



TOWN OF PELHAM

Office of the Selectmen

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JUNKYARD AND AUTOMOTIVE RECYCLING REGULATION

STATUTORY AUTHORITY

This regulation is enacted under the authority of RSA 147:1 and RSA 236:111 to 129.

PURPOSE

The purpose of this regulation is to protect the safety, health, and welfare of the general public and not to protect the personal or property interests of any individual.

It is the policy of the Town of Pelham and determined to be in the public interest to provide for effective control of the establishment, use and maintenance of junkyards and automotive recycling yards to promote the safety, health, and welfare of the public, recreational value of public travel, to preserve the natural beauty, and to prevent and eliminate nuisances.

Nothing in this regulation shall be deemed to be the making of a promise, or the undertaking of a special duty with any person; nor shall the provision of, or failure to provide such licenses or to undertake particular inspections or types of inspections be deemed to create a special relationship or duty towards any person upon which an action in negligence or any other tort might be founded.

LICENSE REQUIRED

No person shall operate or maintain a junkyard or automotive recycling yard in the Town of Pelham without first obtaining a license from the Board of Selectmen and without complying at all times with the requirements of this regulation, and all federal, state, and other local requirements.

The license is nonassignable and nontransferable.

DEFINITIONS

Junkyard means any person who has any business or any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, or any motor vehicle, the sum of which parts or materials shall be

equal in bulk to two (2) or more motor vehicles. Junkyard shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicle for parts or for use of the metal for scrap.

Junk means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Automotive recycling yard means any person who has an establishment or place of business which is maintained, used or operated for buying, storing, keeping or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicles parts. An automotive recycling yard also includes an establishment or place of business which buys secondhand motor vehicles for the purpose of taking them apart, or buying or selling parts or secondhand motor vehicles, or tires, for the assembling of secondhand motor vehicle parts.

ZONING REQUIREMENTS

A. All new and existing junkyards or automotive recycling yards shall conform to all applicable provisions set forth in the Town of Pelham Zoning Ordinance as they currently exist, may be established or may subsequently be amended.

B. All new and existing junkyards or automotive recycling yards shall conform to all applicable State and/or Federal land use regulations as they currently exist, may be established, or may subsequently be amended.

C. This regulation is not intended to increase or diminish any vested rights a junkyard or automotive recycling yard has acquired as a preexisting nonconforming use, through a variance, court proceeding, or consent decree. To the extent the terms of a court order, variance, or consent decree conflict with this regulation, the licensee must comply with the most restrictive requirements.

LICENSE APPLICATIONS

Any person or business who intends to operate a junkyard or automotive recycling yard must apply for a license to the Board of Selectmen or its designee on a form prescribed by the Town. A renewal application must be filed by March 1 of each year. Initial applications and renewal applications must be accompanied by a license fee of \$25.00.

APPROVAL OF LICENSE APPLICATION

Upon receipt of an initial license application or renewal application, the Code Enforcement Official, Health Officer, and Fire Department shall inspect the site. The New Hampshire Department of Environmental Services may also perform an annual inspection prior to renewal of a license. No junkyard or automotive recycling yard shall be issued a license unless it is in conformity with this regulation and any applicable federal, state or other local regulations including but not limited to the following:

A. Enclosure of junkyard or automotive recycling yard

A junkyard or automotive recycling yard shall be completely surrounded with a solidly constructed fence at least six (6) feet in height which substantially screens the area and with a suitable gate which shall be closed and locked except during the working hours of the junkyard or automotive recycling yard or when the applicant or his agent is within. Where the topography, natural growth of timber, a natural barrier, or other considerations accomplish the purposes of fencing, the fencing requirements hereunder may be reduced by the Board of Selectmen upon granting the license.

B. Use of premises

All motor vehicles and parts stored or deposited by the applicant shall be kept within the enclosure of the junkyard or automotive recycling yard except as removal is necessary for its transportation in the reasonable course of the business. All wrecking or other work on such motor vehicles and parts shall be accomplished within the enclosure.

C. Certified Plot Plan

All junkyards and automotive recycling yards shall at their own cost and expense prepare a Certified Plot Plan which must be submitted with the license application. The Certified Plot Plan shall depict the lot on which the junkyard or automotive recycling yard shall be located, with reference to permanent boundary markers including all buildings on the property, the use of each building, the total acreage, the total acreage devoted to junk and/or automotive recycling activities.

D. National Pollutant Discharge Elimination System Permit

Junkyards or automotive recycling yards shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit for storm water discharges as required by the United States Environmental Protection Agency (EPA).

E. Hazardous Materials

All junkyards and automotive recycling yard shall comply with all applicable federal, state, and local requirements for the transportation, handling, storage, and/or use of hazardous materials.

All junk must be processed on a surface that prohibits the hazardous materials from penetrating into the soil and/or groundwater.

Each quarter all junkyards and automotive recycling yards must forward to the Board of Selectmen and Code Enforcement Officer evidence that they dispose of hazardous materials through companies with appropriate license.

F. Hours of Operation

The permitted hours of operation for junkyards and automotive recycling yards shall be from 7 a.m. until 7 p.m. Monday through Friday. On Saturday the hours shall be from 8:00 a.m. until 1:00 p.m.

Renewal applications must be filed with the Board of Selectmen on or before March 1 of each year. Prior to April 1 of each year the Board of Selectmen shall provide notice to the public of the junkyards and automotive recycling yards that have submitted renewal applications and shall schedule a meeting for public comment and input on the renewal application.

If a junkyard or automotive recycling yard is not in compliance with the requirements of this ordinance at the time its license is to be renewed, the Board of Selectmen may issue a temporary 90 day license. The 90 day temporary license shall set forth all the conditions that the junkyard or automotive recycling yard must meet to bring it into compliance with this regulation.

If at the end of the 90 day temporary license period the junkyard or automotive recycling yard has met the conditions, the Board of Selectmen shall renew the license.

If the junkyard or automotive recycling yard has not met the conditions at the end of the 90 day temporary license period, the Board of Selectmen shall hold a hearing under RSA 236:121 to determine whether to grant or deny the renewal application. The Selectmen may grant an extension of a temporary permit up to an additional 90 days provided that there is a favorable recommendation from the Code Enforcement Officer.

Any junkyard or automotive recycling yard that is denied a renewal license shall be subject to the penalties set forth below.

PENALTIES

- A. Any person in violation of this regulation shall be guilty of a violation and each day or fraction thereof shall constitute a separate offense.
- B. In addition to the penalty set forth above, the Board of Selectmen may obtain an injunction to end the violation.
- C. Violation of this regulation is cause for the Board of Selectmen to refuse to renew a license and/or to revoke a license.