

SECOND HAND DEALER/PAWNBROKER ORDINANCE

Statutory Authority.

This chapter has been enacted pursuant to the authority granted the Town by RSA 41:11-c , RSA322 and RSA 398 which was adopted by a vote of Town Meeting on March 14, 2015.

Preamble.

The intent of this ordinance is to establish a system which fairly and impartially regulates retail transactions of a pawn or second hand nature for the purpose of:

- A. Identifying stolen property unintentionally received by the regulated parties; and
- B. Detection of regulated parties intentionally transacting business in stolen property.

I: Definitions.

PAWNBROKER shall mean any person, firm, partnership or corporation whose business includes any transactions wherein there is the lending of money secured by taking possession of jewelry, wearing apparel, household goods or other personal property with interest charged thereon, with the right to sell the personal property if it is not redeemed. A person, firm partnership or corporation shall be deemed to be a pawnbroker whether the transaction takes the form of a loan by the pawnbroker secured by the property or a sale to the pawnbroker with the right to repurchase within a specified period of time. Pawnbrokers are regulated according to New Hampshire RSA Chapter 398.

SECOND-HAND DEALER shall mean any person, firm, partnership or corporation whose business is the retail buying, selling, buy-back, exchanging, dealing in or dealing with second hand articles including but not limited to jewelry, watches, diamonds, or other precious stone or gems, gold, silver, platinum, or other precious metals, musical instruments and equipment, cameras, furs, small collectible antiques (excepting furniture or books), home and auto stereo equipment, televisions, VCR's, tools, computers and computer equipment, firearms, auto accessories and collectibles. Secondhand dealers are regulated according to New Hampshire RSA 322.

II: Exclusions.

Mail order transactions and retail stores that exchange or provide cash or credit for returned articles are excluded from this chapter. Yard sales are also excluded from this chapter and are governed through a separate ordinance.

III: Licensing Procedure.

- A. No person, firm, partnership, or corporation shall operate, conduct, or engage in business as a second-hand dealer/pawnbroker unless such person, firm, partnership, or corporation shall first obtain a license from the Board of Selectmen or their designee (i.e., Chief of Police), in accordance with New Hampshire RSA 322:1 and 398:5.
- B. Applications for new licenses and renewal licenses for a secondhand dealer/pawnbroker shall be made in writing to the Town of Bristol on forms provided by the Town of Bristol. An application fee of \$50.00 shall be submitted with each application.
- C. The Chief of Police shall cause an investigation to be made of the fitness of the applicant to engage in said business as a secondhand dealer or pawnbroker. This investigation shall be completed within 30 days, or as close to such time as reasonably necessary. Upon conclusion of this investigation, the Chief of Police shall report findings and forward a recommendation on the application to the Select Board through the Town Administrator, for disposition of the license.
- D. No such license shall be issued to any person, firm, partnership or corporation who or which has been convicted of receiving stolen property or who or which has repeatedly violated ordinances or statutes of the State of New Hampshire or any other state or territory related to a business license in the State of New Hampshire or any other state or territory. Approval or denial of the license application will be by a majority vote by the Bristol Select Board after a review of the application materials. . Each issued license and applicable licensing requirements shall be issued on a location specific basis. Refusal of a license shall be based on just cause.
- E. Upon approval, a license shall be issued and continue in force for a period of one year from the date of issuance, unless sooner revoked. Said license may not be assigned or transferred and will be clearly and prominently displayed.

F. All persons, firms, partnerships or corporations that operate, conduct or engage in business as a secondhand dealer or pawnbroker, and who validly hold a license for the previous year, will be responsible for renewing their license information with the Town of Bristol prior to the expiration of their current license. This renewal will be completed, in writing, on forms provided by the Town of Bristol. A renewal fee of \$50.00 shall be submitted with the renewal application. Failure to comply with this requirement may result in suspension or revocation of said license.

IV: List of employees; conformance with rules and regulations.

A. In accordance with section III (B), all secondhand dealers and pawnbrokers must submit a list of personnel that will be employed by the business in the application for a license. In addition to this requirement, it shall be the responsibility of the business owner to notify the Bristol Police Department whenever a new employee is hired by the business. In the case of a new employee, the same information will be requested as per the original application for license.

B. Each applicant shall agree to conform to all rules and regulations governing such business now in effect or subsequently enacted.

V: Purchasing from Minors.

No second-hand dealer/pawnbroker, nor any person employed by a second-hand dealer/pawnbroker shall directly or indirectly purchase any aforementioned article from anyone under 18 years old, knowing or having reason to believe him or her to be such, except when said minor is accompanied by a parent or legal guardian, who shall sign the transaction record in person before said dealer in accordance with New Hampshire RSA 322:3.

