



**Town of Pittsfield
Board of Selectmen
Town Hall, 85 Main Street
Pittsfield, NH 03263**

**REGULATIONS FOR THE CONTROL OF JUNK YARDS,
MACHINERY JUNK YARDS AND AUTOMOTIVE
RECYCLING YARDS**

PURPOSE

It is the express intent and purpose of these regulations to protect the public interest and welfare of the citizens of the Town of Pittsfield through the proper and strict enforcement and administration of these regulations so as to protect the public safety and welfare in a sound economic, safe, aesthetic and environmentally acceptable manner.

AUTHORITY

Under the authority vested in the Board of Selectmen, as the licensing authority for junk yards, machinery junk yards and automotive recycling yards, and in accordance with the provisions of the New Hampshire Revised Statutes Annotated, Chapter 236, Sections 111 through 129, inclusive, as amended, and every other authority thereto enabling, the Board of Selectmen adopts the following regulations governing Junk Yards, Machinery Junk Yards and Automotive Recycling Yards.

SECTION 1. TITLE

These regulations shall be known as the Town of Pittsfield's Regulations for the Control of Junk Yards, Machinery Junk Yards and Automotive Recycling Yards.

SECTION II, DEFINITIONS

1. "junk Yard" means, in addition to the definition as contained in RSA 236:91, subsections, II, III and IV, any business, and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited 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, of any motor vehicle, the sum of which parts or material shall be equal in bulk to 2 or more motor vehicles. Junk Yard shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material which are parts of a motor vehicle or cut up the parts thereof.

2. "Machinery Junk Yard" means any yard or field used as a place of storage in which

there is displayed to the public view, junk machinery or scrap metal that occupies an area of 500 square feet or more.

3. "Person" means any person, association, company, corporation, partnership, or any other natural or unnatural person.

4. "Motor Vehicle" means any self-propelled vehicle not operated exclusively upon stationary tracks, originally intended for use on public highways.

5. "Trailer" means any towed attachment to a motor vehicle and as otherwise defined in RSA 259.

6. "New Motor Vehicle Dealer" means every person principally engaged in the business of buying, selling or exchanging new and secondhand motor vehicles, or tractors on commission or otherwise who maintains in operating condition, and in operation, and at which the dealer does a major portion of his business a place of business capable of housing indoors in one building in an area of 1200 square feet, 5 average-size automobiles, devoted to the motor vehicle, or tractor business and gives mechanical service on the same and who hold a written contract with a manufacturer giving such person selling rights for new motor vehicles, or tractors, or with a distributor of such vehicles who, as such distributor, holds manufacturer's franchise or contract giving selling rights on new motor vehicles) or tractors.

7. "Used Motor Vehicle Dealer" means every person or firm principally engaged in the business of buying, selling and exchanging secondhand motor vehicles or tractors, who maintains in operating condition and in operation and at which the dealer does major portion of his business a place of business capable of housing indoors in one building, in an area of at least 1200 square feet, 5 average-sized motor vehicles devoted to the used motor vehicles, or tractor business, and gives mechanical service on the same and at which the repair of used motor vehicles, or tractors is subordinate or incidental to the business of buying, selling and exchanging the same.

8. "Junk Motor Vehicle Dealer" means any person or firm who has an established place of business at which he is engaged in the business of buying secondhand motor vehicles for the purpose of taking the same apart, or buying, and selling parts for secondhand motor vehicles, or tires, for the assembling of secondhand motor vehicles.

9. "Automotive Recycling Yard or Junk Yard" means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automotive recycling yard, and includes garbage dumps and sanitary landfills. The word does not include any motor vehicle dealers registered with the Director of Motor Vehicles under RSA 261:104 and controlled under RSA 236:126.

10. "Junk Yard" when used in these regulations shall also mean Machinery Junk Yard and Automotive Recycling Yard.

