

1 **ARTICLE 7 AS AMENDED**

2 RELATING TO ECONOMIC DEVELOPMENT

3 SECTION 1. Sections 5-21-1 and 5-21-2 of the General Laws in Chapter 5-21 entitled  
4 "Second-Hand Dealers" is hereby amended to read as follows:

5 **5-21-1 Local licensing – Fees – Penalty – Record of transaction.**

6 (a) The city or town council of any city or town is authorized to provide by ordinance for  
7 the issuing and revocation at pleasure of licenses to all persons selling, purchasing, bartering, and  
8 dealing in junk, old metals, and any other second-hand metal articles, and to all persons  
9 establishing, operating, or maintaining automobile junkyards, subject to any conditions and  
10 restrictions and for a term not exceeding one year that may be in the like manner prescribed; and  
11 also for charging and collecting fees for those licenses. The fees in the like manner prescribed shall  
12 not exceed the sum of one hundred dollars (\$100) for the keeper of ~~a shop~~ an establishment or  
13 storehouse for the reception of any junk, old metals, or second-hand metal articles which is not an  
14 automobile junkyard; the sum of five dollars (\$5.00) for any foundry person or other person  
15 receiving the same for the purpose of melting or converting the junk, old metals, or second-hand  
16 metal articles into castings; the sum of five dollars (\$5.00) for any gatherer of these items in any  
17 bag, wagon, or cart; or the sum of one hundred dollars (\$100) for any person establishing, operating,  
18 or maintaining an automobile junkyard; and also to fix a penalty for carrying on that business  
19 without a license, or in violation of any ordinance or regulation made as authorized in this chapter,  
20 not exceeding for any one offense a fine of five hundred dollars (\$500) or imprisonment not  
21 exceeding six (6) months.

22 (b) The ordinance shall provide that each person purchasing or receiving old or used metals  
23 other than junked automobiles or automobile parts shall maintain a record of each purchase or  
24 receipt. The record shall include the date of the transaction, the name, address, telephone number,  
25 and signature of the person from whom the old or used metals are purchased or received; a  
26 description of the old or used metals; and the price paid for the old or used metals. The records so  
27 kept shall be produced at the request of law enforcement officials.

28 (c) Businesses primarily engaged in the retail sale of the following goods, as expressly  
29 defined below in this subsection, are exempt from any licensing requirements imposed under this  
30 section: (1) second-hand consignment goods; (2) resale goods; (3) thrift goods; and (4) antiques.

1 "Second-hand consignment goods" means used items, including but not limited to artwork,  
2 furniture, clothing, accessories and books that are sold by a third party, which receives a percentage  
3 of the revenue from the sale. "Resale goods" means goods, including but not limited to artwork,  
4 furniture, clothing, accessories, and books, that are purchased from the original owner and resold.  
5 "Thrift goods" means used items, including but not limited to artwork, furniture, clothing,  
6 accessories, and books, that are sold by or on behalf of a charity or non-profit organization.  
7 "Antiques" means items made in an earlier period that are collected and considered to have value  
8 because they are beautiful, rare, old, or of high quality.

9 **5-21-2 Hearing and objections by neighboring landowners.**

10 (a) The local licensing authority of a city or town, before granting a license under this  
11 chapter to keep ~~a shop~~ an establishment or storehouse for the reception of any junk, old metals, or  
12 other second-hand metal articles or to establish, operate, or maintain an automobile junkyard, in  
13 any location not lawfully occupied for that purpose at the time of the application for that license,  
14 shall hold a public hearing, notice of which shall be posted at least seven (7) days but not more than  
15 fourteen (14) days prior to the hearing in not less than two (2) public places in that city or town and  
16 in a newspaper of general circulation in that city or town where the ~~shop~~ establishment, storehouse,  
17 or junkyard is to be established, operated, or maintained. Before the local licensing authority posts  
18 or publishes a notice of a hearing, the local licensing authority shall collect from the applicant for  
19 the license a fee of ten dollars (\$10.00), plus the cost of posting and publishing the notice.

20 (b) No license shall be granted under this chapter to the keeper of any ~~shop~~ establishment  
21 or storehouse for the reception of any junk, old metals, or other second-hand metal articles or to a  
22 person establishing, operating, or maintaining an automobile junkyard, in any location not lawfully  
23 occupied for that purpose at the time of the application for the license, where the owners or  
24 occupants of the greater part of the land within two hundred (200) feet of that building or place file  
25 with the board, city or town council, respectively, having jurisdiction to grant licenses, their  
26 objection to the granting of the license. This subsection does not apply to any applicant who is the  
27 keeper of ~~a shop~~ an establishment or storehouse, or automobile junkyard, that is being acquired  
28 under eminent domain proceedings, who is applying for licensing within § 5-21-1 within the same  
29 city or town in which he or she was formerly licensed.

30 SECTION 2. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
31 amended by adding thereto the following chapter:

32 CHAPTER 99

33 THE RHODE ISLAND LIFE SCIENCE HUB ACT

34 **23-99-1. Short title.**