VI: Records, Inspections, Re-Sale, Changes, Alterations.

A. Every second-hand dealer/pawnbroker, upon the acquisition of any aforementioned article, shall prepare transaction records upon forms provided by the Town of Bristol. This form shall state the full name, ID number and address of the seller, date of the transaction, a full, accurate and detailed description (to include make, model and serial number) of each article and the monetary amount given for the article. Dealer shall include photos of the identification of seller and articles being sold.

B. Positive identification in the form of a government photo ID shall be required of the seller and the type of identification used shall be noted on the dealer's records. This record should be legibly signed by the seller in person. At no time will the pawnbroker or secondhand dealer accept another persons' photographic identification for any acquisition. The secondhand dealer or pawnbroker shall attach a photocopy of the identification shown to the transaction record. A photocopy of the article, if required by the nature or the size of the item, will also be attached to this form.

C. One copy of all transaction records shall be delivered to the Bristol Police Department within 24 hours of the end of said dealer's business day in which the transaction took place.

D. No article shall be sold, encumbered by sales contract, or otherwise disposed of or altered in its appearance, within thirty (30) days of purchase, unless the second-hand dealer is granted permission in writing from the office of the Chief of Police, but in any case not within forty-eight (48) hours of time of purchase.

E. All items purchased or pawned shall remain on the premises during the waiting period; items will not be placed on the sales floor until the waiting period has expired unless the item is clearly marked as to the sales release date based on the time frames outline in section VI (D).

F. In the case of a pawnbroker, a ticket or coupon shall be given to the pledgor in all cases where any aforementioned article is received in pawn or otherwise for the security of any loan, transfer, service, undertaking or advantage given to the pledger. This ticket or coupon shall state the name and address of said pawnbroker, a description of the property or article received in pawn, the monetary value loaned and the rate of interest established in accordance with New Hampshire RSA 398:12.

G. Every secondhand dealer or pawnbroker shall retain original copies of acquisition records in his or her possession, which together with any article which is kept or stored in or upon such premises, may be inspected at any time by a duly authorized police officer during regular business hours. All reasonable efforts will be made to avoid disrupting normal course of business. See New Hampshire RSA 322:7 and 398:13.

H. All original transaction records shall be kept by said secondhand dealer or pawnbroker for a minimum of six (6) years for purposes of this chapter. State and Federal regulations may require longer retention.

Removal of Articles by Police Officers.

- A. If the Bristol Police Department determines that an article is needed for evidence in a criminal investigation, the Police Department shall seize that evidence pursuant to applicable criminal procedures. The second-hand dealer/pawnbroker shall be issued a receipt for the article.
- B. Pursuant to RSA 595-A:6, the Bristol Police Department shall keep seized articles under the court's direction as long as necessary to permit the article to be used as evidence. At the conclusion of all court proceedings or closure of the police investigation the police department shall notify the original owner, the second hand dealer/pawnbroker, and any person who may have a lawful interest that the property will be released in thirty (30) calendar days to the original owner if no other claim is placed on the property.

Penalties.

- A. Unless otherwise authorized by law, any violation of this chapter shall be punishable by a fine of not more than \$100.00 for each offense and subject to prosecution under existing New Hampshire laws.
- B. The Select Board may, independently or upon recommendation from the Chief of Police, suspend or revoke said license for any violation of this chapter for reasons it deems to be in the best interest of the community, after a hearing. Offense which may result in the suspension or revocation of said license include, but are not limited to , the following:
 - 1. Violation of any provision of this chapter; or
 - 2. Violation of any statute of the State of New Hampshire or any other state or territory of the United States relating to the licensed business.
- C. Time limits of the suspension or revocation shall be left to the discretion of the Select Board. Notice of suspension or revocation will be made, in writing, to the owner(s) of the business.

Revised and enacted this Enacted this 10th day of September 2015.

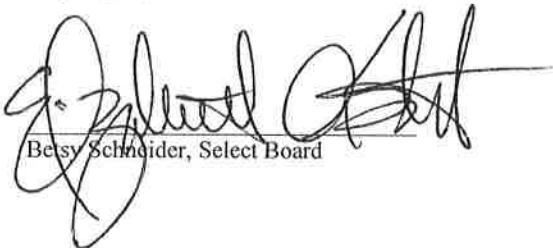
The Bristol Select Board:


Janet Cote, Chair


Shaun Lagueux, Vice Chair


Rick Alpers, Select Board


Paul Manganiello, Select Board


Betsy Schneider, Select Board