

Town of Littleton	PAGE 1 OF 4
Littleton, New Hampshire	EFFECTIVE:
<b>JUNK DEALERS ORDINANCE</b> <b>Chapter 14</b>	REVIEW DATE & OPR 5/9/2011
	APPROVED AT TOWN MEETING ON: 5/9/2011

**PREAMBLE:**

1. This Ordinance shall be captioned "Junk Dealers Ordinance" shall take effect on its adoption by the Board of Selectmen
2. In addition to any other remedy established by law, the Selectmen shall be authorized to enforce the provisions of this ordinance by any proceeding commenced in the Grafton County Superior Court or the Littleton District Court, and shall be entitled to recover from any violator hereof all their costs, including attorney's fees, in connection with such enforcement, to the extent allowed by said Court.
3. If any word, term, phrase, sentence or clause of this ordinance is found to be invalid by any court of competent jurisdiction, or any other agency, such finding shall not affect the validity of any other word, term, phrase, sentence, or clause of this ordinance.

The licensing and regulation of Junk Dealers will be done pursuant to RSA 322 and any/all amendments thereto.

**SECTION 1. LICENSE**

The Selectmen of the Town of Littleton are hereby empowered to license suitable persons to be dealers in and keepers of shops for the purchase and sale, or barter, of old junk, old metals, old or second hand articles, excepting furniture and books, or to accumulate, store or handle said commodities for the purpose of sale or barter elsewhere or as bailees for others, and may determine and designate the place where the business is to be carried on, and the place where the commodities aforesaid may be accumulated, stored or handled, under such license.

**SECTION 2. REVOCATION REGULATIONS**

The Selectmen may revoke the same, in their discretion, after a hearing on charges preferred, and may from time to time establish rules, regulations and restrictions relative to the business carried on as aforesaid; and every such rule, regulation and restriction shall be incorporated in the license.

### **SECTION 3. CONDITIONS TERMINATION**

The license shall designate the place where the business is to be carried on, and shall contain a condition that the person to whom it is granted shall not purchase from any minor under the age of 16 years, nor barter with any such minor for any commodity named in Section 1, without the written consent of his parents or guardians, and such other conditions and restrictions as may be prescribed by the Selectmen. Said license shall continue in force until April 1 next following, unless sooner revoked, and may be renewed upon application to the Selectmen.

### **SECTION 4. ILLEGAL DEALING**

Any person who, without license, shall be a dealer in the aforesaid commodities, or keep a shop for the purchase, sale or barter thereof; or who without license, shall accumulate, store or handle said commodities for the purpose of sale or barter, or as bailee for others; or any person having a license who shall carry on the business, or accumulate, store or handle the commodities aforesaid at any other place than that specific in his license, or after notice that his license has been revoked, shall be guilty of a violation for each day such offense continues.

### **SECTION 5. ENJOINING**

The superior court may enjoin any person from dealing in the commodities aforesaid, or from keeping a shop for the purchase, sale or barter thereof, or from accumulating, storing or handling said commodities contrary to the provisions of this chapter and may also enjoin any license from carrying on said business at any other place than that designated in his license.

### **SECTION 6. TERRITORIAL LIMITS**

The Selectmen may prohibit the accumulation or storage of the commodities designated in this ordinance, the granting of licenses therefore and the granting of licenses to deal in or keep a shop for the purchase, sale or barter of said commodities shall not be accumulated or stored, or said business carried on or licenses therefore granted. The adoption of any such regulation shall in no way affect the duties of the Selectmen in acting upon applications for licenses to be exercised in territory outside the limits specified in such regulation.

### **SECTION 6-a. RECORDS**

Each person required to be licensed under this chapter shall keep records sufficient to the licensing authority of the accumulation, storage, and handling of commodities as a junk or scrap metal dealer. Such record shall be legibly written in the English language and provide account and description of the goods purchased, the date and time of their purchase, and the name and residence, verified by photo identification issued by a governmental agency, of the seller.

### **SECTION 7. INSPECTION**

The Selectmen, or any officer authorized by them, may at any time enter upon any premises used by a licensee for the purpose of his business, ascertain how he conducts his business and examine all commodities purchased, obtained, kept or stored in or upon said premises shall exhibit to such officer on demand any or all of such commodities, books and inventories.

**SECTION 8. OBSTRUCTING OFFICER**

Any such licensee, his clerk, agent or other person in charge of premises, who fails to exhibit to him on demand all such commodities, books and inventories; or any person who willfully hinders, obstructs or prevents such officer from entering the premises or from making the examination authorized in Section 7 shall be guilty of a misdemeanor. Furthermore, the licensee shall provide a written or electronic copy to the Police Department upon request.

**SECTION 9. NUMBER**

Every license shall be numbered, and each license collecting any of the aforesaid commodities in any wagon or vehicle shall have place upon the outside of such wagon or vehicle, and upon each side of same, the number of the license in plain, legible figures not less than 3 inches high so that same may be distinctly seen and read.

**SECTION 10. IDENTIFICATION** – Every licensee or employee of a licensee shall carry a photocopy of his or her license or the license of his or her employer on or about his or her person while conducting business as regulated by this chapter. The identification may be required to be furnished by the licensing authority upon payment of a suitable fee therefor.

**SECTION 11. FEE**

The fee of \$15 for such license or renewal thereof, shall be fixed by the Selectmen and shall be paid into the Town treasury and no person shall be required to be paid by any other person for a similar license.

**SECTION 12. UNLICENSED PERSON**

No person not licensed shall collect or purchase any of the commodities above specified unless he acts as a helper to, and is accompanied by, some licensee.

**SECTION 13. LICENSING PROCEDURE**

The Planning Board, in reviewing an application, shall consider the following procedure after hearing testimony from the applicant and persons affected by junk operation:

- I. That the proposed location is not in violation of the Town of Littleton Zoning Ordinance for the proposed use. The applicant shall provide to the Board a certified letter from the Zoning Board of Adjustment stating that the proposed use is a permitted use in the proposed location.
- II. That the proposed location and its use as a junk yard shall not adversely affect the aesthetic and environmental qualities of the immediate area, and shall not produce undesirable effects on public resources such as schools, churches, parks, playgrounds and other essential services.

**SECTION 14. OTHER OPERATIONAL CONDITIONS**

Upon issuance of a permit by the Planning Board, the applicant shall operate his business subject to the following conditions:

- I. The entire junkyard operation shall be confined within a structure intended for said use. The Planning Board may grant the applicant permission to operate all or a portion of the business outside of a structure. If said permission is granted, a solidly constructed fence at least six feet in height shall be erected around the perimeter of the property, which is intended to screen the business operation from the public's view. The fence and operation of the junk dealership shall conform to the setback requirements for structures as set forth in the Littleton Zoning Ordinance.
  
- II. The Planning Board may establish reasonable hours of operation for the junk dealership in an effort to minimize its effect on abutters. When establishing operating hours, the Planning Board shall take into consideration the type of junk operation and equipment necessary to conduct business.

Section 15.

Any person violating the foregoing ordinance shall, upon conviction thereof be punished by a fine pursuant to the Town of Littleton Penalties Ordinance.