



Town of Braintree
BOARD OF LICENSE COMMISSIONERS

One JFK Memorial Drive
Braintree, MA 02184
Telephone: (781) 794-8151 Fax: (781) 794-8305

REQUIREMENTS FOR PRECIOUS METALS LICENSE

Fee: \$50 for license fee (if approved)

- (1) APPLICATION FORM**
- (2) WORKERS' COMPENSATION INSURANCE AFFIDAVIT & CERTIFICATE OF INSURANCE**
Complete WC Affidavit and attach a copy of the Certificate of Insurance
- (3) LETTER OF INTRODUCTION ADDRESSED TO THE BOARD OF LICENSE COMMISSIONERS**
(e.g. background on applicant, operate similar business in other cities/towns)
- (4) SCALE CERTIFICATION**
You **MUST** contact the Sealer of Weights & Measures @781-794-8294 (Mon – Fri – 8:30 am – 4:30 pm) to have any commercial weighing device inspected and sealed prior to the event
- (5) CORPORATION**
 - Obtain Certificate of Good Standing (Commonwealth of MA – Secretary of State's Office)
 - Copy of the Articles of Organization
- (6) LIMITED LIABILITY COMPANY (LLC)**
 - Obtain Certificate of Organization - (Commonwealth of MA – Secretary of State's Office)
 - Obtain Certificate of Good Standing - (Commonwealth of MA – Secretary of State's Office)
 - Copy of Operating Agreement
- (7) BUSINESS CERTIFICATE** obtainable from the Town Clerk on approval of license

NOTE: ** APPLICATION MUST BE COMPLETE UPON SUBMISSION TO THE LICENSING OFFICE **
BEFORE A HEARING DATE IS SCHEDULED**

The Licensing Commission meets on the 2nd & 4th Tuesday of the month. Applicants **MUST** attend the meeting. Please allow at least 4 weeks to process the application



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Annette McLaughlin, Licensing/Legal Assistant amclaughlin@braintreema.gov

APPLICATION FOR PRECIOUS METAL DEALERS LICENSE

Lic # _____ (do not fill in)

Date: _____

(PLEASE PRINT THE FOLLOWING INFORMATION)

Name of Applicant: _____

Address of Applicant: _____

Phone # _____ Fax _____ e-mail _____

Business Name: _____

Business Address: _____

Phone # _____ Fax _____ e-mail _____

Mailing Address for Renewal Applications/Licenses _____

Name of Owner/Manager _____

Federal ID #: _____ or SS # _____

I, the undersigned, state that the information provided in this application, and associated attachments, is true and accurate to the best of my knowledge. Furthermore, I certify under the penalties of perjury, that all taxes, fees, and fines owned to the Commonwealth of Massachusetts and to the Town of Braintree have been paid:

Applicant's Signature



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 an 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: BRAINTREE 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: Licensing Office Phone #: 781-794-8151

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

Chapter 5.570 PRECIOUS METAL DEALERS

5.570.010. Precious metals defined.

5.570.020. License required. inspection.

5.570.030. Prohibitions.

5.570.050. Waiting period.

5.570.060. Weekly list of articles purchased required.

5.570.070. Recordkeeping requirements;

5.570.080. Posting of name and occupation.

5.570.090. Violations and penalties.

[**HISTORY: Adopted by the Town Council of the Town of Braintree 10-19-2010 by Ord. No. 10-012 (former Ch. 5.36 of the Town Bylaws, which derived from prior code Ch. 83). Amendments noted where applicable.**]

5.570.010. Precious metals defined.

For the purpose of this chapter, the term "precious metals" means and includes any precious metal, such as gold, silver or platinum, without regard to the form or amount of such precious metal.

5.570.020. License required.

A. No person shall collect, deal in or keep a shop for the purchase, sale or barter of precious metals in any building or place within the limits of the Town without a license from the Board of License Commissioners.

B. The Board of License Commissioners may, for a fee, license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of precious metals at such places within the Town as may be designated in such license, under such conditions and restrictions as are prescribed in this chapter, which shall be incorporated in every such license.

C. All precious metal dealer licenses shall expire annually on June 30. The license holders shall be responsible for submitting an application for license renewal with the applicable license fee to the Licensing Coordinator at least 30 days prior to June 30. Upon receipt of an application for renewal, the Board of License Commissioners shall consider the specific performance of the licensee in adhering to all ordinances and regulations of the Town for precious metal dealers during the prior 12 months.

5.570.030. Prohibitions.

No keeper of a shop licensed under this chapter shall, directly or indirectly, either purchase or receive by way of barter or exchange any of the articles from a person under the age of 21, as established by the required identification described in § 5.570.060 herein.

5.570.050. Waiting period.

No article purchased or received shall be sold or altered in appearance, form or substance, which shall include any destructive testing of metals for appraisal purposes, until a period of at least 30 days from the date of its purchase or receipt has elapsed. All articles purchased or received must be made available to the Braintree Police Department upon request within 24 hours of such request, and the Police Department may, upon the request, deliver such item to the Board of License Commissioners for the purpose of assessing a violation of this chapter.

5.570.060. Weekly list of articles purchased required.

Every such licensee shall make out and deliver to the Police Chief or his/her designee, in a manner and time prescribed by the Police Chief, a legible and correct list containing an

accurate description of all precious metal articles, including type of precious metal, gender of article, size, engraving, presence of gems or precious stones, and all other identifiable traits, purchased or received, and the respective numbers of such articles. The licensee shall also provide to the Police Chief or his/her designee a copy of a photographic identification of the person selling or conveying such article(s), which shall include such person's name, age, permanent address, and telephone number. The licensee shall also submit to the Police Chief or his/her designee a photograph of each article purchased or received.

5.570.070. Recordkeeping requirements; inspection.

A. Every keeper of a shop, licensed as provided in this chapter, shall keep a book in which shall be written, in English, at the time of every purchase, a description of precious metals so purchased or received, as required in § 5.570.060 of this chapter, the name, age, permanent address and telephone number of the person from whom purchased or received, and the day and hour when such purchase or receipt was made.

B. Every such shopkeeper shall, at the time of making any purchase or receipt, attach a number to each article bought or received and shall make entry of such number in the book. Such book shall, at all times, be open for the inspection of the Police Chief or any member of the Police Department.

5.570.080. Posting of name and occupation.

Every keeper of a shop, as described in this chapter, shall put, in some suitable and conspicuous place in his shop, a sign having his name and occupation legibly described thereon in large letters. Such shop and all articles purchased or received therein may, at all times, be examined by the Police Chief or any member of the Police Department.

5.570.090. Violations and penalties.

Whoever not being licensed as required under this chapter collects, deals in or barter precious metals in any place or manner other than that designated in his license, or after notice to him that his license has been revoked, or whoever violates this chapter or any rule, regulation or restriction contained in his license, shall be subject to a fine of not less than \$50 nor more than \$300, and each day of such violation shall constitute a separate offense.