of this Ordinance by the Towns of Norway-Paris, the Board of Directors of Norway-Paris Solid Waste, Inc. shall adopt written regulations governing operation of the recycling facility, including hours, fees, inspection of materials, and other matters pertaining to the operation of the facility.

The Town of Norway-Paris participates in the recycling program of the Oxford County Regional Solid Waste Corporation. The Oxford County Regional Solid Waste Corporation is responsible for the disposal of recyclable materials collected by Norway-Paris Solid Waste, Inc.

In the event that the Town of Norway-Paris withdraws from participation in the Oxford County Regional Solid Waste Corporation or in the event that the corporation is not accepting a certain recycled material, the Board of Directors of the Norway-Paris Solid Waste, Inc. further have the authority to negotiate and contract with any person, corporation, agency, partnership, or other entity for the disposal of recyclable materials. The Board of Directors of the Norway-Paris Solid Waste, Inc. may appoint one or more persons to assist them in determining how to best dispose of recyclable materials.

Section 8. Violations and Penalties.

Violations of this ordinance shall be enforced in accordance with the provisions of 30-A M.R.S.A. Section 4452 as land use violations. The penalties set forth in 30-A M.R.S.A. Section 4452 shall apply to violations of this ordinance.

In addition to the foregoing penalty provisions, any person, firm, partnership, corporation, or other entity who fails to separate the recyclable materials listed in Section 5 above from their solid waste may be denied entry to the Town's solid waste disposal facility.

Section 9. Amendments.

This ordinance may be amended as provided in 30-A M.R.S.A. Section 3004 (4).

Section 10. Severability and Effective Date.

If any provision of this ordinance is found by a court of competent jurisdiction to be unenforceable, the remaining provisions shall continue in full force and effect. This ordinance shall become effective, if adopted by a majority of the voters at any regular or special town meeting, on June 1, 1992 or as soon thereafter as Norway-Paris Solid Waste, Inc. by its Board of Directors issues its Rules and Regulations pursuant to this ordinance.

Enacted: January 25, 1992

Attest: Carol Millett, Town Clerk

§ 3754. **Hearings**

Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish, operate or maintain an automobile graveyard, automobile recycling business or junkyard. They 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 or unorganized territory and publish a notice in one newspaper having general circulation in the municipality or unorganized territory in which the automobile graveyard, automobile recycling business or junkyard is to be located. The municipal officers or county commissioners shall give written notice of the application to the Department of Transportation by mailing a copy of the application at least 7 and not more than 14 days before the hearing.

Sec. 5. **30-A MRS**A § 3755, as amended by PL 1991, c. 745, § 2, is further amended to read:

§ 3755. **Limitations on graveyard, automobile recycling business and junkyard permits**

1. Highways; Interstate and Primary Systems. No permit may be granted for an automobile graveyard or junkyard within 1,000 feet of the right-of-way of any highway incorporated in the Interstate and Primary Systems 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 to ordinary view from the highway at all times by natural objects, plantings or fences;

1. Screening required by this paragraph must be well constructed and properly maintained at a minimum height of 6 feet and acceptable to the municipal officers or county commissioners. It must comply with the rules adopted by the Department of Transportation. The permit shall specify that compliance with these rules is required; 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 1000 feet from the right-of-way of any highway incorporated in the Interstate and Primary Systems.

2. Public facilities. No permit may granted for an automobile graveyard or junkyard that is:

A. Located within 300 feet of any public park, public playground, public bathing beach, school, church or cemetery; and

B. Within ordinary view from that public facility.

2-A. Public and private water supplies. No permit may be granted for automobile graveyard operations within 100 feet of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the automobile graveyard or the owner's or operator's abutting residence. This prohibition does not apply to wells installed after the effective date of this subsection if the automobile graveyard has already received a permit under section 3753.

3. Limitation on new permits. No permit may be granted for any automobile graveyard or junkyard established after October 3, 1973, and located within 100 feet of any highway.

4. Rules. No permit may be granted for an automobile graveyard or junkyard that does not comply with the rules adopted under 3759. Municipal officers or county commissioners as provided for in section 3753 may apply more stringent restrictions, limitations and conditions in considering whether to grant or deny any permit for an automobile graveyard for junkyard adjacent to any highway.

5. Local ordinances. This subchapter may not be construed to limit a municipality's home rule authority to enact ordinances with respect to automobile graveyards, automobile recycling businesses and junkyards that concern any other standards that the municipality determines reasonable, including but not limited to:

A. Compliance with state and federal hazardous waste regulations;

- B. Fire and traffic safety;
- C. Levels of noise that can be heard outside the premises;
- D. Distance from existing residential or institutional uses; and
- E. The effect on groundwater and surface water, provided that municipal ordinances on ground water are no less stringent than or inconsistent with rules adopted by the Department of Environmental Protection concerning automobile graveyards and junkyards.

