

**§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; [PL 1993, c. 173, §6 (NEW).]
- B. The name and address of the person or entity who will operate the site; and [PL 1993, c. 173, §6 (NEW).]
- 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 1,000 feet of the site;
  - (8) A plan for containment of fluids, containment and disposal of batteries and storage or disposal of tires; and
  - (9) The location within the property boundary lines where vehicles are drained, dismantled or stored. [PL 1993, c. 173, §6 (NEW).]

[PL 1993, c. 173, §6 (NEW).]

**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. [PL 1993, c. 173, §6 (NEW).]

**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 that complies with the screening requirements of section 3754-A. [PL 2003, c. 312, §11 (AMD).]
- B. A vehicle containing fluids 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. [PL 2003, c. 312, §11 (AMD).]
- 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. [PL 1993, c. 173, §6 (NEW).]
- D. A vehicle may not be dismantled or stored over a sand and gravel aquifer or aquifer recharge area. [PL 1993, c. 173, §6 (NEW).]
- E. A vehicle containing fluids may not be dismantled or stored within the 100-year flood plain. [PL 1993, c. 173, §6 (NEW).]
- F. Except as provided in section 3754-A, subsection 4, a vehicle may not be dismantled or stored within 300 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 or operator's abutting residence. [RR 2021, c. 2, Pt. A, §108 (COR).]
- 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. [PL 1993, c. 173, §6 (NEW).]

H. Dismantling of a vehicle must be performed in accordance with the following standards.

(1) Batteries must be removed.

(2) 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 drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal and state laws, rules and regulations.

(3) Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.

(4) Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules and regulations.

(5) 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.

(6) All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power within 180 days of acquisition. Motor vehicles acquired by and on the premises of an automobile recycling business prior to October 1, 2005 must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this subparagraph must be removed to the greatest extent practicable.

(7) All fluids, refrigerant, batteries and mercury switches must be removed from vehicles before crushing or shredding. Fluids required to be removed under this subparagraph must be removed to the greatest extent practicable. [PL 2005, c. 683, Pt. A, §52 (AMD).]

[RR 2021, c. 2, Pt. A, §108 (COR).]

**4. Revocation or suspension of permit.** For purposes of section 3758-A, subsection 5, each of the standards set forth in this section are conditions of a permit.

[RR 2003, c. 1, §32 (COR).]

**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.

[PL 1993, c. 173, §6 (NEW).]

#### SECTION HISTORY

PL 1993, c. 173, §6 (NEW). RR 2003, c. 1, §32 (COR). PL 2003, c. 312, §11 (AMD). PL 2005, c. 247, §5 (AMD). PL 2005, c. 247, §7 (AFF). PL 2005, c. 683, §A52 (AMD). RR 2021, c. 2, Pt. A, §108 (COR).

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