

## Chapter 23

### **PAWNBROKERS, DEALERS IN SECONDHAND PROPERTY AND SCRAP DEALERS**

#### **Section 23.1 Definitions:**

**Section 23.1.1 DEALER:** Includes, unless otherwise specified, pawnshop dealers, dealers in secondhand personal property and junk dealers as defined in NH RSA 322:1 and 398:1 who operate a retail store as defined in Newport's zoning ordinance as defined in article X.

**Section 23.1.2 DEALER IN SECONDHAND PERSONAL PROPERTY:** A person, corporation, member or members of a corporation, business or firm whose primary business is to buy, sell, take in trade or is otherwise in the business of buying and selling secondhand personal property; excepting furniture and books. "Dealers in secondhand personal property" shall include but not be limited to the following: Antique dealers; coin dealers; television dealers; electrical appliance dealers; jewelry dealers; gold and silver dealers; pawnshops, when trading or buying secondhand personal property; and any dealer who purchases or otherwise acquire any secondhand heating equipment, automotive parts, plumbing fixtures, electrical wire or fixtures or similar property from a junk dealer or other person, unless otherwise identified as an excepted business in this ordinance.

**Section 23.1.3 JUNK DEALER:** Every person, corporation, member or members of a corporation, business or firm who buy, sell, trade or are otherwise in the business of buying and selling any junk, scrap or used materials.

**Section 23.1.4 PAWNBROKER:** Any person, corporation, member or members of a corporation, business or firm who loans money on deposits or pledge on personal property or other valuable things, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back at a stipulated price.

**Section 23.1.5 LICENSEE:** Any person acting as a dealer or pawnbroker who is operating a retail business required to be licensed under the provisions of this chapter.

**Section 23.1.6 PLEDGE:** A person who pawns an item with a pawnbroker.

**Section 23.2 License required** No person shall carry on the business of a secondhand dealer or of a pawnbroker without first having obtained a license to do so, as provided by this chapter and by the Revised Statutes of New Hampshire, specifically chapters 322 and 398.

**Section 23.3 License Application** Application for secondhand dealer or pawnbroker license shall be made to the office of the Chief of Police. All applications shall be reviewed and forwarded to the office of the Planning and Zoning Administrator for further review to ensure all zoning rules and regulations are met. The Town may refuse to grant, rescind or refuse to renew a license if all applicable local, state and federal laws or rules and regulations are not met or adhered to.

**Section 23.4 License fee** The license fee shall be collected upon completion of the approved application and prior to any operation of business as defined in this chapter. The fee shall be determined by the Board of Selectmen and is subject to change.

**Section 23.5 Records to be kept** Items purchased by licensee: Every licensee shall be required at all times to keep a chronological, accurate and complete record of all merchandise purchased by or pledged with such licensee. Such record shall be kept in the form of a book or electronic record. No entry made in such book or record shall be erased, obliterated or defaced. This book/record shall contain the following information with regard to each purchase made: an accurate account and description of the articles bought or pledged, the amount of money paid, loaned or advanced thereon, the number of the pawn ticket given to the pledge if applicable, the time when the pledge may redeem the pledger's articles, and the name, residence, age, sex, physical description, and a driver's license or other personal identification number of the person pawning or delivering the goods or articles, as well as the date of purchase or pledge. This record book/ledger shall be open to inspection by any law enforcement officer at any reasonable time during working hours for the business.

A. Accurate records should reflect the following:

- A.1. All articles, such as guns, pistols, typewriters, microscopes, bicycles, etc., shall be reported by the maker's name and number, together with any initials, inscriptions or any peculiar distinguishing marks or characteristics or serial numbers.
- A.2. Diamonds and other precious stones shall be described by giving the approximate weight of the stone(s), style of mounting, whether lady's or gentleman's ring, the number of stones and any initials, inscriptions, scratch numbers or peculiar distinguishing marks or characteristics.
- A.3. Watches shall be designated by the kind of metal, maker's name, movement, whether lady's or gentleman's and any initials, inscriptions, scratch numbers or peculiar distinguishing marks or characteristics.
- A.4. All jewelry shall be described as to kind, character and whether lady's or gentleman's, number of stones, name of each, stone and any initials, inscriptions, scratch numbers or peculiar distinguishing marks or characteristics, in the case of rings, the design or setting and whether lady's or gentleman's or child's.
- A.5. Chains shall be designated by kind, character of metal or other material, design of link and whether lady's, gentleman's or child's and, in all cases, any inscriptions, initials or peculiar distinguishing marks or characteristics.

