

AN ORDINANCE
VOTED BY THE SELECTMAN
TOWN OF CAMPTON
NEW HAMPSHIRE

Public Hearing Date: 10/6/14
Adopted: 10/6/14
Amended (IV F): 4/20/15 R.H. 4/20/15

14-0001 RELATIVE TO: PAWNBROKERS AND SECONDHAND DEALERS

I. INTENT

The intent of this ordinance is to ensure compliance of pawnshops and secondhand dealers to deal in legally obtained items.

II. DEFINITIONS

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

MONEY – Includes United States currency, money orders, certified checks, traveler's checks and any other item used as payment or barter of a pawned item.

PAWNBROKER – Any person, firm, partnership or corporation whose business includes any transaction wherein there is the lending of money secured by taking possession of property, with interest charged thereon, with the right to sell the property if 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.

PAWNSHOP – Any individual engaged in business as a pawnbroker as the term used in RSA 398.

PERSONAL PROPERTY – All property subject to ownership except real estate.

POLICE – Town of Campton, New Hampshire Police Department

PROPERTY – Any tangible item which could be, has been, or will be used of purchasing, selling or bartering purposes.

PURCHASER – Any person receiving item(s) from a pawnbroker or his/her designee, whether by monetary funds or barter.

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. Secondhand dealers are

regulated according to RSA 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.

TOWN – Town of Campton, NH

III. LICENSING OF PAWN SHOPS AND SECONDHAND DEALERS

All pawnshops and secondhand dealers shall be duly licensed by the state, if so required, and by the Town of Campton Board of Selectmen.

IV. LICENSE REQUIRED AND APPLICATION REQUIREMENTS

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 Town through the Board of Selectmen. Applications for licenses for pawnbrokers or secondhand dealers shall be made in writing to the Town of Campton.

- A. Investigation of Applicants. All applications shall be submitted by the Town of Campton Board of Selectmen 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 Town of Campton Board of Selectmen. No license shall be issued to any firm, corporation, owner or person to include employees, directly or indirectly involved in the purchase of secondhand articles, who or which has been previously convicted within the preceding ten (10) years of any theft related offenses to include but not limited to: theft, burglary, receiving stolen property or fraud in this state or any state or territory of the United States.
- B. Location. The license shall be issued for a specific location within the Town and is not transferable to any other person, firm, partnership or corporation.
- C. Fee. The license fee shall be \$100.00.
- 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 1 of each year unless revoked prior to this date by the Town of Campton Board of Selectmen at any time after notice to the licensee and hearing on the charges proffered.
- F. Exemptions: The licensing requirements set forth in this ordinance are not applicable to the following:
 - a. Properly Licensed Firearm Dealers
 - b. Not for Profit/Charity Organizations

(amended 03/2015)

V. TRANSACTION RECORDS

Every pawnbroker 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 complete and thorough description of the following:

1. Date and time of purchase
2. The amount of money paid or loaned and the rate of interest to be paid on said loan
3. Name and address of the seller or pledger
4. Type of Article
5. Brand name/make/manufacture (if applicable)
6. Model number (if applicable)
7. Serial number (if applicable)
8. Color/finish
9. Any other identifying marks, writing, engraving, etc.
10. If jewelry; the metal, kind and number of stones, karat (if known)

VI. IDENTIFICATION OF SELLER 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's or pledger's full name, date of birth, and current street address. The identification must have been issued in the past five (5) years. The type of identification used shall be noted on the transaction record. At no time shall a pawnbroker or secondhand dealer accept another person's photographic identification for any transaction. The pawn broker or secondhand dealer shall attach a photocopy of the identification shown to the transaction record.
- B. No pawnbroker or secondhand dealer shall transact business with anyone under 18 years of age, except when said minor is accompanied by a parent or legal guardian who shall sign the transaction record.

VII. HOLDING PERIOD FOR PURCHASES AND PAWNS

- A. Every pawnbroker and secondhand dealer shall retain possession of all property purchased for a fourteen-day (14) period subsequent to the purchase thereof; provided, however, that any such item be disposed of by the purchaser within such fourteen-day (14) period with the written permission of the Chief of Police.
- B. Property, including jewelry, shall be maintained in the condition in which it was 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.

VIII. REPORTS OF TRANSACTIONS

- A. Pawnbrokers and secondhand dealers shall electronically file documentation of all transactions records to the Chief of Police, within 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 as not purchased any items, he or she shall make a report of such fact to the Chief of Police on or before 1000 hours of the first business day of the following week.
- B. All property shall be photographed with a digital camera or digital image scanner. The complete transaction record shall be saved 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 an aggregate pile. The images shall be kept at the store or shop and saved electronically in a PDF or JPG format. The images must be readily available upon request.
- C. Every pawnbroker and secondhand dealer shall use the transaction record form prescribed by the Town of Campton.

IX. INSPECTION OF RECORDS AND PREMISES

Pawnbrokers and secondhand dealers shall retain each original transaction record in his or her possession for a period of seven (7) years. The record, along with the respective property, shall be kept or stored in or upon the licensed 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.

X. VIOLATIONS AND PENALTIES

- A. Any violation of this chapter shall be punishable by a fine not exceeding \$100.00 per day.
- B. The Town of Campton 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 Town of Campton, 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 business days of said hearing.

IN WITNESS WHEREOF, the undersigned members of the Board of Selectmen of
Campton, NH have hereunder set their hands this 27th day of April, 2015, as
amended.

CAMPTON BOARD OF SELECTMEN :

Sharon L. Davis

Sharon Davis, Chairman

Peter Laufenberg

Peter Laufenberg, Vice Chairman

Charles W. Cheney

Charles W. Cheney

Karl E. Kelly

Charles D. Wheeler

Charles D. Wheeler

A true copy, attest:

Hannah B. Joyce

Hannah B. Joyce

Campton Town Clerk