



Town of Chelsea

**Automobile Graveyard, Automobile Recycling and  
Junkyard Moratorium Ordinance**

**Adopted: April 3, 2024  
At Special Town Meeting**

## **TOWN OF CHELSEA, MAINE**

### **AUTOMOBILE GRAVEYARD, AUTOMOBILE RECYCLING AND JUNKYARD MORATORIUM ORDINANCE**

**WHEREAS**, the Town of Chelsea (hereinafter, the "Town") adopted the Automobile Graveyard/Automobile Recycling and Junkyard Permitting Ordinance (hereinafter, the "Ordinance") on March 21, 1995, which seeks to ensure that automobile graveyards, automobile recycling businesses and junkyards do not have a deleterious impact on the health, safety, and welfare of its residents;

**WHEREAS**, the Ordinance regulates certain elements of the permitting, location and operation, of automobile graveyards, automobile recycling business or junkyards, as defined 30-A M.R.S.A. §3752 (hereinafter, "Junkyards");

**WHEREAS**, the Ordinance provides limited standards related to the size, location and operation of Junkyards;

**WHEREAS**, the potential for the operation of additional Junkyards within the Town raises legitimate and substantial concerns about the environmental, health and safety impacts of such Operations, and other considerations related to their appropriate siting and operation;

**WHEREAS**, the Ordinance is outdated and is insufficient to prevent serious public harm that may result from the insufficiently regulated Junkyards;

**WHEREAS**, a moratorium is necessary to allow the Town to review the Ordinance and properly determine appropriate standards for the permitting, location and operation of Junkyards; and

**WHEREAS**, the Board of Selectmen, Planning Board, and Code Enforcement Officer shall study the Ordinance to determine appropriate amendments necessary to address the permitting, location and operation of Junkyards; and

**WHEREAS**, the Board of Selectmen anticipates that such a study and the review and development of recommended amendments will take at least one hundred and eighty (180) days from the date of adoption of this ordinance;

**NOW, THEREFORE**, be it ordained by the town meeting of the Town of Chelsea, that the following Automobile Graveyard/Automobile Recycling and Junkyard Permitting Moratorium Ordinance (the "Moratorium Ordinance") be, and hereby is, enacted and, in furtherance thereof, the town meeting does hereby declare a moratorium on the siting, establishment, operation, permitting, and licensing of any new Junkyards within the Town.

This Moratorium Ordinance shall take effect once enacted by town meeting, in accordance with the provisions of the Town's ordinances. The moratorium herein declared shall remain in effect for one hundred and eighty (180) days from the effective date of this Moratorium Ordinance, unless extended, repealed, or modified by the town meeting or Board of Selectmen, for the express purpose of drafting an amendment to the Ordinance or the Town's ordinances to protect the public from health and safety risks posed by Junkyards.

**BE IT FURTHER ORDAINED**, that for the duration of this Moratorium Ordinance, no officer, official, employee, office, administrative board or agency of the Town shall accept, process,

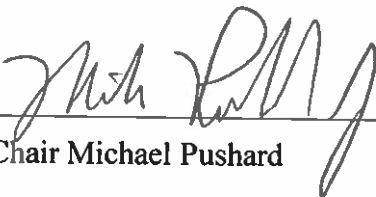
approve, deny, or in any other way act upon any application or request for any type of license, permit, or approval related to the establishment or operation of a new Junkyard.

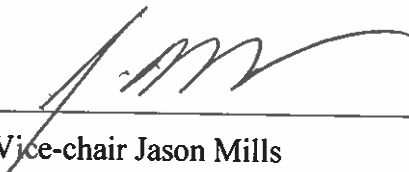
**BE IT FURTHER ORDAINED**, that, notwithstanding 1 M.R.S. § 302 or any other law to the contrary, and regardless of the date of its enactment, this Moratorium Ordinance shall govern and apply to all proceedings and applications for Junkyards that were or are pending before the Board of Selectmen on or any time after January 1, 2024.

**BE IT FURTHER ORDAINED**, that if any Junkyard is located or operated in the Town, in violation of this Moratorium Ordinance, each day of any continuing violation shall constitute a separate violation of this Moratorium Ordinance and the Town shall be entitled to all rights available to it pursuant to 30-A M.R.S.A. §§3758-A and 4452, including fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

**BE IT FURTHER ORDAINED**, that any provisions of the Town's ordinances that are inconsistent with or conflict with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Moratorium Ordinance is declared by a court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Enactment Date: April 3, 2024 Special Town Meeting

  
Chair Michael Pushard

  
Vice-chair Jason Mills

  
Selectboard Member Jacob Soucy

A True Copy Attest:   
Cheryl Mitchell, Town Clerk

April 3, 2024