

ORDINANCE # [Insert number]

Town of Goffstown

The Board of Selectmen ordain as follows:

- I. **TITLE:** This ordinance shall be known and may be cited as the “Secondhand Dealers and Pawnbrokers” ordinance of the Town of Goffstown.
- II. **AUTHORITY:** This ordinance has been enacted pursuant to the authority granted to the Town of Goffstown by New Hampshire RSA 322 and RSA 398.
- III. **PURPOSE AND PROCEDURES:** This ordinance is instituted by the Board of Selectmen of the Town of Goffstown to establish a system which fairly and impartially regulates retail transactions of a pawnbroker or secondhand dealer within the Town of Goffstown, for the purpose of identifying stolen property unintentionally received by the regulated parties and detecting regulated parties who are or may be intentionally transacting business in stolen property.
 - A. **DEFINITIONS:** As used in this chapter, the following terms shall have the meanings indicated:
 - a) **Pawnbroker** – 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.
 - b) **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 or other precious metals, musical instruments and equipment, cameras, wearing apparel, collectibles and antiques (excepting furniture and books), home and auto stereo equipment, televisions, video cassette recorders and other electronic equipment, tools, computers and computer equipment, firearms, auto accessories, and office and store fixtures and related equipment, subject to the exclusions set out below. Secondhand dealers are regulated according to New Hampshire RSA Chapter 322.
 - B. **LICENSING REQUIREMENTS AND PROCEDURES:**
 1. No person, firm, partnership, or corporation shall operate, conduct, or engage in business as a secondhand dealer or pawnbroker unless such person, firm, partnership, or corporation obtains a license from the Town of Goffstown through the Board of Selectmen in accordance with New Hampshire RSA 322:1 and 398:5.
 2. Applications for licenses for a secondhand dealer or pawnbroker shall be made, in writing, to the Town of Goffstown on forms provided by the Town of Goffstown.

An application fee of \$100 shall be submitted with the application.

- a. 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 21 days of receipt of the application by the police department. Upon conclusion of this investigation, the Chief of Police shall report his findings and forward a recommendation on the application to the Board of Selectmen, through the Town Administrator, for disposition of the license.
 - b. 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 a license application will be by a majority vote by the Board of Selectmen after a review of all application materials.
3. Upon approval, a numbered license shall be issued and continue in force until April 1 of each year, unless revoked by the Board of Selectmen prior to this date.
 - a. It shall be the duty of the licensee to display the current Town of Goffstown pawn license in a conspicuous place within the business where it may be readily observed by the public.
 - b. The license shall be issued for a specific location and is not transferable to any other person, firm, partnership, or corporation.
 - c. Once per year, on or before April 1, all persons, firms, partnerships, or corporations that operate, conduct, or engage in business as a secondhand dealer or pawnbroker will be responsible for renewing their license information with the Town of Goffstown. This renewal will be completed, in writing, on forms provided by the Town of Goffstown.
 - d. A renewal fee of \$50 shall be submitted yearly with the renewal application. Failure to comply with this requirement may result in suspension or revocation of said license.

C. LIST OF EMPLOYEES; CONFORMANCE WITH RULES AND REGULATIONS.

1. All secondhand dealers and pawnbrokers must submit a list of personnel that will be employed by the business. In addition to this requirement, it shall be the responsibility of the business owner to notify the Goffstown Police Department whenever a new employee is hired by the business or when an employee has been terminated or otherwise leave the employ of the licensee. In the case of a new employee, the same information will be requested as per the original application for license.
2. Each applicant shall agree to conform to all rules and regulations governing such businesses now in effect or as subsequently enacted.

Prohibited transactions:

1. No pawnbroker, nor any person employed by a pawnbroker, shall directly or indirectly receive in pawn or as security for any loan, transfer, service, undertaking or advantage any aforementioned article from any minor in

accordance with New Hampshire RSA 398:2.

2. No secondhand dealer or pawnbroker, nor any person employed by a secondhand dealer or pawnbroker, shall directly or indirectly purchase any aforementioned article from any person under the age of 16 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.
3. No secondhand dealer or pawnbroker, nor any person employed by a secondhand dealer or pawnbroker, shall receive in pawn, or as security for any loan, transfer, service, undertaking, or advantage, any property of value from any person in a visible state of intoxication from liquors, drugs, or otherwise or any article of clothing removed from the person at the place of business in accordance with New Hampshire RSA 398:2.

D. RECORDS

1. Every secondhand dealer or pawnbroker, upon the acquisition of any aforementioned article, shall prepare transaction records (written in the English language) upon forms provided by the Town of Goffstown. This form shall state the full name, identification number, date of birth, address and other descriptive information 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.
2. Positive identification in the form of a photographic identification shall be required for all transactions and the type of positive identification used shall be noted on the dealer's records. This record shall be legibly signed by the seller, in-person. At no time will the pawnbroker or secondhand dealer accept another person's photographic identification for any acquisition.
3. 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. 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 photographed.
4. All pawn or secondhand deal stores shall be equipped with electronic monitoring/recording equipment that records all public entrances to the building and all transactions being conducted. The equipment shall consist of video or digital imaging of a sufficient resolution and clarity to be easily monitored and reviewed on playback. All stores must keep an archive of video for 30 days.
5. One copy of all transaction records shall be delivered to the Goffstown Police Department within 48 hours of the end of said dealer's business day in which the transaction took place. Delivery may be in electronic form, and if LeadsOnline equipment is made available to the merchant, the required transaction record can be transmitted to police via that electronic means.
6. 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 pledgor. 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.