SECTION III

REQUIREMENT FOR LICENSE TO OPERATE AND MAINTAIN

No person shall operate, establish, or maintain a junk yard, machinery junk yard or automotive recycling yard until he has (1) obtained a license to operate or maintain a junk yard, machinery junk yard or automotive recycling yard business from the Board of Selectmen and has (2) obtained a certificate of approval for the location of the junk yard, machinery junk yard or automotive recycling yard from the Zoning Board of Adjustment and complied with all of the requirements of the Planning Board

B. APPLICATION FOR LICENSE

Before any person shall establish or maintain a junk yard, machinery junk yard or automotive junk yard he/she shall make out an application for a license in writing to the Board of Selectmen on or before April 1st of each year. The written application shall be on the forms provided by the Board and shall be accompanied by all of the information required by Statutes and these Regulations. In the first year of operation the applicant shall submit his application before he begins the operation of the junk yard, machinery junk yard or automatic recycling yard.

C. CERTIFICATE OF APPROVAL

No application shall be accepted for public hearing without a certificate of approval from the Zoning Board of Adjustment certifying that the proposed location of the junk yard, machinery junk yard or automotive recycling yard is not within an established zoning district restricted against such uses or otherwise contrary to the prohibitions of the Pittsfield Zoning Ordinance. A copy of the certificate of approval shall be a part of the license application.

D. PLANNING BOARD REQUIREMENTS

No application shall be accepted for public hearing without a certification from the Pittsfield Planning Board that the applicant for the junk yard, machinery junk yard or automotive recycling yard has complied with all regulations and requirements of the Planning Board for the operation of such junk yard, machinery junk yard or automotive recycling yard. A copy of such certification shall be a part of the license application.

E. HEARING

Completed applications received by the Board shall be scheduled for a public hearing. All hearings shall be held within the Town of Pittsfield not less than two (2), nor more than four (4) weeks from the date of receipt of the completed application by the Board of Selectmen. Notice of hearing shall be given to the applicant(s) and the notice shall be published at least once in a newspaper of general circulation within the Town of Pittsfield. Publication shall not be less than seven (7) days before the date of the hearing.

F. LICENSE REQUIREMENTS

At the time and place of hearing, the Board of Selectmen shall hear the applicant(s) and all other persons wishing to be heard on the application for a license to operate, establish or maintain a junk yard, machinery junk yard or automotive recycling yard. In passing on the application, the Board shall take into account the suitability of the applicant(s) with reference to his/her ability to comply with the fencing requirements or other reasonable regulations concerning the proposed junk yard, machinery junk yard or automotive recycling yard, to any record of convictions for any type of larceny or receiving stolen property or goods, and to any other matter within the purposes of RSA 236 or these regulations.

1. The applicant(s) shall provide the Board all of the materials and information contained in Appendix I as a part of the license requirements hereunder.
2. All established junk yards, machinery junk yards and automotive recycling yards shall comply with the provisions of these regulations and the provisions of RSA 236.

G. LOCATION REQUIREMENTS

At the time and place set for the hearing, the Board of Selectmen shall hear the

applicant(s) and all other persons wishing to be heard on the application for certification of approval for a license hereunder. In passing upon the application, after proof of legal ownership or right to the use of the property by the applicant(s) for the license period has been established, it shall take into account the nature and development of the surrounding property, such as the proximity of churches, schools, hospitals, public buildings or other places of public gatherings, and whether or not the use of the proposed location can be reasonably prevented from affecting the public health, safety, or morals by reason of offensive or unhealthy odors or smoke, or of other causes. In no case may a license be granted for a new or established unlicensed junk yard, machinery junk yard or automotive recycling yard located less than 660 feet from the right-of-way lines of a Class I, II or III highways or located less than 300 feet from the right-of-way lines of a Class IV, V or VI highways.

H. AESTHETIC CONSIDERATIONS

At the hearing regarding location, the Board of Selectmen may also take into account the clean, wholesome, and attractive environment which has been declared to be of vital importance to the continued stability and development of the tourist and recreational industry of the state and the general welfare of its citizens by considering whether or not the use of the proposed location(s) can be reasonably prevented from having an unfavorable effect thereon. In that connection the Board of Selectmen may consider collectively the type of road servicing the junk yard, machinery junk yard or automotive recycling yard or from which the junk yard, machinery junk yard or automotive recycling yard may be seen, the natural or artificial barriers protecting the junk yard, machinery junk yard or automotive recycling yard from view, the proximity of the proposed junk yard, machinery junk yard or automotive recycling yard to established tourist routes and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the junk yard, machinery junk yard or automotive recycling yard.

