

# **TOWN OF MILFORD**

## **RULES AND REGULATIONS FOR SECOND HAND DEALERS AND COLLECTORS OF JUNK UTILIZING A VEHICLE OR OTHER CONVEYANCE**

### **1. AUTHORITY**

- A. The Milford Board of Selectmen as the licensing authority adopts these rules and regulations for the licensing and regulation of second hand dealers and collectors of junk utilizing a vehicle or other conveyance in the Town of Milford in accordance with Sections 54 through 56 of Chapter 140 of the Massachusetts General Laws and Article 10 of the Town of Milford By-Laws. These rules shall supersede any previously adopted Rules and Regulations under the aforesaid provisions of the General Laws.

### **2. PURPOSE**

- A. The primary intent of these rules and regulation is to establish a system which fairly and impartially regulates the sale of second hand articles for the stated purpose of:
- i. identifying stolen property that may be received by such dealers;
  - ii. deterring and preventing the sale or barter of stolen goods; and
  - iii. aiding law enforcement officials in fulfilling their duty to apprehend and prosecute any person who facilitates the theft, possession and or sale of stolen goods, and enabling the return of stolen property to the rightful owner.

### **3. DEFINITIONS**

- A. **COLLECTOR OF JUNK UTILIZING A VEHICLE OR OTHER CONVEYANCE** – Shall mean any person who goes about the Town in a vehicle or other conveyance collecting junk, old metals, rags, paper or other second-hand articles as provided for in Sections 54 through 56 in Chapter 140 of the Massachusetts General Laws and Article 10 of the Town of Milford By-Laws.
- B. **SECOND HAND DEALER**- Any persons who are collectors of, dealers in or keepers of shops for the purchase, sale or barter of junk, old metals or second hand articles as provided for in Sections 54 through 56 in Chapter 140 of the Massachusetts General Laws and Article 10 of the Town of Milford By-Laws.
- C. **SELLER** – Shall mean any person who relinquished or is intending to relinquish ownership or custody, whether temporary or permanently, of personal property or articles

that are used goods or junk, old metals, or second hand articles by means of offering for sale, barter or exchange.

#### **4. REGULATED PROPERTY**

- A. Precious metals, including but not limited to any metal valued for its character, rarity, beauty or quality, including gold, silver, copper, platinum or other metals, whether as a separate item or in combination with other items.
- B. Precious gems, including but not limited to any gem valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or other precious or semiprecious gems or stones, whether as a separate item or in combination with other items or as a piece of jewelry.
- C. Watches and jewelry containing precious metals or precious gems, including but not limited to, rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wristwatches, or stopwatches.
- D. Sterling silver flatware, including but not limited to knives, forks, spoons, candlesticks, coffee and tea sets, or ornamental objects.
- E. Any electronic audio, video or photographic and optical equipment, recorders in any form, computers, computerized tablets or computer equipment in any form.
- F. Any power tools or equipment.
- G. Musical instruments.
- H. Cellular phones.
- I. Any electronic device such as televisions, receivers, speakers, gaming devices, radios, audio players and recorders.
- J. Collectibles, including but not limited to objects of art, furs, figurines, memorabilia and antique objects.

#### **5. LICENSE APPLICATIONS FOR SECOND HAND DEALERS**

- A. Applications for new or renewal of a Second Hand Dealer License shall be made in writing on forms provided by the Office of the Board of Selectmen. Each license granted shall be issued on a location specific basis to permanent business locations within the Town of Milford and no license shall be granted to transient or temporary businesses.

- B. Under no circumstances shall a license issue for any establishment or premises that is not in compliance with zoning, building or fire code and regulations. The granting of a license shall not be evidence or proof that the licensee is in compliance with said codes or regulations.
- C. Completed license applications shall be submitted to the Town Administrator for processing and presentation to the Board of Selectmen. The Town Administrator may make recommendations to the Board of Selectmen whether a license should be approved, modified or denied; however the final decision shall be the sole discretion of the Board of Selectman.
- D. Upon approval, a license shall be issued and shall continue in effect, unless sooner revoked by the Board of Selectmen, until April 30th next following.
- E. No license may be transferred to another person, entity or business location without the approval of the Board of Selectmen.
- F. The license shall be clearly and prominently displayed for viewing by the public within the place of business, if required.