- A.6. Silverware shall be designated by the kind or character, maker's name and any initials, inscriptions or peculiar distinguishing marks or characteristics.
  - A.7. Furs shall be designated by kind; character; whether lady's, gentleman's or child's; color; maker's, owner's or alterer's name, if any attached; or any initials, inscriptions or peculiar distinguishing marks or characteristics.
  - A.8. Instruments, such as surgical, architectural, mathematical, surveying, etc., shall be designated by the kind, character, design, name of maker and any initials, inscriptions or peculiar distinguishing marks or characteristics, whether upon the case or the instrument.
  - A.9. Tools shall be designated by the trade in which they same may be used, whether carpenter's machinist's or otherwise, also, all numbers, name of maker or number and any initials, inscriptions or peculiar distinguishing marks or characteristics, whether upon the tools or upon the box or case.
- B. Items purchased off premises of business: If items are not otherwise excluded in this chapter are purchased through yard sales, garage sales, want ads or at public auction, records required in this chapter need only show: an accurate account of the articles purchased; the amount paid; the name of the person from whom the articles were purchased; the location where the articles were purchased; and the nature of the sale (yard sale, auction etc.).
  - C. No person who sells or otherwise disposes of goods, wares or merchandise to a dealer or his agent or employee shall fail or refuse to give his true name, correct address, and correct date of birth. The dealer will require a reliable form of photo identification.

**Section 23.6 Pawn ticket to be furnished.** Each pawnbroker shall furnish to the pledge a separate pawn ticket for each item pledged showing the amount pledged, detailed description of the property pawned, the date for redemption thereof, the date of receipt by the pawnbroker, and the name of the pledgee. The pawn ticket shall also state: the payments to be made and their allocation between principal and interest, the date on which the goods will be forfeited b the pledgee if the payments are not made; and all information that may be required by NH RSA 339 entitled Pawnbrokers.

**Section 23.7 Report required of property acquired:** Each licensee that is required to do so, shall no later than five (5:00) o'clock P.M. on Monday of each week submit to the Office of the Chief of Police a record of all purchases of merchandise (not otherwise exempted in this ordinance) during the preceding week, setting forth the date of acquisition, a detailed description of the merchandise, the name and address of the person making the sale or pledge, and all other information required to be detailed in the record book/ledger.

**Section 23.8 Records to be shared and maintained.** The Newport Police Department, shall at the direction of the Chief of Police maintain a record of all items taken in by secondhand dealers, junk and scrap

dealers and pawnbrokers operating within the Town of Newport. Reports obtained from operating licensed dealers may be submitted to the NESPIN/RISS (New England State Police Information Network/ Regional Information Sharing Network and or directly to any other law enforcement agency requesting said records pursuant to an active investigation.

**Section 23.9 Storage of merchandise.** Licensees shall maintain their business in an orderly fashion; all merchandise received shall be kept or stored inside a building or behind a sight obscuring fenced area or as is permitted in applicable Newport Zoning districts.

**Section 23.10 Items to be retained.** Any law enforcement officer may require that items in the possession of a licensee, which is believed to be stolen property, must be retained by the licensee for a period of up to thirty (30) days. An order to retain property need not be in writing and may be appealed to the Chief of Police.

**Section 23.11 Appeals.**

1. Any person aggrieved by the action of denial, suspension or revocation of the license by the Chief of Police shall have the right to have that decision appealed to the Board of Selectmen.
2. Such appeal shall be taken by filing with the Town Manager office a written request for a hearing on the denial, suspension or revocation. Such request shall be made within ten (10) business days after the denial, suspension or revocation.
3. At the appeal hearing before the Board of Selectmen, the applicant or person appearing shall be entitled to appear in person and offer evidence pertinent to the denial, suspension or revocation or may appear through legal counsel. The Chief of Police shall likewise be entitled to appear at the hearing and offer evidence in support of the denial, order or suspension or revocation. Failure by applicant, person appealing, or their representative to appear before the board of selectmen at the time scheduled to hear such an appeal shall result in the automatic denial of such appeal.
4. The Board of selectmen shall determine whether the denial, suspension or revocation shall be sustained and shall make a final reasoned statement in writing within fifteen (15) business days following the close of the hearing.

**Section 23.12 Exceptions** This chapter shall not apply to the following:

1. Dealers in motor vehicles
2. The selling of secondhand furniture and books
3. Nonprofit organizations
4. Recycling centers
5. Second hand clothing dealers
6. Auctioneers selling merchandise on consignment from the owner of the merchandise

7.A holder of a Federal Firearms License who is permitted to conduct business by the State of NH and the Town of Newport.

8.Any item received as a trade-in on a new item or of a like nature.

**Section 23.13 Violations** Any person who receives, retains or disposes of the property of another knowing that it has been stolen, or believing that it has probably been stolen, with a purpose to deprive the owner may be guilty of a misdemeanor as defined by NH RSA 637:7, Receiving Stolen Property. Violations or repeated violations of this ordinance may result in the suspension, revocation or non-renewal of the licensee to operate said pawnshop, scrap or secondhand shop within the town of Newport.