

OFFICE OF THE TOWN CLERK

Newton Memorial Town Hall
P.O. Box 1492
83 North Main Street
Lanesborough, MA 01237
(413) 442-1351

APPLICATION FOR PAWNBROKERS AND SECONDHAND DEALERS LICENSE

The undersigned hereby applies for a license for Pawnbroker and/or Secondhand Dealer in accordance with MGL Chapter 140, Section 25-1 thru 25-15 and the By-laws of the Town of Lanesborough, and amendments thereto, relative to the operations thereof. Submit this 1.) completed application along with 2.) a \$150.00 application fee, checks payable to the Town of Lanesborough, accompanied by 3.) a bond to the Town of Lanesborough in the penal sum of \$300.00, with sufficient surety or sureties, conditioned for the due observances during the term of the license to: Town Clerk, Newton Memorial Town Hall, P.O. Box 1492, 83 North Main Street, Lanesborough, MA 01237.

1. Names and residences of applicants, individuals, partnership, firm or names and residences of the principal officers, if applicant is an association or corporation.
2. Describe in detail the character of the business.
3. Describe in detail the type of secondhand items to be purchased, sold, or pawned.
4. Length of time applicant, individual, business or otherwise, has resided or been located in the Town.

5. Place of previous employment.
6. Has applicant or business ever been convicted of a felony or misdemeanor?
7. If so, what offense, when and which court?
8. Premises of business location (street and number)
9. Has applicant or manager, alone or with someone else, previously been a secondhand dealer or pawnbroker?

Applicant:

(Signed in the presence of a Notary Public)

Mailing Address:

Social Security Number:

Date of Birth:

NOTARY ATTESTATION

On this _____ day of _____, 20__ before me, the undersigned notary public, personally appeared, _____, and proved to me through satisfactory evidence of identification, which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she/he signed it voluntarily for its stated purpose.

Notary Public

SECONDHAND DEALERS AND PAWNBROKERS

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Sec. 25-14. Lost or stolen property.

Sec. 25-15. Fines.

STATE LAW REFERENCES

Law of the commonwealth as to pawnbrokers, G.L., C. 140, §§ 70—85.

Law of the commonwealth authorizing the Town to license pawnbrokers, G.L., C. 140, § 70.

Sec. 25-1. Definitions.

(a) PERSON — As used in this chapter shall mean and include one or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies and all other entities of any kind capable of being used.

(b) TOWN — As used in this chapter shall mean the Town of Lanesborough.

(c) LICENSING AUTHORITY — As used in this chapter shall mean the Board of Selectmen of Lanesborough.

(d) SECONDHAND DEALERS - As used in this chapter shall mean and include any person dealing in the purchase or sale of secondhand electronic devices, or in the purchase or sale of secondhand manufactured articles composed wholly or in part of gold, silver, or platinum, or dealing in the purchase or sale of old gold, silver or platinum, or dealing in the purchase of articles or things comprised of gold, silver or platinum for the purpose of melting or refining, or engaged in melting precious metals for the purpose of selling, or in the purchase or sale of pawnbrokers' tickets or other evidence of pledged articles, or, not being a pawnbroker, who deals in the redemption or sale of pledged articles.

(e) PAWNBROKER — As used in this chapter shall mean a person who takes articles or things in pawn in exchange for money subject to a right of redemption whether subject to interest or not.

(f) STATE LAW — As used in this chapter shall mean Massachusetts General Laws, chapter 140, sections 70 to 85 and sections 202 to 205.

Sec. 25-2. License required.

No person, either as principal, agent or employee shall within the limits of the Town, establish, engage in, or carry on the business of secondhand dealer or pawnbroker or both, either separately or in connection with some other business, without first having obtained and paid for and having in full force and effect a license as herein provided.

Sec. 25-3. Application for license.

Every person desiring to procure a license, as herein provided shall file with the clerk, a written application upon a blank form prepared and furnished by the town. Such application shall contain the names and residences of the applicant, if an individual, partnership or firm, or the names and residences of the principal officers if the applicant is an association or corporation. Such applicant shall also describe in detail the character of the business in which he, they, or it desire to engage. The application shall also state the following:

(1) The length of time such applicant or applicants, if an individual, firm or partnership, or the manager or person in charge, if the applicant is a firm, partnership, corporation or association, has or have resided in the town, his or their place of previous employment, whether he or they or any of them have been convicted of a felony or misdemeanor, and if so, what offense, when and what court.

(2) The premises where such business is to be located or carried on, giving street and number.

(3) Whether the applicant or applicants or manager had either alone or with someone else previously been a secondhand dealer or pawnbroker.

Such application shall be signed and acknowledged before a notary public or other official authorized to administer oaths in the town.

Sec. 25-4. Bond.

