



ORDINANCE

UPDATING THE ORDINANCES REGARDING PAWNBROKERS AND SECONDHAND DEALERS

CITY OF NASHUA

In the Year Two Thousand and Twelve

The City of Nashua ordains that Chapter 220 “Pawnbrokers and Secondhand Dealers”, of the Nashua Revised Ordinances, as amended, be further amended by deleting the struck-through language and adding the new underlined language as follows:

“Chapter 220 PAWNBROKERS AND SECONDHAND DEALERS

§220-1. Purpose.

This chapter is adopted by the Board of Aldermen for the purpose of regulating transactions in items which have been historically shown to be subject to theft and illicit transfer. The function of the regulations contained in this article is to discourage such theft and illicit transfer from occurring within the city and to mandate the keeping of certain records which will assist victims of theft in recovering their stolen property and which will assist law enforcement authorities in the apprehension of perpetrators of theft and detection of regulated parties intentionally transacting business in stolen property. This ordinance has been enacted pursuant to the authority granted to the City of Nashua by New Hampshire Revised Statutes Annotated Chapters 322 and 398.

§220-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMODITY METALS – Any metal traded on the commodity market that sells for fifty cents per pound or greater, including but not limited to, gold, silver, platinum, brass, copper, copper alloy, aluminum, stainless steel, rhodium, palladium, titanium and magnesium.

PAWNBROKER - Any person, firm, partnership, or corporation whose business includes 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, 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 Revised Statutes Annotated Chapter 398.

PROPERTY - Anything of value, including but not limited to jewelry, watches, clocks, diamonds or other precious stones or gems, gold, silver, platinum, other precious metals or commodity metals, musical instruments and equipment, cameras, furs, fur coats or other kinds of wearing apparel, televisions, DVD players, video cassette recorders and other electronic equipment, tools, computers and computer equipment, firearms, auto accessories and office and store fixtures and related equipment. Property shall not include secondhand furniture or books.

SECONDHAND DEALER -

- A. Any person, firm, partnership or corporation whose business is the retail buying, selling, buy-back, exchanging, dealing in or dealing with secondhand articles and property ; ~~including but not limited to jewelry, watches, clocks, diamonds or other precious stones or gems, gold, silver, platinum, other previous metals, musical instruments and equipment, cameras, furs, fur coats or other kinds of wearing apparel, television, DVD players, video cassette recorders and other electronic equipment, tools, computer and computer equipment, firearms, auto accessories and office and store fixtures and related equipment.~~ Secondhand Dealers are regulated according to New Hampshire Revised Statutes Annotated Chapter 322.
- B. However, the definition of "secondhand dealer" shall not apply to any person, firm, partnership, or corporation who does not purchase secondhand articles directly from the general public.

§220-3. Licensing authority.

The Board of Aldermen may license such persons as they deem suitable to be pawnbrokers or secondhand dealers within the city. All licenses so granted shall contain a clause that the person so licensed agrees to abide by and be subject to all provisions of this chapter as it may be from time to time amended.

§220-4. License.

No person, firm, partnership or corporation shall operate, conduct or engage in business as a pawnbroker or secondhand dealer unless such person, firm, partnership or corporation obtains a license from the City of Nashua through the Board of Aldermen in accordance with NH RSA

398:5 and RSA 322:1, respectively. Applications for licenses for pawnbrokers or secondhand dealers shall be made in writing to the City of Nashua on forms provided by the City of Nashua.

- A. Investigation of applicant. All applications shall be submitted by the City Clerk to the Chief of Police, who shall cause an investigation to be made of the fitness of the applicant and the applicant's employees to carry on the business of pawnbroker or secondhand dealer. The Chief of Police shall then report his or her findings to the Board of Aldermen.
- B. Location. The license shall be issued for a specific location within the City of Nashua and is not transferable to any other person, firm, partnership or corporation.
- C. Fee. Upon approval by the Board of Aldermen, a fee of fifty dollars (\$50.00) shall be paid by the applicant to the City Clerk prior to the issuance of the license.
- D. Display of license. Licensees shall display their current license in a conspicuous place within the business where it may be readily viewed by the general public.
- E. Expiration; revocation. A numbered license shall be issued and continue in full force until April 1st of each year unless revoked prior to this date by the Board of Aldermen at any time after notice to the licensee and hearing on the charges preferred.

§220-5. Transaction records.

- ~~A. — Every pawnbroker ~~or~~ and secondhand dealer shall keep and maintain a complete written record of each such purchase. This record, which must be kept on file for seven (7) years, shall be in the English language and include a full and accurate detailed description, including serial numbers, of the item or items purchased, pawned or pledged; the date and time of such transaction; the amount of money loaned and the rate of interest to be paid on said loans; and, the full name and address of the seller or pledger.~~
- ~~B. — Every secondhand dealer shall keep and maintain written records including the names and addresses of purchasers, for sales of items purchased by the secondhand dealer less than thirty (30) days before the date of sale.~~

§220-6. Identification of sellers required; age restriction.

