

Town of Franklin

355 East Central Street
Franklin, MA 02038



JUNK DEALER AND COLLECTOR APPLICATION ANNUAL FEE \$125.00

Date: _____

Business Owner: _____
First Middle Initial Last

Address: _____ Telephone #: _____
Town/City zip

Name of Business: _____ Attach copy of Business Certificate

Business Location: _____ Telephone # _____
Provide copy of lease

Corporation Name: (If applicable) _____ Attach copy of Articles of Incorporation

Address: _____ FID # _____ - _____
Town/City zip

Manager Name: _____
First Middle Initial Last

Address: _____
Town/City zip

Home Telephone: _____ Cell Phone: _____

Date of Birth: _____ Social Security number: _____
Month Day Year

Describe type of business: _____

List item to be purchased or for sales: _____

Proposed days and hours of business operation: _____

Be sure that the following documents are attached:

1. Business certificate (Issued by Town Clerk's Office) or Articles of Incorporation
2. Copy of lease if you do not own
3. Certificate of Compliance with State Laws, completed and signed
4. Workers' Compensation Insurance Affidavit, completed and signed

I hereby state that all information provided on this application is true and accurate.

Applicant signature: _____

The Town Administrator's office upon receipt will forward copies of all applications to the following departments for their review and recommendations.

Police Chief (508-528-1212) Shall initiate a background check of the proposed manager and review the application to determine if, in his opinion, any public safety hazard would exist by reason of the location or the hours of operation.

Fire Chief (508-528-2323) or his designate, Shall review and examine the proposed business location to determine if, in their opinion, any public safety hazard would exist by reason of the location, and that the proposed premises meets all fire safety regulations.

Building Inspection (508-520-4926) Shall examine and review the proposed business location to determine if, in their opinion, any public safety hazard would exist by reason of the location, and that the proposed premises meet all building safety regulations and building codes.

Zoning Officer (508-520-4926) Shall examine and review proposed business location to determine if it conforms to all zoning regulations and bylaws.

Board of Health (508-520-4905) Shall examine and review proposed business location to determine if, the premises meets and conforms to the provisions of the State Sanitary Code and any local regulations of the Board of Health and that all necessary health permits have been obtained.

Treasurer's Office (508- 520-4950) Shall examine their records to see that all taxes and fees due to the Town of Franklin are up to date for both the applicant and owner of property to be used for proposed business.

Each of Departments Shall make whatever recommendations it deems necessary to the **Town Administrator's office** (508-520-4949) after review of such application, recommending such measures or restrictions on the issuance of any license as may be necessary to protect the public peace, health, safety or general welfare of the community.

DEPARTMENT NAME: _____
Signoff: ☐ **Yes Conditions:** _____
☐ **No** _____
Official's Name: _____ **Signature:** _____
DATE: _____

LICENSE ☐ **APPROVED – Condition (s)** _____

☐ **DECLINED – Reason (s)** _____

DATE _____
TOWN ADMINISTRATOR SIGNATURE: _____

The Commonwealth of Massachusetts

Town of Franklin

In conformity with the provisions of Chapter one hundred and ten, Section five of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of

Number _____ is conducted at _____ Street
_____ Franklin, MA 02038

by the following persons.

FULL NAME	RESIDENCE
_____	_____
_____	_____
Signed _____	_____
_____	_____

The Commonwealth of Massachusetts

Norfolk County ss.

Personally appeared before me the above-named _____

_____ and made oath that the foregoing statement is true.

A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed.

Expiration Date _____

Deborah L. Pellegrini
Town Clerk



CERTIFICATE OF COMPLIANCE WITH STATE LAWS

Pursuant to M.G.L. Chapter 62C, Sec 49A, and M.G.L. Ch. 151A, Section 19A, the undersigned acting on behalf of the License Holder, certifies under the penalty of perjury that, to the best of the undersigned's knowledge and belief, the License Holder is in compliance with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support*.

** Signature of Individual or Corporate License Holder (Mandatory)

*** License Holder's Social Security Number/or Federal Identification Number

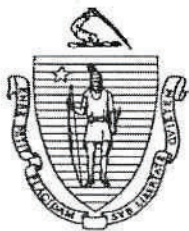
By: _____
Corporate Officer
(Mandatory, if applicable)

Date: _____

*The provision in the Attestation of relating to child support applies only when the License Holder is an individual.

**Approval of or a renewal of a license will not be granted unless this certification clause is signed by the applicant. For all corporations, a certified copy of the vote of the Board of Directors must be provided.

*** Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a license or other agreement issued, renewed or extended. This request is made under the authority of Massachusetts General Laws, Chapter 62C, section 49A.



The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: _____

Address: _____

City/State/Zip: _____ Phone #: _____

Are you an employer? Check the appropriate box:

1. ☐ I am a employer with _____ employees (full and/ or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity.
[No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____ Expiration Date: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: _____ Date: _____

Phone #: _____

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____ Phone #: _____

Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an **employee** is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An **employer** is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that **"every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required."** Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is **NOT** required to complete this affidavit.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts

Department of Industrial Accidents

Office of Investigations

600 Washington Street

Boston, MA 02111

Tel. # 617-727-4900 ext 406 or 1-877-MASSAFE

Fax # 617-727-7749

www.mass.gov/dia



TOWN OF FRANKLIN

CHAPTER 105 JUNK, SECONDHAND GOODS, AND ANTIQUE DEALERS

SECTION 105-1 LICENSE REQUIRED

No person shall deal in junk, secondhand goods, or antiques or keep a shop for the purchase, sale, resale, barter, or taking on consignment of junk, secondhand goods, or antiques without a license issued by the Town Administrator.