I. NUISANCE

Any junk yard, machinery junk yard or automotive recycling yard located or maintained in violation of the provisions of these regulations is hereby declared a nuisance, and the same shall be abated by complaint to appropriate authority.

J. GRANT OR DENIAL OF APPLICATION; APPEAL

After the hearing the Board of Selectmen shall, within two (2) weeks, make a finding as to whether or not the application should be granted, giving notice of their findings to the applicant(s) by mail, postage prepaid, to the address given on the application. If approved, the license, including the certificate of approved location, shall be forthwith issued to remain in effect until the following April 1st. Approval is personal to the applicant(s) and is not assignable. Licenses shall be renewed thereafter upon the payment of the annual license fee and the filing of a completed application together with all of the required materials under these regulations by the applicant(s), without a hearing, if all the provisions of these regulations are complied with during the license period, if the junk yard, machinery junk yard or automotive recycling yard does not become a public nuisance under the common law or is a nuisance under RSA 236:119, and if the applicant is not convicted of any type of larceny or of receiving stolen goods. Renewal applications hereunder must be filed with the Board of Selectmen, in complete form, on or before April 1st of each year. Failure to file within the statutory deadline by the license holder, causes the license to lapse and it shall not be reissued without a new original application for a new license and a public hearing. A writ of certiorari lies from the denial of the application to the Superior Court of Merrimack County.

K. FENCING

Before use, a junk yard, machinery junk yard or automotive recycling yard shall be completely surrounded with a solidly constructed fence at least six (6) feet in height which is solid and

substantially screens the area and with a suitable solid gate which shall be closed and locked except during working hours of the junk yard, machinery junk yard or automotive recycling yard or when the licensee or his agent is within. This fencing requirement shall pertain to new junk yards, machinery junk yards or automotive recycling yards and junk yards, machinery junk years or automotive recycling yards in existence before April 1, 1965, shall comply with this requirement within one year of the enactment of RSA 236:125, All motor vehicles and parts stored or deposited by the applicant shall be kept within the enclosure of the junk yard, machinery junk yard or automotive recycling yard except as removal is necessary for its transportation in reasonable course of the business. All wrecking or other work on such motor vehicles and parts and all burning of vehicles shall be accomplished within the enclosure. Where the topography, natural growth of timber, a natural barrier, or other considerations accomplish the purposes of this section in whole or in part, the fencing requirements hereunder may be reduced by the Board of Selectmen, upon the granting of any license hereunder.

L. MOTOR VEHICLE DEALERS

Both new and used car dealers are hereby required to remove from their premises registered with the Director of Motor Vehicles as their principal place of business any motor vehicle which is of the type referred to in RSA 236:112, I, under the definition of junk yard, within at least 169 days from the date of its original entrance thereon. Any other location within the Town of Pittsfield used by such dealer shall be subject to the terms of this section, if in its operation it falls within the confines of the definition of the term junk yard as defined in these regulations.

M. ENFORCEMENT

In addition to the penalty in RSA 236:127 and the Town of Pittsfield Zoning Ordinance, the Board of Selectmen may obtain a mandatory injunction to end the violation of these regulations.

N. ENFORCEMENT, PRIVATE PERSONS

Any person owning real property whose property is directly affected by the site of a junk yard, machinery junk yard or automotive recycling yard maintained in violation of the provisions of RSA 236 may in writing, addressed to the Board of Selectmen, request that the Board of Selectmen take appropriate action under said statutes. A copy of the written communication to the Board shall be mailed to the person complained of. If the Board shall not, within 30 days thereafter, make a determination that a junk yard, machinery junk yard or automotive recycling yard does exist and issue appropriate orders, such person may, in his own name and in his own right, seek appropriate injunctive relief for the enforcement of this subdivision in the Superior Court for Merrimack County.

