

**CHAPTER 173**  
**PAWNBROKERS**

[HISTORY: Adopted by the City Council of the City of Laconia 12-29-1975 as Ch. 21, Section 2, of the Public Ordinances of 1975; amended in its entirety 5-26-2009 by Ord. No. 07.2009.07. Subsequent amendments noted where applicable.]

[Amended 04-27-2015 by Ord. No. 04.2015.04]

- § 173-1. Intent.
- § 173-2. Definitions.
- § 173-3. Licensing.
- § 173-4. License required and application requirements.
- § 173-5. Transaction record.
- § 173-6. Identification of seller required; age restriction.
- § 173-7. Holding period for purchases and pawns
- § 173-8. Reports of transactions.
- § 173-9. Inspection of records and premises.
- § 173-10. Violations and penalties

**GENERAL REFERENCES**

Licensing -See Ch. 161.

**§ 173-1. Intent.** [Amended 04-27-2015 by Ord. No. 04.2015.04]

The intent of this chapter is to ensure compliance of pawnshops to deal in legally obtained items and to regulate said business pursuant to RSA 322:2 and RSA 398:7.

**§ 173-2. Definitions.** [Amended 04-27-2015 by Ord. No. 04.2015.04]

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

**CITY** — City of Laconia, -New Hampshire.

**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. [Amended 11-22-2010 by Ord. No. 05.2010.05]

**PERSONAL PROPERTY** — All property subject to ownership, except real estate.

POLICE — City of Laconia, New Hampshire Police Department.

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

SELLER — Any person receiving item(s) or money 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 only apply to any person, firm, partnership or corporation who purchases secondhand articles directly from the general public.

STATE — State of New Hampshire.

TRANSACTION — A business dealing conducted by a pawnbroker or his/her designee, whether by monetary funds or barter.

§ 173-3. **Licensing.** [Amended 11-22-2010 by Ord. No. 05.2010.05]  
[Amended 04-27-2015 by Ord. No. 04.2015.04]

All pawnshops and secondhand dealers shall comply with the provisions of RSA 398 and RSA 322 and shall be duly licensed by the state if so required and by the City of Laconia Licensing Board pursuant to Chapter 161 of the City Code.

§ 173-4. **License required and application requirements.** [Amended 04-27-2015 by Ord. No. 04.2015.04]

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 through the City of Laconia Licensing Board. Applications for licenses for pawnbrokers or secondhand dealers shall be made in writing to the City of Laconia.

- A. Investigation of Applicants. All applications shall be submitted by the City of Laconia Licensing Board 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 City of Laconia Licensing Board. 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 City of Laconia and is not transferable to any other person, firm, partnership or corporation.
- C. Fee. The license fee shall be \$100 for initial application fee and \$25 renewal each year due in January.
- 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 City of Laconia Licensing Board at any time after notice to the licensee and hearing on the charges proffered. Applicants must annually file for and receive a license, or renewal of same, in order to operate in compliance with this section.

**§ 173-5. Transaction Records.** [Amended 04-27-2015 by Ord. No. 04.2015.04]

Every pawnbroker and secondhand dealer shall keep and maintain a complete written record of each such transaction of money and/or property. 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)

**§ 173-6. Identification of seller required; age restriction.**

[Amended 04-27-2015 by Ord. No. 04.2015.04]

- 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 a person other than the seller or pledger's photographic identification for any transaction. The pawnbroker or secondhand dealer shall attach a photocopy of the identification shown to the transaction record.

**§ 173-7. Holding period for purchases and pawns.** [Amended 04-27-2015 by Ord. No. 04.2015.04]

- A. Every pawnbroker shall retain possession of all property received in pawn or as a pledge for a four (4) month period subsequent to the purchase thereof if not of a perishable nature, and if perishable, for at least one month; provided, however, that any such item be disposed of by the pawnbroker within such 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.
- C. Property not redeemed within the above period may be sold pursuant to RSA 398:9.

- D. The holding periods described above shall not apply to items sold to a pawnbroker or secondhand dealer for money provided that any such transaction conveys full ownership and possession of the property in question. Any pawnbroker or secondhand dealer purchasing property as described in this subparagraph D shall retain possession of the property for fourteen (14) days subsequent to the purchase thereof, and may thereafter dispose of the property, keep the property, or offer it for sale.

**§ 173-8. Reports of transactions.** [Amended 04-27-2015 by Ord. No. 04.2015.04]

- A. Pawnbrokers and secondhand dealers shall electronically file documentation of all transaction records for each day's business 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 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 am 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 photo 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 City of Laconia.

**§ 173-9. Inspection of records and premises.** [Amended 04-27-2015 by Ord. No. 04.2015.04]

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.

**§ 173-10. Violations and penalties.** [Amended 04-27-2015 by Ord. No. 04.2015.04]

- A. Any violation of this chapter shall be punishable by a fine not exceeding \$100.00 per day.
- B. The City of Laconia Licensing Board 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 of Laconia, after a hearing at which the licensee may address the alleged violation. 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 and shall include the reason(s) for the suspension or revocation.