



ORDINANCE

TO ESTABLISH A REGULATORY SYSTEM FOR PAWNBROKERS AND SECONDHAND DEALERS

CITY OF NASHUA

In the Year Two Thousand and Five

The City of Nashua ordains that Chapter 12 “Licenses, Permits and Miscellaneous Business Regulations”, of the Nashua Revised Ordinances, as amended, be further amended by deleting in its entirety Article III “Precious Metals and Stones” and be replaced with the following new Article:

“ARTICLE III. PAWNBROKER AND SECONDHAND DEALER ORDINANCE

Sec. 12-31. Purpose.

This article 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.

Sec. 12-32. Definitions.

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.

SECONDHAND DEALER – Any person, firm, partnership or corporation whose business is the retail buying, selling, buy-back, exchanging, dealing in or dealing with secondhand articles, 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.

Sec. 12-33. 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 article as it may be from time to time amended.

Sec. 12-34. License.

(a) 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. 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;

(b) *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 to carry on the business of pawnbroker or secondhand dealer. The Chief of Police shall then report his findings to the Board of Aldermen.

(c) *Location.* A license shall be issued for a specific location and shall not be assigned or transferred.

(d) *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.

(e) *Display of license.* Licensees shall display their current license in a place within the business where it may be distinctly seen and read.

(f) *Expiration; revocation.* Such license shall expire on April 1 next following, except that it may be sooner revoked by the Board of Aldermen at any time after notice to the licensee and hearing on the charges preferred.

Sec. 12-35. Transaction records.

Every pawnbroker or 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.

Sec. 12-36. Identification of sellers required; age restriction.

(a) Every pawnbroker and secondhand dealer shall require every seller or pledger of items to produce a positive photographic identification 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 (18) years of age, except when said minor is accompanied by a parent or legal guardian who shall sign the transaction record.

Sec. 12-37. Holding period for purchases.

Every pawnbroker and secondhand dealer shall retain possession of all items purchased for a fourteen-day period subsequent to the purchase thereof; provided, however, that any such item may be disposed of by the purchaser within such fourteen-day period with written permission of the chief of police. Pawnbrokers shall retain non-perishable items for at least four (4) months and perishable items for at least one (1) month.

Sec. 12-38. Reports of transactions.

Pawnbrokers or secondhand dealers shall prepare and deliver photocopies 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.

Sec. 12-39. Inspection of records, premises.

Pawnbrokers or secondhand dealers shall retain the original transaction 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.

Sec. 12-40. 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 five (5) business days of said hearing.

(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.

Secs. 12-41--12-55. Reserved.”