TOWN OF PITTSFIELD

REGULATIONS FOR THE CONTROL OF JUNK YARDS, MACHINERY JUNK YARDS AND AUTOMOTIVE RECYCLING YARDS

APPENDIX A

The following items shall be required to accompany any filing under these regulations of an application for a junk yard, machinery junk yard or automotive recycling yard. Applications received without the individual items specified hereunder shall be considered to be incomplete and will be rejected by the Board.

1. FENCING

Each applicant(s) shall indicate in writing how he meets the requirements for fencing as required under RSA 236. In accordance with the statute the applicant(s) may use any combination of fencing or natural screening that will ensure that the facility to be licensed is adequately screened from the roadway and abutting properties so as to protect the privacy and aesthetic enjoyment of abutters and the general public.

The Board may consider a combination of fencing and natural screening in order to meet the requirements of RSA 236.

2 MAINTENANCE OF FENCING

The applicant(s) must guarantee in writing that he/she will maintain all fencing and/or screening approved by the Board for the full term of the license issued hereunder. The licensee may be ordered to replace or maintain fencing or screening that fails to meet the requirements or falls into disrepair or is damaged after a license has been issued, and in violation thereof the Board may revoke, suspend or modify an issued permit, and may include in any order the requirement that the permit holder post a bond sufficient to meet the requirements to maintain such fencing or screening.

The removal of fencing or screening required, as a condition of a license issued hereunder, except with the advanced written permission of the Board, and such permission shall only be given for the replacement of required fencing or screening, shall be sufficient cause for the Board to suspend, revoke or modify a license issued hereunder. The removal of natural screening by any means shall be sufficient grounds for the Board to suspend, revoke or modify an issued license.

3 PLAN OF FACILITY

Each applicant(s) shall provide a plan of the property on which the proposed facility is to be located or is located. The plan shall be of sufficient size and scale to allow for ease of reading and review. Said plan shall indicate the limits of the property and show the location and distances between boundary markers with distances around the entire property boundary. It shall also show:

- 1 All buildings located on the property and indicate their size and use.
2. The location, size, and depth of all wells used for water supply purposes.
3. The location and size of all septic systems.
4. The location, width, and length of all driveways or roadways.
5. The location of any wetlands or standing seasonal water.
6. The location of any building drain systems, including floor drains.
7. The location of the proposed facility, with cross ties so that it may be recreated on the ground.
8. The location for the temporary storage of tires within the facility.
9. The location for the storage of liquid wastes, including tank sizes and piping systems.
10. The location of fire breaks and work roads within the facility.
11. The capacity of the facility without stacked vehicles.
12. Topographic of the site.
13. Such other requirements as the Board may determine.

4. DISPOSAL OF TIRES AND LIQUID WASTES

A. TIRES

The applicant(s) must demonstrate to the Board that he/she has an approved contract for the legal disposal of tires removed from vehicles, junk vehicles and trailers. The contract must be for the entire period of the license issued hereunder and must be with a State or Federally licensed or permitted facility, and a copy of the Federal or State license or permit must be attached to the application.

The licensee(s) shall at least once every six (6) months, during the license year, dispose of junk tires stored on the site, through a licensed facility. The licensee(s) shall keep accurate record of the date of disposal, the transporter and a copy of the facility receipt for the acceptance and disposal of the tires, and the number of tires disposed of. Before a license is renewed hereunder the licensee(s) must provide the Board with written proof that he/she has met all of the requirements regarding the disposal of tires.

Saleable tires may be kept on the site and must be stored in such a manner as recommended by the Fire Department in conformance with NFPA code requirements.

All tires not stored under cover in a closed building shall be located in piles of not more than one hundred (100) and shall be enclosed by a protective berm to prevent oil run Out in case of fire, Outdoor piles of tires shall not be located closer than 100 feet of each other. All tire storage areas shall be indicated by location on the facility plan.

