

**Town of Belmont, New Hampshire
ORDINANCE REGULATING**

SECOND HAND DEALER / PAWNBROKER ORDINANCE

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I. STATUTORY AUTHORITY

This chapter has been enacted pursuant to the authority granted the Town by RSA 322 and RSA 398.

II. 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.

III. DEFINITIONS

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, home and auto stereo equipment, televisions, VCRs, tools, computers and computer equipment, firearms, auto accessories and collectibles.

PAWNBROKER any transaction 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, shall be regulated according to RSA Chapter 398.

CONSIGNMENT is any transaction where a person places goods into the custody of another but retains ownership until the goods are sold or legally transferred.

AUCTION means the sale of real or personal property, or both, in which the sale price of the property offered is increased by competitive bids, regardless of the method, until the highest accepted bidder becomes the purchaser.

REFUSAL, REVOCATION OR SUSPENSION FOR JUST CAUSE shall mean, but not limited to, a person, firm or corporation who has been previously convicted of any felony, any theft, fraud, receiving stolen property, drug offense in this state or any other state or territory of the United States or violation of this ordinance or any other provision as required by the Town of Belmont.

IV. 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.
- B. Applications for new licenses and renewal licenses for a secondhand dealer/pawnbroker shall be made in writing to the Police Department on forms provided for this purpose by the Town of Belmont. 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.
- C. Upon approval, a license shall be issued and continue in force until April 1 next following, unless sooner revoked. Each license fee shall be one time charge of \$50.00 unless, the license lapses or is suspended and/or revoked and in that case, another \$50.00 fee will be assessed. Said license may not be assigned or transferred and will be clearly and prominently displayed.

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.

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 approved by the Town, stating the full name, ID number and address of the seller, date of the transaction, and a full, accurate and detailed description (to include make, model and serial number) of each article. Dealer shall attach a photocopy of the identification to the form. A photocopy or photograph of the article, if required by the nature or the size of the item, will also be attached to the form. One copy of the transaction record and photograph or photocopy of the articles shall be

delivered to the Police Department within forty-eight (48) hours of the end of said dealer's business day.

- B. Jewelry, watches, diamonds, or other precious stones or gems, gold, silver, platinum or other precious metals or items by virtue of their size shall be photocopied by use of a document copier or photographs.
- C. Positive identification in the form of an approved government photo ID shall be required of the seller and the type of identification used shall be noted on the dealer's records. This shall not apply with a transaction between second-hand dealers/pawnbrokers as herein defined.
- D. Said dealer shall retain copies of purchase records in his possession, which, together with any article listed therein, may be inspected at any time by any duly authorized police officer during regular business hours while making all reasonable efforts not to disrupt the normal course of business.
 - 1. All transaction records shall be kept by said second-hand dealer/pawnbroker for a minimum of three years.
- E. No second-hand dealers shall sell, encumber by sale contract or otherwise dispose of any article or alter its appearance within thirty (30) days of purchase, unless the second-hand dealer is granted permission in writing from the Chief of Police, but in any case not within forty-eight (48) hours of time of purchase. Pawnbrokers shall retain non-perishable articles for at least four months and perishable articles for one month before offering them for sale.
- F. 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 E.
- G. Any pawned item re-purchased by the original seller shall be recorded using the same transaction records clearly marked "buyback" and will be submitted to the Belmont Police Department within forty-eight (48) hours of the transaction.

VII. AUCTION ITEMS

- A. Any items auctioned, whether in person or otherwise, will be conducted in accordance with RSA 311-B.
- B. Any items taken in to a second hand, consignment or pawn shop will follow the above requirements before being allowed to go to auction.

VIII. REMOVAL OF ARTICLES BY POLICE OFFICERS

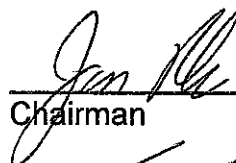
- A. If the Police Department determines that an article is needed for evidence in a criminal investigation, the Police Department shall seize that evidence pursuant to applicable criminal procedures. The second-hand dealer/pawnbroker shall be issued a receipt for the article.
- B. Pursuant to RSA 595-A:6, the 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.

IX. PENALTIES


- A. Any violation of this chapter shall be punishable by a fine not to exceed \$100.00 per day.
- B. The Chief of Police may suspend or revoke said license for just cause. Said action will be stayed if an appeal is filed.
- C. Any suspension or license revocation by the Chief of Police may be appealed by the licensee to the Board of Selectmen. That appeal must be made in writing within ten business days of the date of action by the Chief of Police
- D. The provisions of this ordinance shall be severable, and if any phrase, clause, sentence, or provision of these regulations shall for any reason be held invalid or unconstitutional, the validity of the remainder of these regulations shall not be affected thereby.

Adopted and effective this 2nd day of April in the year 2012

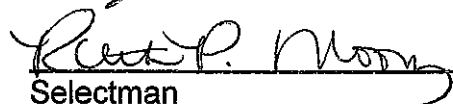
Belmont Board of Selectmen



Chairman



Vice Chairman



Selectman

References: NH RSA 311-B, 322 & 398