

ORDINANCE NO. 924

ADOPTED: June 10, 2024

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF EAST GREENWICH, CHAPTER 138 THEREOF, ENTITLED "JUNKYARDS/SECONDHAND DEALERS".

Section 1. IT IS HEREBY ORDAINED by the Town Council of East Greenwich, Rhode Island, that the Ordinances of the Town of East Greenwich be amended to read as follows:

## Chapter 138

# Junkyards/Secondhand Metal Dealers

[**HISTORY:** Adopted by the Town Council of the Town of East Greenwich 6-22-1993 by Ord. No. 595 as Secs. 10-241 to 10-251 of the 1993 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Fees — See Ch. 93, Art. I.

Abandoned vehicles — See Ch. 244.

---

#### STATE LAW REFERENCES

Junkyard Control Act — See R.I.G.L. § 24-14-1 et seq.

Automobile wrecking and salvage yards — See R.I.G.L. § 42-14.2-1 et seq.

Second-Hand Dealers – see R.I.G.L. §5-21 et seq.

---

#### § 138-1 **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **AUTOMOBILE JUNKYARD**

A place where one or more unserviceable, discarded, worn-out or junked automobiles, or bodies, engines, tires, parts or accessories thereof, are gathered together.

##### SECOND-HAND CONSIGNMENT GOODS

Used items, including but not limited to artwork, furniture, clothing, accessories and books, that are sold by a third party, which receives a percentage of the revenue from the sale.

##### RESALE GOODS

Goods, including but not limited to artwork, furniture, clothing, accessories and books, that are purchased from the original owner and resold.

##### THRIFT GOODS

Used items, including but not limited to artwork, furniture, clothing, accessories and books, that are sold by or on behalf of a charity or non-profit organization.

##### ANTIQUES

Items made in an earlier period that are collected and considered to have value because they are beautiful, rare, old, or of high quality.

Formatted: Indent: Left: 0"

**§ 138-2 Exceptions.**

This chapter shall not apply to keepers of shops for the purchase, sale or barter of ~~books, pamphlets or periodicals or household furniture, second-hand consignment goods, resale goods, thrift goods or antiques.~~

**§ 138-3 License required.**

No person shall engage in the selling, purchasing, bartering or dealing in junk, old metals, or any other secondhand metal articles, or establish, operate or maintain an automobile junkyard in the Town without first obtaining a junkyard license for such purpose from the Town Council.

**§ 138-4 Application for license.**

Every applicant for a junkyard license shall set forth with the full particulars, upon a form to be furnished by the Town Clerk, answers to the following questions:

- A. Name and address, both of residence and of business, of the applicant.
- B. Business or employment of the applicant during the five years next preceding the application.
- C. Age of applicant.

**§ 138-5 Notice; hearing on license application.**

Before granting a license to keep a shop or storehouse for the reception of any junk, old metals, or other secondhand metal articles or to establish, operate or maintain any automobile junkyard in any location not lawfully occupied for such purpose at the time of the application for such license, the Town Council shall hold a public hearing, notice of which shall be posted at least seven days but not more than 14 days prior to the hearing in not less than two public places in the Town and in a newspaper of general circulation in the Town; provided, however, that, before the Town Council shall post or publish the notice of hearing, it shall collect from the applicant a fee in accordance with the fee schedule in Chapter 93, Fees, plus the cost of posting and publishing the notice.

**§ 138-6 Filing of objections to siting.**

No junkyard license required by this chapter shall be granted for any location not lawfully occupied for such purpose at the time of the application for the license where the owners or occupants of the greater part of the land within 200 feet of such building or place shall file with the Town Council their objection to the granting of such license; provided, however, that this section shall not apply to any applicant who is the licensed keeper of such a shop, storehouse or automobile junkyard within the Town which is being acquired under eminent domain proceedings.

**§ 138-7 License term; revocation; conditions.**

Every junkyard license issued pursuant to this chapter shall be for a term not exceeding one year, shall be revocable at the pleasure of the Town Council, and shall be subject to the following conditions and restrictions:

- A. Every such licensed person shall keep in a book a contemporaneous record in ink and in the English language of the business done by him, as follows:
  - (1) A description of every article purchased or sold by him, at the time of such purchase or sale;
  - (2) The name and residence of the person from or to whom the same was purchased or sold; and

- (3) The day and hour of such purchase or sale.
- B. The book of record and every shop, warehouse, bag, wagon, cart or foundry, or place of business of any such licensed person shall be subject to the inspection and examination of the Town Sergeant, Chief of Police or any person authorized by either of them.
- C. No keeper of any junkyard, junk shop or warehouse shall do or suffer to be done any business therein between the hours of 7:00 p.m. and 7:00 a.m. of the following day.
- D. Every keeper of any junk shop or warehouse licensed pursuant to this chapter shall display a sign over the principal entrance to the junk shop or warehouse on which shall appear his name and "Licensed Junk Dealer," and post in a conspicuous place within such shop or warehouse the license last granted to him.

**§ 138-8 License expiration date.**

All junkyard licenses granted under the provisions of this chapter shall expire on May 1 succeeding the date of such license, and no rebate shall be made from the license fee for such license for any licensed term less than one year.

**§ 138-9 License fees.**

The fees for junkyard licenses required by this chapter shall be as follows:

- A. For the keeper of a shop or storehouse for the reception of any junk, old metals, or other secondhand metal articles which is not an automobile junkyard, a sum in accordance with Chapter 93, Fees.
- B. For any foundryman or other person receiving junk for the purpose of melting the junk or converting the junk into castings, a sum in accordance with Chapter 93, Fees.
- C. For any gatherer of junk in any bag, wagon or cart, a sum in accordance with Chapter 93, Fees.
- D. For any person establishing, operating or maintaining an automobile junkyard, a sum in accordance with Chapter 93, Fees.

**§ 138-10 Requirements for automobile junkyards; exceptions.**

- A. No license shall be granted for an automobile junkyard unless:
  - (1) It is to be operated and maintained entirely within a building;
  - (2) It is to be operated and maintained exclusively for the purpose of salvaging the value as scrap of the material collected, as opposed to reselling parts to be used for the purpose for which they were originally manufactured, and it is to be located in a built-up commercial or industrial area, or contiguous to a railroad siding, or on or contiguous to docking facilities; and
  - (3) It is:
    - (a) More than 1,000 feet from the nearest edge of any highway on the interstate or primary system;
    - (b) More than 600 feet from any other state highway;
    - (c) More than 300 feet from any park, bathing beach, playground, school, church or cemetery and is not within ordinary view therefrom; and
    - (d) Screened from view either by natural objects or well-constructed and properly maintained fences at least

ORDINANCE NO. 924

ADOPTED: June 10, 2024

six feet high, acceptable to the Town and so specified on the license.

- B. The mandatory conditions contained in Subsection A **(1), (2), (3)(b)** and **(c)** of this section shall not apply to any automobile junkyard legally established on May 6, 1966.

**§ 138-11 Violations and penalties.**

Any person who violates any of the provisions of this chapter shall be punished in accordance with R.I.G.L. § 24-14-9.

Section 2. This ordinance shall become effective upon adoption.