B. LIQUID WASTES

The applicant(s) or licensee(s) must demonstrate to the Board that he has an approved contract for the disposal of all liquid wastes that are generated in the course of the licensed facilities operation. The contract must be for the full term of the license issued hereunder and must be with a State of Federally licensed or permit facility. A copy of the Federal or State license or permit to operate, stating the types of liquid wastes that can be accepted at the facility, must accompany the application for license hereunder.

The applicant must dispose of all liquid wastes at least once every six (6) months during the license period. The licensee shall keep an accurate record of the date of disposal, the transporter, and a copy of the facility receipt for the acceptance and disposal of the liquid wastes, together with the Hazardous Wastes Manifest(s). Before a license is renewed hereunder, the license holder must provide the Board with proof in writing that he/she has met all of the requirements regarding the disposal of liquid wastes hereunder.

License holders are permitted to burn liquid wastes, on site, in furnaces to heat enclosed facilities, provided such furnaces are licensed by the United States Environmental Protection Agency. Before such furnaces are used the license holder shall provide proof of compliance with US EPA requirements, and shall obtain, and pass an inspection from the Pittsfield Fire Department certifying that the combustion equipment is properly installed.

The applicant(s) or licensee(s) is responsible to ensure that no liquid wastes are spilled or allowed to enter the ground from any point within the facility or on the property. Failure to ensure compliance will be grounds for the Board to suspend, revoke or modify a license hereunder.

5. REMOVAL OF OLD JUNK

License holders shall provide the Board with written proof that they junk out vehicles held beyond the approved capacity of the facility and/or vehicles or machinery that no longer have value for salvage. All such removed materials or vehicles shall be hauled to facilities licensed to dispose of scrap metals or other resulting or unwanted materials. The licensee shall keep accurate records of the date of disposal, the transporter, and a copy of the facility receipt for the acceptance and disposal of junk materials and wastes that shall indicate the quantity delivered.

6. TESTING

A. STANDING WATER

The license holder shall be required to test any standing water on the site at least once annually using standard tests under EPA approved methods 418, 601 and 602 to demonstrate that no unwanted chemicals have moved to the groundwater during facility operations. Such test shall be performed by a certified testing company in which the license holder(s) have no interest, personal or financial. Such tests shall be at the applicant(s) or licensee(s) expense.

B. SITE ASSESSMENT

The Board of Selectmen may order a site assessment of any licensed facility at the license holders expense. Failure of the license holder to provide for the testing required hereunder shall be grounds for non-renewal of the license. Applicant(s) for licenses shall provide as a part of the application for a license hereunder a completed site assessment including a ground water study of the site to be licensed.

7 PROHIBITED MATERIALS

No materials shall be allowed in any licensed junk yard, machinery junk yard or automotive recycling yard that would be in violation of any local, State or Federal Law or Regulation.

8. SUSPENSION, REVOCATION OR MODIFICATION OF PERMITS

The Board may suspend, revoke or modify licenses issued hereunder at any time for cause. Cancellation of any of the requirements hereunder, removal or disrepair of fencing or screening, the spilling or discharge of liquid waste or the violation of any local, State of Federal Law or Regulation is automatic cause for suspension, revocation or modification of licenses issued hereunder.

9 FAILURE TO OBEY ORDERS

The Board may give orders for the enforcement of these Regulations and Statutes during the course of the year. Any license holder who fails to obey such order shall be subject to suspension, revocation or modification of his/her license to operate.

10 HEARINGS

The Board may hold such hearings as it deems necessary and proper to enforce these regulations. Hearings shall be required to suspend, revoke or modify issued licenses, but the Board may temporarily suspend the right of a license holder to operate when it determines that the public health or welfare is in danger or that a serious environmental violation has occurred or a serious violation of these regulations or Statutes has occurred on the licensed property. Such temporary suspension shall be for a period of time determined by the Board.

11 AMENDMENTS

These regulations may be amended at any regular or special meeting of the Board of Selectmen, if properly posted.

Enacted and Adopted by the Board of Selectmen on May 13, 1997.

Paul A Richardson, Chairman

Frederick T. Hast

Stephen J. Catalano

Board of Selectmen