

Chapter 83, JUNK DEALERS AND JUNK COLLECTORS

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[HISTORY: Adopted by the Town Council of the Town of Greenfield 2-17-1993, approved by AG 5-19-1993 (Sec. 3.9 of the 1985 Bylaws). Former Sec. 3.9.1, Public Dump License, was rescinded 5-15-1996. Town Council amendments 8-15-07. Town Council amendments 3-21-2012. Amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, § 21

GENERAL REFERENCES

Pawnbrokers -- See Ch. 117.

Peddling and soliciting -- See Ch. 124.

Tag sales -- See Ch. 163.

§83-1. Purpose [Town Council amendments 3-21-2012]

The purpose of this ordinance is to ensure public safety, protection of the environment, deterrence and aid in detection of sale of stolen goods, protection of visual/aesthetic qualities of the neighborhood and City, and to provide means of recourse for concerns regarding these by neighbors or the City.

§83-2. Authority[Town Council amendments 3-21-2012]

This ordinance is adopted under authority of M.G.L. c.140 §54.

In accordance with M.G.L. c.140 §54 and the City of Greenfield Home Rule Charter §6-9, the Greenfield Board of License Commissioners is the licensing and regulatory authority for the purposes of this ordinance, and as such may make rules and regulations relative to the business of junk dealers and junk collectors, may provide supervision thereof, may make additional rules and restrictions particular to any junk dealer or junk collector business, and said licenses may be revoked after a hearing for cause.

In accordance with M.G.L. c.140 §202, the Board of License Commissioners shall set reasonable license fees for junk dealers and junk collectors.

§83-3. Definitions[Town Council amendments 3-21-2012]

ANTIQUÉ SHOP — an establishment for the sale of antiques, secondhand articles, or collectible items.

AUTOMOBILE GRAVEYARD — In accordance with c.140B §1 (b) of the Massachusetts General Laws, an automobile graveyard is deemed to be any establishment or place of business or any area of any lot, whether inside or outside of a building, which is maintained, operated, or used for collection, storage, keeping, abandonment, buying, or selling of wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts and/or for the dismantling or demolition of such.

CITY —City of Greenfield.

JUNK — In accordance with c.140B §1 (a) of the Massachusetts General Laws, junk is deemed to be any article or material that will no longer be used for its original intended purpose, but instead will be discarded, collected, stored, or sold for salvage, recycling, or conversion to another article, product, or material. This includes but is not limited to items such as old, scrap, or used copper, brass, iron, steel or other ferrous materials; old, scrapped, or used paper, lumber, rope, rags, plastic, rubber, glass, or other nonferrous material; junked, dismantled, wrecked, or inoperative automobiles/motor vehicles, or parts thereof; old, scrapped, or used machinery, batteries, electronics; or trash, waste, etc. Any motor vehicle that is unregistered and inoperative and that has been stored outside for more than six months shall be considered junk.

JUNK COLLECTOR —A junk collector shall be deemed to be any person who, by going from place to place, collects by purchase or otherwise, junk, old metals, or second hand articles, whether or not by previous contract or arrangement.

JUNK DEALER – any person who deals or keeps a shop for the purchase, sale, or barter of junk, old metals, or secondhand articles as these items are defined in this ordinance and the Massachusetts General Laws.

JUNK YARD – In accordance with c.140B §1 (c) of the Massachusetts General Laws, a junk yard is an establishment or place of business or any area of any lot, whether inside or outside of a building, which is maintained, operated, or used for the collection, storage, keeping, abandonment, buying, or selling of junk, or for the maintenance or operation of an automobile graveyard including for dismantling, demolition, processing, or conversion of such, and the term shall include garbage dumps and sanitary fills.

OLD METALS – any metalwares, including but not limited to silverware, pewter, stainless steel, copper, or brass, or precious metals of extraordinary value such as gold, silver, etc.

SECONDHAND ARTICLES – any item being re-sold for use that will maintain the original intended purpose of the product. This includes but is not limited to items such as clothing, furniture, antiques, household items, appliances, collectibles, etc. In keeping with c.140 §55 of the Massachusetts General Laws, books, prints, coins, and postage stamps shall not be deemed to be within the meaning of this definition nor within that of this ordinance. Also not included in this definition are motor vehicles.

§83-4. Applicability

Anyone collecting, storing, dealing, or keeping a shop or yard for the purchase, sale, or barter of junk, old metals, or secondhand articles must first obtain a junk dealer and/or junk collector license from the Board of License Commissioners. This does not include pawn brokers or tag sales, which are regulated elsewhere, nor those dealing exclusively in secondhand books, prints, coins, or postage stamps.

The Board may issue different categories of junk dealer or junk collector licenses: i.e. for secondhand articles, for old metals, for junk/salvage yard or auto graveyard, “or any combination thereof”.

§83-5. Conditions[Town Council amendments 3-21-2012]

Junk dealer and junk collector licenses may only be issued to suitable persons.

Issuance of junk dealer and junk collector licenses is contingent on compliance with all municipal and Commonwealth requirements.

Junk dealer and junk collector licenses are non-transferable, site specific, and expire on May 1st of each year.

The Board of License Commissioners may make rules, restrictions, or conditions for all junk dealer and junk collector businesses or particular restrictions for individual businesses.

Automotive graveyards are required to post an environmental remediation bond in the amount of ten million dollars.

§83-6. Records

Every junk dealer and junk collector shall keep a record containing the following information: a description of each item purchased, traded for, or otherwise obtained or collected for this business; the name of the person or business from whom the item was obtained; the residence or place of business of the person or business from whom the item was obtained; and the date when the transaction was made.

§83-7. Entry and inspection[Town Council amendments 3-21-2012]

Such records shall, upon reasonable request, be made available for inspection by any City of Greenfield Inspector, Enforcement Officer, or Police Officer and to the Board of License Commissioners.

§83-8. Enforcement[Town Council amendments 3-21-2012]

The provisions of this ordinance may be enforced by any available means in law or equity, including but not limited to, enforcement by non-criminal disposition pursuant to M.G.L. c.40 §21D and City of Greenfield ordinance § 1-3. When enforced through non-criminal disposition, the penalties shall be \$100.00 per each violation, with each calendar day constituting a separate violation.

In addition to non-criminal disposition, any licensee violating any provision of this ordinance or any of the conditions or restrictions of their license will be subject to a civil penalty of \$100.00 for the 1st offense, \$200.00 for the 2nd offense, and \$300.00 for the 3rd and subsequent offense(s), &/or suspension or revocation of their license.

Anyone who collects, deals in, or keeps a shop or yard for the purchase, sale, or barter of junk, old metals, or second hand articles without a license or after notice that their junk dealer or junk collector license has been revoked or suspended, will be in violation of this ordinance.

§83-9. Validity

If any section, paragraph, subdivision, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of this ordinance shall be deemed valid and in effect.

This ordinance shall supersede all previous ordinances dealing with junk dealers and collectors.