Such application shall be accompanied by a bond to the Town, approved as to form by the Town Counsel, in the penal sum of \$300 with sufficient surety or sureties or sufficient collateral security, conditioned for the due observances during the term of the license of any and all ordinances which are now in force or may hereafter be adopted by the Town respecting the business of secondhand dealing and pawnbroking, as defined in § 25-1.

Sec. 25-5. Investigation.

When an application is filed, the Town Clerk shall cause an investigation to be made by the police to ascertain whether the applicant or applicants is or are of good character and repute, and the police shall furnish to the Town Clerk the information derived from their investigation accompanied by a recommendation as to whether a license should be granted or refused.

Sec. 25-6. License.

Upon the filing of the application, bond and information as provided in § 25-5, the Town Clerk, shall, upon his/her approval of such application and bond as to the sufficiency of surety or sureties or collateral security, submit the matter to the licensing authority at its next regular meeting, at which time it shall hold a public hearing on the application, and after which it shall either approve or reject said application. The Town Clerk shall upon the approval by the licensing authority issue a license after the payment of the license fee hereinafter provided. All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the place of business in which the person receiving such license shall be authorized to establish, engage in or carry on the business, the kind of business, the dates of issuance and expiration of the license and the name and address of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection unless he can show that the reason for such rejection no longer exists.

Sec. 25-7. License fees.

Every secondhand dealer and pawnbroker as defined in § 25-1 shall pay an annual license fee of \$150 for each established place of business. All licenses shall be issued as of May 1 and shall continue in force until April 30, next succeeding the date of issuance thereof, unless sooner revoked by the licensing authority. No license shall be used by any person other than the original licensee, and any holder of such license or badge who permits it to be used by any other person, and any person who uses such license granted to any other person, shall be guilty of a violation of this chapter.

Sec. 25-8. Revocation of license.

The licensing authority may, at any time for such cause as it, upon investigation, deems sufficient, revoke any license granted under the provisions of this chapter. Whenever any license shall be so revoked, no refund of any unearned portion thereof shall be made, and no license shall be granted to any person whose license has been revoked within a period of two years from the date of such revocation. Notice of such revocation shall be served by the Town Clerk upon the person named in the application by mailing the same to the address given in the application.

Sec. 25-9. Changing place of business.

In case any licensee shall move his place of business from the place designated in the license, he shall immediately thereupon give notice to the Town Clerk and have the same endorsed on the license.

Sec. 25-10. Record of purchases and sales.

Every secondhand dealer and pawnbroker shall keep in a substantial bound book in which shall be legibly written in ink and in English at the time of every purchase, sale or transaction a description of every article so purchased, sold, or received, the number or numbers and any monograms, inscriptions or other marks of identification that may appear on the article, a description of the articles or pieces comprising old gold, silver, platinum or other metal, and any monograms, inscriptions or marks of identification thereon, the name, residence and general description of the person from whom such purchase was made or to whom sold, and the day and hour of the purchase or sale including articles or things purchased or received for the purpose of refining or smelting by persons principally engaged in such business. A color photo of the item must also be taken and kept of the item and of the customer's ID used. In the case of the purchase or sale of a pawnbroker ticket or other evidence of a pledged article, or a redemption or sale of a pledged article, there shall be written in such book at the time of such purchases, sale or redemption:

- (1) The name and address of the person who issued such ticket or other evidence;
- (2) The pledge number of such pawn ticket or other evidence;
- (3) The name and address of the pledger as it appears on such pawn ticket or other evidence;
- (4) The amount loaned or advanced as it appears on such pawn ticket or other evidence;
- (5) The day and hour of such purchase, sale or redemption as the case may be;
- (6) The name, residence and general description of the person and a copy of the customer's ID used from whom or to whom the redeemed article is purchased or sold, as the case may be;
- (7) The sum paid or received from such pawn ticket or other evidence, or the sum paid or received for the redeemed article or pledge;
- (8) Such description of a pledged article as appears on such pawn ticket or other evidence and an accurate description of every redeemed pledged article. Also a color photo of the item, whether by camera or computer scanner, if applicable, shall be taken and kept.

Such book shall at all reasonable times be open to the inspection of any police officer, to the Town clerk, the police chief, or to any magistrate of the Town or to any person duly authorized in writing for such purpose by the Town clerk. No entry in such book shall be erased, obliterated, altered or defaced. This chapter shall not in anyway reduce any duties

required by state law.

Sec. 25-11. Report to police.