**6. LICENSE APPLICATIONS FOR COLLECTOR OF JUNK UTILIZING A VEHICLE OR OTHER CONVEYANCE**

- A. Applications for new or renewal of a Collector Of Junk Utilizing A Vehicle or Other Conveyance License shall be made in writing on forms provided by the Office of the Board of Selectmen. Each license granted shall be to a specific person or business entity.
- B. Every person owning or having the care, or driving of a cart wagon, dray, truck, handcart, sleigh, sled, hand-sled or other vehicle being utilized in the Town for or in connection with the collection of junk, old metals, rags, paper or other second-hand articles shall be licensed by the Board of Selectmen, and each of said vehicles or conveyances shall have placed upon the outside on each side of the vehicle or conveyance, the name of the licensee and the words "Milford License" with the license number in plain, legible letters and figures, so that the same may be distinctly seen and read.
- D. Completed license applications shall be submitted to the Town Administrator for processing and presentation to the Board of Selectmen. The Town Administrator may make recommendations to the Board of Selectmen whether a license should be approved, modified or denied; however the final decision shall be the sole discretion of the Board of Selectman.
- E. Upon approval, a license shall be issued and shall continue in effect, unless sooner revoked by the Board of Selectmen, until April 30th next following.
- D. No license may be transferred to another person, entity or business location without the approval of the Board of Selectmen.

F. The license shall be produced and provided to a police officer upon demand.

## **7. ISSUANCE, RENEWAL AND REVOCATION OF LICENSES.**

A. The Licensing Authority for the Town of Milford may, after notice and hearing, deny or modify an original or renewal application or revoke an issued license if it believes any of the following conditions exist after said hearing:

- i. the applicant, or any person who in whole or in part, would own, manage or operate under the license, has owned, managed or operated any substantially similar business within the five years prior to the application date and said prior license was revoked or the business closed for a reason that would be grounds for a denial, modification or revocation pursuant this policy;
- ii. the licensee has been found to constitute a public nuisance;
- iii. the license applicant, or any person who proposes, in whole or in part, to own, manage or operate pursuant to the license, was convicted of a felony or any crime involving a false or fraudulent act or statement or any law that is contrary to the operation of a second hand dealer business such as, but not to be limited to, receiving stolen property, any form of breaking and entering, larceny from a person or any other form of larceny, or any form of aggravated assault, or any firearms or drug distribution violations within five (5) years. The five (5) year period shall be measured from the date of conviction or the date of the conclusion of the imposed court sentence.
- iv. the license applicant, or any person who proposes, in whole or in part, to own, manage or operate pursuant to the license refused to present to a police officer information concerned with how he conducts the business, the opportunity to inspect all personal property or articles purchased or held as second hand, or the opportunity to examine all books and inventories upon demand;
- v. the applicant or any person who in whole or in part, would own, manage or operate the business has:
  - (a) made a false statement in the application;
  - (b) omitted information requested to be disclosed in the application;
  - (c) completed the application with reckless disregard for the truth or accuracy of the statements made therein;
  - (d) has been found to be in violation of these regulations within a five (5) year period prior to the application date; or
  - (f) such other grounds as the Licensing Authority determines to be in the public interest or in violation of the conditions of the license or any law or regulation.

## **8. RECORDS OF PURCHASES - TRANSACTION RECORDS FOR SECOND HAND DEALERS**

- A. A second hand dealer, regardless of the manner of acquisition, of any articles, goods or items, as listed in Paragraph 4, above, shall prepare a transaction record upon or in a form approved by the Chief of Police. Said transaction record shall have, at a minimum:
  - i. the full name, address, date of birth and identification number from an acceptable form of identification as detailed in paragraph 9. of these rules and regulations.
  - ii. the date and time of transaction;
  - iii. a full, detailed and accurate description (including color, make, model, type, serial number, distinguishing mark(s) or engraving(s) or other identifiable characteristic;
  - iv. the amount paid for each article; and,
  - v. the name of the employee or person receiving the item.
- B. Each seller shall sign his or her true name on the transaction record verifying they are the property owner and have the lawful right to sell, barter or exchange said personal property or article.
- C. Each transaction shall be assigned an independent inventory number. The corresponding number shall be attached to the item(s).
- D. Any articles, goods or items, listed in Paragraph 4, above, acquired pursuant to this license, shall be digitally photographed in reasonable detail depicting an accurate and clear representation of the articles, goods or items, so that the photograph can be used for purposes of identification.
- E. A second hand dealer shall maintain the original transaction records, books and photographs for a minimum of one (1) year.

## **9. TRANSACTION RECORDS FOR COLLECTOR OF JUNK UTILIZING A VEHICLE OR OTHER CONVEYANCE**

- A. The Chief of Police may require licensed Collector of Junk Utilizing a Vehicle or Other Conveyance to maintain a log of the items that they collected, to include a description and serial number or other identifying characteristic; the location from which they collected said items; the location where they stored or disposed of said items; and the value they received upon said disposition.

**10. INSPECTION OF THE PREMISES, TRANSACTION RECORDS OR BOOKS AND SECOND HAND PERSONAL PROPERTY OR ARTICLES**

- A. The transaction records and books, and the articles, goods or items, and the business premises shall be open and made available for immediate inspection by a Police Officer for the Town of Milford.
- B. The Chief of Police may require second hand dealers to submit all records of transactions electronically to the Milford Police Department on a schedule determined by the Chief of Police.