Municipal officers or county commissioners shall consider compliance with these local ordinances in deciding whether to grant or deny a permit for any automobile graveyard, automobile recycling business or junkyard and in attaching conditions of approval to the grant of a permit.

6. Applicability. Municipalities may apply local ordinances adopted previously under subsection 5 pertaining to automobile graveyards and junkyards to an automobile recycling businesses without amending those ordinances to include automobile recycling businesses. A municipality must provide notice of its intent to apply these ordinances at the time an application for an automobile recycling business permit is filed.

Sec. 6. 30-A MRSA § 3755-A is enacted to read:

§ 3755-A Automobile recycling business permits; operation standards

1. Application. An application for an automobile recycling business permit must include the following information:

- A. The name and address of the property owner;
- B. The name and address of the person or entity who will operate the site; and
- C. A site plan, including:
 - (1) Property boundary lines;
 - (2) A description of the soils on the property;
 - (3) The location of any sand and gravel aquifer recharge areas;
 - (4) The location of any residence or school within 500 feet of where the cars will be stored;
 - (5) The location of any body of water 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;
 - (8) The location within the property boundary lines where vehicles are drained, dismantled and stored.

2. Standards for permit. The municipality may issue a permit to an automobile recycling business if the business demonstrates that the business meets the operation standards set forth in subsection 3.

3. Operation standards. An automobile recycling business licensed under this section must meet the following standards:

- A. The site of the yard must be enclosed by a visual screen of at least 6 feet high and built in accordance with rules adopted by the Department of Transportation pursuant to section 3759.

- B. A vehicle with an intact engine or motor may not be stored within 100 feet of any body of water or freshwater wetland, as defined by Title 38, section 436-A, subsection 5.
- C. A vehicle may not be dismantled or stored within 500 feet of a school, church, cemetery or public playground or park that existed on the date the permit was issued.
- D. A vehicle may not be dismantled or stored over a sand and gravel aquifer or aquifer recharge area.
- E. A vehicle containing fluids may not be dismantled or stored within the 100-year flood plain.
- F. A vehicle may not be dismantled or stored within 100 feet of a well that serves as a public or private water supply, excluding a private well that serves only the automobile recycling business or the owner's or operator's abutting residence.
- G. A vehicle may not be located or dismantled closer than 20 feet from any lot line, unless the operator has notarized written permission from the abutting property owner.
- H. Dismantling of a vehicle must be performed in accordance with the following standards:

- (1) The battery must be removed.
- (2) Engine lubricant, transmission fluid, brake fluid and engine coolant must be drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal or state laws, rules or regulations.
- (3) Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.
- (4) The recycling operation must comply with all applicable federal or state laws related to hazardous materials.

4. Revocation or suspension of permit. For purposes of section 3758, subsection 3, each of the standards set forth in this section are conditions of a permit.

5. Relationship to automobile graveyard permit. A person who recycles automobiles but does not qualify for, or loses, an automobile recycling business permit may apply for an automobile graveyard permit.

Sec. 7. 30-A MRS § 3756, as amended by PL 1989, c. 104, Pt. C § 8 and 10, is further amended to read:

§ 3756. Permit fees

The municipal officers or county commissioners shall collect, in advance from the applicant for a permit, a fee in accordance with the following schedule:

- 1. Graveyard or junkyard more than 100 feet from highway.** Fifty dollars for each permit for an automobile graveyard or junkyard located more than 100 feet from any highway, plus the cost of posting and publishing the notice under section 3754;
- 2. Graveyard or junkyard within 100 feet from highway.** Two hundred dollars for each permit for an automobile graveyard or junkyard located within 100 feet from highway, plus the cost of posting and publishing the notice under section 3754; and
- 3. Recycling business.** Two hundred fifty dollars for a 5-year permit for an automobile recycling business plus the cost of posting and publishing the notice under section 3754.

Sec. 8. 30-A MRS § 3758, sub-§ 3, as amended by PL 1989, d. 104, Pt. C, § 8 and 10, is further amended to read:

3. Revocation of suspension of permit. Violation of any condition, restriction or limitation inserted in a permit by the municipal officers or county commissioners is cause for revocation or suspension of the permit by the same

authority that issued the permit. No permit may be revoked or suspended without a hearing and notice to the owner or the operator of the automobile graveyard, automobile recycling business or junkyard. Notice of hearing must be sent to the owner or operator by registered mail at least 7 but not more than 14 days before the hearing. The notice must state the time and place of hearing and contain a statement describing the alleged violation of any conditions, restrictions or limitations inserted into the permit.