It shall be the duty of every secondhand dealer and pawnbroker to make or cause to be made to the chief of police or his representative every day, except Sunday, before the hour of 12:00 noon, a copy of the records required to be kept in the preceding section, of all goods, articles or things or any part thereof, purchased, received or sold in the course of the business of the dealer on the preceding day, or, if that day be Sunday, on the two next preceding days. All reports required in this section shall be made on a blank form prepared and furnished by the chief of police and shall contain such information as the chief of police may require. Each report shall be signed by the licensee or his representative and by the person from whom the purchase was made. The chief of police shall cause a record to be kept of all such reports, showing the date and time of receipt of each report, the name of the licensee making the report and his address. The contents of such report shall not be communicated to any person for the purpose of publication, but shall be used by the chief of police and others in authority to protect the public interest and detect crimes.

Sec. 25-12. Restrictions.

(a) No licensee shall carry on business at any other place than the one designed in his license.

(b) No secondhand dealer or pawnbroker shall continue to carry on business after his license is revoked or shall have expired.

(c) No secondhand dealer or pawnbroker shall purchase any secondhand goods, articles or things whatsoever from or make any loans to any person under the age of 18 years, any person who is intoxicated, apprentice or servant, knowing or having reason to believe the person to be such. No such dealer shall purchase from or sell to any person whatsoever, any secondhand goods, articles or things, between the hours of nine o'clock in the evening and eight o'clock in the morning, except Saturdays when such sales and/or purchases, except as herein provided, may be made between the hours of 8:00 a.m. and 10:00 p.m. No secondhand dealer shall make any sale or purchase of any article whatsoever on the first day of the week, commonly designated as Sunday.

(d) No article or thing, except articles or things that have been received from persons known to be jewelers, dealers, banking institutions, executors or administrators, shall be sold or disposed of by any dealer in secondhand articles until the expiration of 15 days after such purchase or redemption, except that all secondhand articles or things purchased for the purpose of melting or refining by persons principally engaged in such business from persons not jewelers or dealers, shall not be sold, refined, melted or disposed of until the expiration of five business days after such purchase; and no such dealer shall receive any article by way of pledge or pawn; or employ any subterfuge for receiving goods as security for the advancement of money.

(e) A licensee shall allow his place of business and all secondhand articles therein to be at all reasonable times examined by any member of the police department.

(f) Every secondhand dealer or pawnbroker shall at the time of making any purchase or transaction attach a properly numbered tag to, or otherwise legibly number each article bought, and shall make entry of such number in the book provided for in section 25-10.

(g) Every licensee shall post in a conspicuous place in his place of business a copy of this chapter to be furnished by the police department.

(h) No licensee shall buy any secondhand article of any kind, which is distinctly and plainly marked as being the property of any firm or corporation other than the person offering to sell the same unless the person offering to sell the same shall show satisfactory evidence in writing that he is the legal and lawful owner of such property. Such written evidence shall be pasted in the book provided for in section 25-10.

Sec. 25-13. Offer to sell by suspicious characters to be reported.

In case any suspicious or known dishonest person shall offer for sale to any secondhand dealer or pawnbroker, his employee, agent or servant, any articles of value, and he has reason to believe from any circumstances that the same has been stolen or acquired by dishonest means, it shall be his duty to report the same at once to the police.

Sec. 25-14. Lost or stolen property.

It shall be the duty of the police department to furnish from time to time to every secondhand dealer or pawnbroker a list of all articles reported to the police department as lost or stolen. If the police department shall notify a licensed dealer that any goods, articles or things have been lost or stolen, and if such goods, articles or things, or any such or part of such, answering to the description of the notice shall then be, or shall thereafter come into the possession of any person licensed under the terms hereof, he shall, upon receiving notice thereof, immediately thereafter as a supplement to his daily report for that day to the chief of police, give information in writing that certain goods, articles or things listed by the police are in his possession, and shall not thereafter dispose of the same except upon written authority so to do from the chief of police. Every dealer in secondhand articles who shall have or receive any goods, articles or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any police officer or any magistrate of the Town or any person duly authorized by the chief of police in writing for such purpose who shall exhibit such written authority to the dealer.

Sec. 25-15. Fines.

Any person who violates any provision of this chapter shall pay the fines as stated below:

First and each subsequent offense

\$300

In addition to the penalty imposed, the license of the person violating the same shall be cancelled or revoked and the bond upon such license shall thereupon become due and payable to the Town of Lanesborough, and the amount thereof may be received in a civil action based upon such forfeiture.

Each day in which any violation exists shall be deemed to constitute a separate offense. The provisions of this chapter shall be enforced by the police department. ##### END.

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TOWN OF LANESBOROUGH PAWNBROKERS AND SECONDHAND DEALERS RECORD OF TRANSACTION

Date: _____

Time: _____

Value: _____

Number of items: _____

Location of Sale: _____

Description of item(s): _____

Name of employee recording transaction: _____

(Color photograph of item(s) and photo copy of identification must be attached)

Records of transactions must be submitted to Lanesborough Police Department within 5 business days from date of transaction.