**11. INSPECTION OF VEHICLES AND CONTENTS OF COLLECTOR OF JUNK UTILIZING A VEHICLE OR OTHER CONVEYANCE**

- A. The transaction records and books, and the articles, goods or items recorded therein shall be open and made available for immediate inspection by a Police Officer for the Town of Milford.
- B. The Chief of Police may require second hand dealers to submit all records of transactions electronically to the Milford Police Department on a schedule determined by the Chief of Police.

**12. ACCEPTABLE FORMS OF IDENTIFICATION**

The second hand dealer must require the following identification from any person selling, bartering, consigning or exchanging person property or articles:

- A. A valid Massachusetts Motor Vehicle Driver's License, Massachusetts Liquor Identification Card, a United States Military Identification Card or a United States Passport that includes the date of birth, matching photograph, and physical description of the person offering the identification; or,
- B. Two other forms of current identification, one of which is issued by a governmental agency and one of which includes the name and address of the presenter and their photograph.

**13. CERTIFIED SCALES**

- A. All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the Sealer of Weights and Measures for the Town of Milford.

**14. NOTIFICATION TO POLICE REGARDING POSSIBLE STOLEN PROPERTY BY SECOND HAND DEALER LICENSEE'S**

- A. All second hand dealers shall immediately notify the Milford Police Department upon receiving an article which is questionable as to its ownership status and there is a suspicion that it is stolen property and shall make such article available to the police for investigation and identification of the true ownership status.
- B. All second hand dealers shall immediately notify the Milford Police Department when any suspicious or known dishonest person offers for sale any articles of value that the second hand dealer, or their agents or employees, has reason to believe from any circumstances that the article of has been stolen or acquired by dishonest means.
- C. All second hand dealers shall immediately notify the Milford Police Department and shall not purchase any property whose serial number or other identification marking has been wholly or partially tampered with, removed or obliterated, or the article bears the name of a person, other than that of the person presenting it for sale, barter, consign or exchange.

**15. RECEIPT OF SECOND HAND PERSONAL PROPERTY OR ARTICLES BY A SECOND HAND DEALER FROM A MINOR IS PROHIBITED**

- A. No second hand dealer shall purchase, barter, or exchange any personal property or article from a person under the age of eighteen (18) years.

**16. HOLDING PERIOD FOR PERSONAL PROPERTY AND ARTICLES – ARTICLES TO REMAIN ON THE PREMISES OF THE SECOND HAND DEALER**

- A. Property and articles as listed in Paragraph 4, A through D, above shall be maintained on the second hand business premises for thirty (30) days after the date of purchase, barter, or exchange. No second hand personal property or article so acquired shall be sold, encumbered by sales contract, transferred altered in its appearance, or otherwise disposed of within said thirty (30) day period.

**17. REMOVAL OF SECOND HAND PROPERTY OR ARTICLES BY POLICE OFFICERS**

- A. If a police officer has probable cause to believe that any second hand goods or articles are needed as evidence in a criminal investigation or that said goods or articles are stolen, said officer may seize them as evidence. The second hand dealer shall be issued a receipt for the article(s) and may be listed as a victim in a criminal proceeding. The dealer shall immediately present said articles upon demand of a police officer.

- B. The police may keep seized articles as long as is necessary to permit the article to be used as evidence before the court and for such reasonable time thereafter as needed to investigate the identity of the lawful owner in order to return the article to them.

**18. CRIMINAL HISTORY CHECKS**

- A. Upon application or license renewal for a second hand dealer or collector of junk utilizing a vehicle or other conveyance, the Chief of Police will review the criminal history of the applicant, or any person who in whole or in part, would own, manage or operate under the license and the Chief of Police will determine their suitability consistent with these Rules and Regulations and will report a suitability recommendation to the Town Administrator.

**19. FEES**

- A. The annual fee for the second hand dealer license, and the collector of junk utilizing a vehicle or other conveyance, shall be set annually by the Board of Selectmen.

**20. ENFORCEMENT AND VIOLATIONS**

- A. Violation of any provision of this Regulation may be prosecuted as a criminal matter, or as a civil matter pursuant to M.G.L. c. 40 s. 21D or as an administrative procedure pursuant to these regulations. Each occurrence or transaction therein shall constitute a separate violation. With regard to operating without a license, each calendar day shall constitute a violation.
- B. Whoever violates the provisions of these regulations shall be fined twenty dollars (\$20.00) for each violation, as provided for in Section 55 of Chapter 140 of the Massachusetts General Laws and Article 10 of the Town of Milford By-Laws.