

AN ORDINANCE CONCERNING DEALERS IN JUNK, OLD METALS,  
AND OTHER SECOND-HAND ARTICLES

Adopted December 8, 1965

It is ordained by the Town Council of the Town of West Greenwich as follows:

1. All persons selling, purchasing, bartering and dealing in junk, old metals and any other second-hand articles and all persons establishing, operating or maintaining automobile junkyards shall be required to obtain a license from the Town Council.
2. The fee for a license for the keeper of a shop or storehouse for the reception of any junk, old metals or second-hand articles which is not an automobile junkyard shall be ten (10) dollars. The fee for a license for any foundryman or other person receiving the same for the purpose of melting the same or converting the same into castings shall be five (5) dollars. The fee for a license for any gatherer of the same in any bag, wagon or cart shall be five (5) dollars. The fee for a license for any person establishing, operating or maintaining an automobile junkyard shall be fifty (50) dollars.
3. The Town Council before granting a license under this ordinance to keep a shop or storehouse for the reception of any junk, old metals or other second-hand articles or to establish, operate or maintain an automobile junkyard in any location not lawfully occupied for such purpose at the time of the application for such license, shall hold a public hearing notice of which shall be posted at least seven (7) days but not more than fourteen (14) days prior to said hearing in not less than two (2) public places in the town and in a newspaper of general circulation in the town; provided, however, that before notice of a hearing shall be posted or published the applicant for said license shall pay a filing fee of ten (10) dollars plus the cost of posting and publishing said notice.
4. No license shall be granted under this ordinance to the keeper of any shop or storehouse for the reception of any junk, old metals, or other second-hand articles or to a person establishing, operating or maintaining an automobile junkyard in any location not lawfully occupied for such purpose at the time of the application for such license where the owners or occupants of the greater part of the land within two hundred (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 keeper of such a shop or storehouse or automobile junkyard within the Town of West Greenwich which is being acquired under eminent domain proceedings who is applying for a license within general laws of Rhode Island 1956, 5-21-1, as amended.
5. As used in this ordinance "automobile junkyard" means a place where one or more unserviceable, discarded, worn-out or junked automobiles, or bodies, engines, tires, parts or accessories thereof are gathered together.

6. No license shall be granted for an automobile junkyard under this ordinance unless:

- a) It is to be operated and maintained entirely within a building, or unless:
- b) It is to be operated and maintained exclusively for the purpose of salvaging the value as scrap of the material collected, as opposed to re-selling parts to be used for the purpose for which they were originally manufactured, and 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; or unless
- c) It is:
  - (i) more than six hundred (600) feet away from any state highway; and
  - (ii) more than three hundred (300) feet from any park, bathing beach, playground, school, church or cemetery and is not within ordinary view therefrom; and
  - (iii) more than three hundred (300) feet from any town highway; and
  - (iv) screened from view either by natural objects or well constructed and properly maintained fences at least six (6) feet high acceptable to the Town Council and so specified on said license.

7. In considering the application for any license under this ordinance the Town Council shall consider the character and reputation of the applicants and the nature and location of the proposed site with reference to the character of the surrounding neighborhood and the orderly development of the town.

8. In granting a license the Town Council may impose such conditions as it may deem fit with respect to burning.

9. All licenses issued hereunder shall expire December 31 next following the date of issue, and may be suspended or revoked by the Town Council for cause shown only after a public hearing on complaint of violations of conditions set forth in these regulations, such hearing to be held on ten days notice by the Council to the licensee and with opportunity to be heard.

10. No more than seven (7) licenses for automobile junkyards under this ordinance shall be in effect at any one time.

11. The provisions of Section 6 (a) (b) (c) (i) and (ii) shall not apply to any automobile junkyard in existence and having a valid license on the effective date of this ordinance.

12. Any person carrying on any of the businesses described in this ordinance without a license shall be fined not exceeding two hundred (200) dollars and imprisoned for not exceeding six (6) months and any person operating or maintaining an automobile junkyard which violates any of the provisions of Section 6 of this Ordinance shall, upon conviction for the first offense be punished by a fine of not less than fifty (50) dollars nor more than one hundred (100) dollars, or by imprisonment for not less than ten (10) days nor more than thirty (30)

days, or by both such fine and imprisonment, and shall for a second or subsequent conviction be fined not less than one hundred (100) dollars nor more than five hundred (500) dollars, or by imprisonment for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

13. If any clause, sentence, paragraph or part of this ordinance or the application thereof to any person or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or its application to other persons or circumstances.

14. This ordinance shall take effect upon its passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.