SECTION 105-2 LICENSING REQUIREMENTS

- A. A person who desires a license under this chapter shall fill-out the application form supplied by the Town Administrator's office; the application form shall require:
 - 1. Applicant's legal name, residential street address, and such other identifying information as will permit Town officials to investigate an applicant's suitability to conduct the proposed business.
 - 2. A description of the location or premises at which the proposed business will be conducted.
 - 3. A complete description of the proposed business.
 - 4. A complete description of the nature and source of merchandise to be offered.
- B. Upon receipt of a completed application, the Town Administrator shall promptly transmit the application to the Chief of Police who shall conduct an investigation to determine applicant's suitability to conduct the proposed business and report the results of his investigation to the Town Administrator.
- C. Upon receipt of the Police Chief's report, the Town Administrator shall act upon the application and shall approve the license only if he finds that applicant is suitable to conduct the proposed business and that the proposed business will not materially detract from the public health, safety or welfare in light of the proposed business and its location; if the Town Administrator approves the application, the applicant shall pay the required license fee.
- D. In approving a license application, the Town Administrator may specify the hours of operation and include such other conditions as he deems to be reasonably necessary to protect the public health, safety, or welfare.

SECTION 105-3 GENERAL LICENSE CONDITIONS

- A. Licenses issued hereunder shall run from May 2 of the current year to May 1, inclusive, of the following year. Renewal applications for the following year must be filed with the Town Administrator on or before April 1 in each licensing year.
- B. Any person issued a license hereunder shall display the license in a conspicuous place upon the licensed premises.
- C. All licensed premises and all portions thereof and all merchandise shall be open and accessible to officers or agents of the Franklin Police, Fire, Building and Health Departments at all times.
- D. All portions of licensed premises shall be kept broom-clean and well-lit; merchandise shall be so displayed and arranged as to permit customers to have easy access and to be able to move freely about the premises without obstruction.
- E. No merchandise shall be displayed outside the building(s) in which the business is conducted unless the license expressly so provides; in no event shall merchandise be displayed off the licensed premises, including public way or sidewalk or abutting property.
- F. All merchandise shall be kept clean and free of insects and vermin; clothing or other textiles shall be washed, cleaned, or sanitized prior to being offered for sale; all other merchandise shall be suitably cleaned and kept in a reasonably clean condition.
- G. No person shall conduct a business, under a license issued hereunder, that involves items made of gold, silver, or platinum unless the license specifically authorizes transactions involving items of those metals.
- H. No licensee hereunder shall purchase or otherwise acquire any secondhand goods from a person under eighteen (18) years of age.
- I. No licensee hereunder shall purchase any junk, antiques or secondhand articles on the business premises from a private party, until the seller provides a driver's license as a positive identification, or if the seller has no driver's license, then such other suitable photo identification. For purposes of this article, a private party is defined as a person who has no valid state tax registration number.
- J. A licensee shall retain on the licensed premises for seven (7) days all electronics, jewelry, gold and silver items, and any other item with a retail value of \$100 or more, which the licensee purchases or otherwise acquires, prior to offering the item for sale.

K. All licensees shall keep a report and record book, in a form approved by the Police Chief, in which the following information shall be recorded for each transaction with a private party by which licensee purchases or otherwise acquires any item(s) specified in subparagraph J:

1. the date and time of purchase,
2. the name and address of the seller,
3. the type of identification given by the seller,
4. the date of birth and any identification number provided by the seller,
5. a description of the article purchased by the licensee, including, where applicable, the size, setting, brand name, model, serial and inspection number, if any, and
6. the purchase price paid by the licensee.

The report and record book shall provide a suitable space for each seller to sign his or her name and record his or her address prior to payment of the purchase price by the licensee. All entries in the report and record book shall be in ink. No entries shall be erased or obliterated.

The dealer shall also keep a permanent record of all other purchases not covered by the record book requirement, showing the date of purchase, the purchase price of the article or group of articles, and the name and address of the seller.

- L. Licensee shall file a secondhand dealer's report, weekly with the Chief of Police; said report shall be delivered to the police station each Monday by 12:00 noon, and shall list all items purchased or otherwise acquired during the prior week which are subject to retention prior to being offered for sale per subparagraph J.
- M. Each dealer in a multi-dealer shop is required to be separately licensed under this chapter. Each such dealer is subject to all the provisions of this chapter except that the shop owner(s) shall submit one consolidated secondhand dealer's report, weekly, per subparagraph L containing the name of each dealer and the required information for same. The shop owner(s) is/are responsible for obtaining accurate and complete information for each dealer and for ensuring that each dealer otherwise fully complies with the provisions of this chapter.

SECTION 105-4 LICENSE SUSPENSION OR REVOCATION

The Town Administrator may suspend or revoke a license issued under this Chapter, after a hearing, if he finds that the licensee has violated or permitted a violation of any provision of this Chapter or any other provision of the Town of Franklin Code directly

applicable to the operation of licensee's business or any condition of the license or if he finds that licensee has been convicted of any crime involving theft of property or if he finds that licensee's continued operation will substantially derogate from the public health, safety or welfare.

SECTION 105-5 FINE FOR VIOLATION

A violation of any provision of this Chapter will result in a fine of \$100.00 for each offense; each day that the violation continues shall constitute a separate offense.

SECTION 105-6 ENFORCEMENT

The Town Administrator or his designee, the Franklin Police Chief and Fire Chief or their designees, the Building Commissioner and the Board of Health Agent are each authorized to enforce the provisions of this Chapter.

This bylaw amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter.