

## Chapter 150

### JUNK, OLD METAL AND SECONDHAND ARTICLES, DEALERS IN; PAWN SHOPS

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XXXV of the 2005 Bylaws. Amendments noted where applicable.]

#### GENERAL REFERENCES

Licenses and permits — See Ch. 155.

#### § 150-1. Prohibition.

- A. No person shall act as a keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles without a license issued by the Selectmen.
- B. The purchase, sale or barter of books, prints, coins or postage stamps shall not be deemed to be a purchase, sale or barter of secondhand articles within the meaning of this bylaw.
- C. A person not regularly engaged in the business of selling secondhand articles who makes casual sales of such articles at a flea market, yard sale, garage sale, barn sale or the like shall be deemed not to be a keeper of a shop for the sale of secondhand articles within the meaning of the bylaw.

#### § 150-2. Licenses and fees.

- A. Each license shall set forth the following:
  - (1) The name of the licensee.
  - (2) The nature of the business to be carried on under the license.
  - (3) The building or other place in the Town in which such business is to be carried on.
  - (4) All applicable rules, regulations and restrictions made by the Selectmen under the authority of this bylaw.
- B. The Selectmen shall receive for the use of the Town such amount, not less than two dollars (\$2), for each license as the Selectmen consider reasonable.

#### § 150-3. Rules, regulations and restrictions.

- A. The Selectmen may make reasonable rules and regulations of general application to carry out the purposes of this bylaw, which shall take effect upon their being filed in the office of the Town Clerk.

- B. The Selectmen may also make reasonable restrictions applicable to a particular license or licenses.

**§ 150-4. When effective; existing businesses.**

This bylaw shall take effect upon its approval by the Attorney General and its publication and posting as required by MGL c. 40, § 32: provided, however, that any person acting as the keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles on the effective date of this bylaw may continue to so act unaffected by this bylaw for a period of six (6) months following its effective date. Licenses with respect to such activities shall be required after the expiration of said six-month period.

**§ 150-5. Violations and penalties.** [Amended 5-20-2013 ATM by Art. 20]

Whoever violates this bylaw by acting as a keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles without a license or a pawn shop, or in any other place or manner than that described in his/her license or after notice to him/her that his/her license had been revoked, or violates any rule, regulation or restriction made by the Selectmen, shall be liable to the following penalties: one hundred dollars (\$100) for the first offense; two hundred dollars (\$200) for the second offense; and three hundred dollars (\$300) for the third and any subsequent offense. Each day that a violation continues shall constitute a separate offense.

**§ 150-6. Outside drop boxes.** [Added 5-21-2012 ATM by Art. 30]

- A. Purpose. The purpose of this section of the bylaw is to promote the maintenance of outdoor "drop boxes" located on or abutting public ways and private ways open to use by the general public and sidewalks abutting such ways in a safe and clean condition.
- B. "Drop box" as used in this section shall mean any box, container or device, including any such designed to collect, distribute, or sell any item, which is located, on a temporary or permanent basis, in or adjoining a public way or a private way open to use by the general public, or in or adjoining a sidewalk abutting such a way.
- C. Each drop box shall:
  - (1) Be properly maintained in a clean and neat condition and in reasonably good repair at all times;
  - (2) Be emptied on a regular basis, at least monthly, to prevent overflow;
  - (3) Contain clear identification, and the telephone number, of the organization responsible for maintenance of the drop box; and
  - (4) Clearly state thereon, for the benefit of prospective donors, the use to which any donation will be made.
- D. No person or entity other than those required by §§ 150-1 and 150-2 of this article shall be required to secure or maintain a license for a drop box, but such boxes shall

be subject to any drop box rules, regulations and restrictions, if any, as the Selectmen may adopt pursuant to § 150-2 of this article, and the penalties set forth in § 150-5 hereof shall apply to drop boxes.

**§ 150-7. Pawnbrokers.** [Added 5-20-2013 ATM by Art. 20]

The Board of Selectmen may license suitable persons to carry on the business of pawnbrokers in the Town of Charlton, may condition, deny, revise and revoke such licenses, all as provided by MGL c. 140, §§ 70 to 85, and may make rules and regulations of general application to carry out the purposes of this bylaw. Any such rule or regulation shall take effect upon its being filed with the Office of the Town Clerk. The Board of Selectmen may also impose conditions and restrictions upon a particular license or licenses. The fee for any such license shall be one hundred dollars (\$100), or such higher amount as the Board may establish by regulation if MGL c. 140, § 77, is amended to so permit. Any such licensee, as required by said § 77, shall at the time of receiving such license file with the Board of Selectmen a bond to the Town in the sum of three hundred dollars (\$300) (or such higher, maximum, allowable amount if said § 77 is amended to require or allow for same), with two (2) sureties approved by the Board or its designee, conditioned upon the faithful performance by the licensee of the duties and obligations pertaining to the business so licensed.

**§ 150-8. Enforcement.** [Added 5-20-2013 ATM by Art. 20]

Any violation of this Chapter 150 or of any rule or regulation adopted hereunder may be enforced by the Chief of Police or by any police officer of the Town of Charlton by any means available, including without limitation under the provisions of MGL c. 40, § 21, or through the noncriminal disposition procedure under MGL c. 40, § 21D, and Chapter 10, Penalties, Article I, of the Charlton General Bylaws. If any provision of this bylaw is held invalid by any court or other body of competent jurisdiction, such shall not affect the validity or application of the remainder of the article.