- A. Every pawnbroker and secondhand dealer shall require every seller or pledger of items to produce, in person, a valid positive photographic identification issued by a United States federal or state government agency. The identification used must include the seller or pledger's full name, date of birth, and current street address. The identification must have been issued in the past five (5) years. ~~and~~ The type of identification used shall be noted on the transaction records. At no time shall a pawnbroker or secondhand dealer accept another person's photographic identification for any transaction. The pawnbroker

or secondhand dealer shall attach a photocopy of the identification shown to the transaction record. ~~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 and the photocopies attached to the transaction records.~~

- B. No pawnbroker or secondhand dealer shall transact business with anyone under eighteen sixteen (186) years of age, except when said minor is accompanied by a parent or legal guardian who shall sign the transaction record.

§220-7. Retention Holding period for purchases and pawns.

- A. Every pawnbroker and secondhand dealer shall retain possession of all property purchased for a thirty (30) day period subsequent to the purchase thereof; provided, however, that any such item may be disposed of by the purchaser within such thirty (30) day period with the written permission of the Chief of Police.
- B. Property including jewelry shall be maintained in the condition in which they were received, and shall not be altered, damaged, or destroyed during the holding period for any purpose. Property must be maintained at the dealer's licensed location during the holding period.
- C. Pawnbrokers shall retain nonperishable items for at least four (4) months and perishable items for at least one (1) month after the date of deposit for said article(s).

§220-8. Reports of transactions.

- A. Pawnbrokers ~~or~~ and secondhand dealers shall ~~prepare and deliver photocopies~~ electronically file documentation of all transaction records to the Chief of Police, within twenty-four (24) hours of the end of said dealer's business day in which the transaction occurred. If during any week a pawnbroker or secondhand dealer has not purchased any items, he or she shall make a report of such fact to the Chief of Police on or before 10:00 a.m. of the first business day of the following week.
- B. All property purchased shall be photographed with a digital camera or digital image scanner. A color digital image shall be saved in a manner to allow it to be electronically sent to the Nashua Police Department as part of the transaction record. The complete transaction record shall be submitted on one standard-size page. The transaction record shall include a color image of the identification used by the seller, information documented by the dealer, and a clear color image of the item(s) purchased. Miscellaneous amounts of jewelry will be separated and not photographed in one aggregate pile. The image shall be sent electronically in a PDF or JPG format.

C. Every pawnbroker and secondhand dealer shall use the transaction record form prescribed by the City of Nashua.

§220-9. Inspection of records, premises.

Pawnbrokers or and secondhand dealers shall retain the each original transaction records in his or her possession for a period of seven (7) years. The records, along with the respective property, shall be kept or stored in or upon the licensed premises, which together with any article which is kept or stored in or upon such premises. The licensed premises may be inspected at any time by a duly authorized police officer. New Hampshire RSA 398:13 and 322:7 provide for this inspection process and RSA 398:14 and 322:8 make any willful obstruction of the police a misdemeanor.

§220-10. Penalties.

- A. Any violation of this ordinance shall be punishable by a fine not exceeding \$100.00 per day.
- B. The Board of Aldermen may, independently or upon recommendation from the Chief of Police, suspend or revoke said license for any violation of this chapter or reasons it deems to be in the best interest of the city, after a hearing. Offenses 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. Notice of the suspension or revocation will be made, in writing, to the owner(s) of the business within live (5) business days of said hearing.
- D. The provisions of this chapter 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.”

LEGISLATIVE YEAR 2012

ORDINANCE:

O-12-001

PURPOSE:

Updating the ordinances regarding pawnbrokers and secondhand dealers

SPONSOR(S):

Alderman-at-Large Lori Wilshire

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE:

Unknown.

ANALYSIS

This ordinance updates the local regulatory system for pawnbrokers and secondhand dealers pursuant to the authority granted to the City by New Hampshire Revised Statutes Annotated Chapters 322 and 398.

The changes have been requested by the police department to assist them in addressing crimes of theft and transactions involving stolen property, as well as assisting victims in recovering stolen property. Some of the changes to the ordinance include tightening the seller's identification requirements, adding the applicant's employees to the investigation of fitness process, setting a 30 day holding period prior to resale, requiring the property to remain intact during the holding period, and updating the transaction report requirements so they can be handled electronically.

Approved as to form:

Office of Corporation Counsel

By: Dorothy Clarke

Date: January 6, 2012

ORDINANCE 0-12-001

Updating the ordinances

regarding pawnbrokers and

secondhand dealers

IN THE BOARD OF ALDERMEN

1ST READING JANUARY 11, 2012

Referred to:

PERSONNEL AND ADMINISTRATIVE

AFFAIRS COMMITTEE

2nd Reading FEBRUARY 14, 2012

3rd Reading _____

4th Reading _____

Other Action _____

Passed FEBRUARY 14, 2012

Indefinitely Postponed _____

Defeated _____

Attest: [Signature] City Clerk

[Signature] President

Approved [Signature] Mayor's Signature

February 15, 2012
Date

Endorsed by

[Signature] WILSHIRE

_____ COOKSON

_____ CRAFFEY

[Signature] VITALE

[Signature] SHEEHAN

_____ CARON

_____ DONCHESS

[Signature] CHASSE

_____ DOWD

_____ PRESSLY

[Signature] MCCARTHY

Vetoed: _____

Veto Sustained: _____

Veto Overridden: _____

Attest: _____

City Clerk

President