7. At the time of making the loan, an identification number shall be attached to the article, and this identification number shall be recorded on the ticket or coupon.
8. Every secondhand dealer and pawnbroker shall retain the original copies of acquisition records in his 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 the normal course of business.
9. All original transaction records shall be kept by said secondhand dealer or pawnbroker for a minimum of five years for purposes of this chapter. State and federal regulations may require longer retention (i.e., Department of Labor, Internal Revenue Service, etc.)

E. RESALE, DISPOSAL AND ALTERATION OF ARTICLES.

1. No article purchased shall be sold, encumbered by sales contract, or otherwise disposed of or altered in its appearance, within twenty-one days of purchase, except with the written permission of the Chief of Police, or designee, but in no case within 24 hours after the time of purchase. Secondhand dealers taking in jewelry under this section shall photograph said item/s and contact the Chief of Police without delay to effect this section and seek authorization for earlier disposal of those items taken in if necessary, (in no case shall they be disposed of earlier than 24 hours from taking possession).
2. Pawnbrokers shall retain pledged nonperishable articles for at least four months after date of deposit and perishable articles for one month after date of deposit.

F. REMOVAL OF ARTICLES BY POLICE OFFICERS.

1. If the Goffstown Police Department determines that an article is needed for evidence in a criminal investigation, an authorized agent of the Department shall seize that evidence pursuant to applicable criminal procedures. The secondhand dealer or pawnbroker shall be issued a receipt for the article.
2. Pursuant to New Hampshire RSA 595-A:6, the Goffstown Police Department, or an authorized agent of the Goffstown 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 Goffstown Police Department shall notify, by regular mail at the last known address, the original owner, the secondhand dealer or pawnbroker, and any other known person who may have a lawful interest that the property will be released in 30 calendar days to the original owner, if no other claim is placed on the property.

IV. ENFORCING AUTHORITY: Goffstown Police Department

V. PENALTIES:

- A. Any violation of this chapter shall be punishable by a fine of not less than \$50.00 nor more than \$1000.00 for each offense and/or subject to criminal prosecution under

existing New Hampshire laws.

- B. The Board of Selectmen 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 community, 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. Time limits of the suspension or revocation shall be left to the discretion of the Board of Selectmen. Notice of the suspension or revocation will be made, in writing, to the owner(s) of the business.
- D. Violations of any section of this ordinance shall be punishable by a suitable civil penalty as determined by the Justice of the Goffstown District Court, which civil penalty, pursuant to RSA 31:39 III, shall not exceed \$1,000 for each offense to enure to such uses as the town may direct. In the event that the penalty for the particular conduct charged is governed by some other state statute, then that penalty shall apply. The enforcement authority may issue and serve upon the defendant, in addition to a summons to appear in the district court, a local ordinance citation as set forth in RSA 31:39-d authorizing the plea by mail procedure set forth therein.

VI. WAIVERS: The Board of Selectmen retains the authority to waive any or all provisions of this ordinance for emergencies at a duly noted meeting.

VII. SEVERABILITY STATEMENT: If the provisions of this ordinance or the application thereof to any person or circumstances is judged to be invalid by a Court of competent jurisdiction, such judgment shall not affect, or impair the validity of the remainder of this ordinance, or the application thereof to other persons or circumstances.

VIII. EXCLUSIONS: Specifically excluded from the provisions of this ordinance are the following, and are therefore exempt from the requirements of III, D. E. and F. above:

- A. Mail order transactions and retail stores that exchange or provide cash or credit for returned articles are excluded from this chapter. Flea markets and yard sales are also excluded, and are governed by the Town of Goffstown through a separate town ordinance;
- B. Any person, firm partnership or corporation whose business is the retail buying, selling, buy-back, exchanging, dealing in, or with furs, fur coats, books magazines, used furniture or used clothing that is held and sold on a consignment basis;
- C. Sellers of used motor vehicles/motor cycles legally recognized as vehicle dealerships;
- D. Sellers/buyers of used video games over two years old, used video gaming consoles (including hand-held devices) over 10 years old, collectable cards, games or toys;
- E. Sellers of coins or stamps sold in bulk;
- F. Purchases from private residences by citizens not engaged in a Secondhand Dealer-type of business;

G. Any organization that purchases secondhand goods, whether directly or indirectly, from a not-for-profit organization, and which does not purchase any secondhand/used goods from the general public.

IX. PROCEDURE:

Public Hearing Dates: June 1st and 15th, 2015

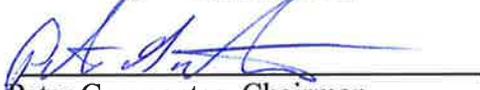
Public Hearing Notices: Published in NH Sunday News on 5/24/15; posted at Town Hall, Library, and town website on Fri. 5/22/15

Adoption Date: June 29, 2015

Effective Date: Sept. 1, 2015

X. SIGNATURES:

BOARD OF SELECTMEN

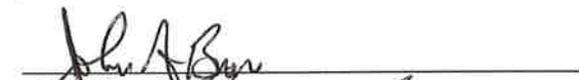


Peter Georgantas, Chairman

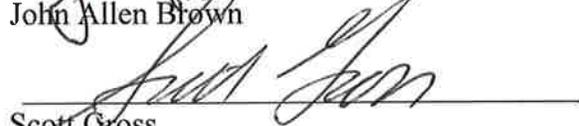


Mark T. Lemay, Vice Chairman

Collis G. Adams



John Allen Brown



Scott Gross

TOWN CLERK/NOTARY PUBLIC:



Date: July 13, 2015