

PAWNBROKERS, PRECIOUS METAL
DEALERS, AND SECOND HAND DEALERS
ORDINANCE
FOR THE
MUNICIPAL TOWN OF OXFORD

Adopted

November 2, 1995

Amended

June 8, 2013

TOWN OF OXFORD

PAWNBROKERS, PRECIOUS METAL DEALERS, AND SECOND HAND DEALERS

ORDINANCE

PURPOSE

The Town of Oxford finds that pawnbrokers, precious metal dealers, and certain secondhand dealers potentially provide an opportunity for the commission and concealment of crimes. These businesses have the ability to receive and transfer stolen property easily and quickly. The Town also finds that consumer protection regulation is warranted in transactions involving these businesses from assisting in the commission of crimes, to identify criminal activity through timely collection and sharing of certain transaction information, and to ensure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of Oxford.

DEFINITIONS

- 1- "Billable transaction" means a reportable transaction except renewal, redemptions, or extensions of existing pawns on items previously reported and continuously in the licensee's possession, voided transactions, and confiscations.
- 2- "Gemstone" Means a precious or semiprecious stone that may be used as a jewel when cut and polished.
- 3- "Items containing precious metal" means an item made in whole or in part of metal and containing more than one percent by weight of silver, gold, or platinum.
- 4- "Minor" means a natural person under the age of 18 years.
- 5- "Pawnbroker" means a person who loans money on deposit or pledge of personal property or other valuable thing; who deals in the purchasing of personal property or other valuable thing on condition of selling it back again at a stipulated price; or who loans money secured by chattel mortgage on personal property, taking possession of the property or part of it. If a pawnbroker business includes buying personal property previously used, rented, or leased, the provisions of this section are applicable. Any bank, savings and loan association, or credit union is not a pawnbroker for purposes of this section.

- 6- "Person" means one or more natural persons; a partnership, including a limited partnership; a corporation; including foreign, domestic, or nonprofit corporation; a trust; a political subdivision of the state; or another business organization.
- 7- "Precious metal dealer" means a person engaging in the business of buying coins or secondhand items containing precious metal including jewelry, watches, eating utensils, candlesticks, and religious and decorative objects.
- 8- "Precious metals" means silver, gold, or platinum.
- 9- "Reportable transaction" means a transaction conducted by a pawnbroker, precious metal dealer, or secondhand dealer in which merchandise is received through a pawn, purchase, consignment, or trade except:
 - a. The bulk purchase or consignment on new or used merchandise from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said merchandise, if the pawnbroker, precious metal dealer, or secondhand dealer maintains a record describing the items in each transaction and marks each item in a manner that relates it to that transaction record and;
 - b. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption period have expired.
- 10- "Secondhand dealer" means a person in the business of buying, or receiving as "trade-in", secondhand items that are in one or both of the following categories (a) consumer electronics, including peripherals and electronic media, and (b) jewelry and gemstones. A secondhand dealer does not include a person who buys or receives fewer than 25 such items within any period of 12 consecutive months.
- 11- "Secondhand item" means tangible personal property, excluding motor vehicles that have been previously used, rented, owned, or leased.

LICENSE REQUIRED

A person must not engage in the business of pawnbroker, precious metal dealer, or secondhand dealer within the Town of Oxford unless the person is currently licensed under this ordinance.

EXCEPTIONS TO LICENSE REQUIREMENT

A person conducting the following transactions is not required to obtain a license under this section:

- 1- Transactions at occasional "garage" or "yard" sales, estate sales or farm auctions held at the owner's residence.

- 2- Transactions regulated by the federal commodity futures commission act;
- 3- Transactions involving the purchase of photographic film, such as lithographic and x-ray film or silver residue or flak recovered in lithographic and x-ray film processing;
- 4- Transactions involving the purchase of precious metal grindings, filings, slag, sweeps, scraps, or dust from an industrial manufacturer, dental lab, dentist, or their agent;
- 5- Transactions in which the secondhand item containing precious metal is exchanged for a new item containing precious metal and the value of the new items exceeds the value of the secondhand item, except that a person who is a precious metal dealer by engaging in a transaction that is not exempt by this ordinance must comply with the requirements of this ordinance
- 6- Transactions between precious metal dealers if both dealers are licensed by the State and the Town or if the seller's business is located outside of the State and the items shipped from outside the state; and
- 7- Transactions in which the buyer of the secondhand item contains precious metal is engaged primarily in the business of buying and selling antiques, the items are resold in an unaltered condition except for repair, the items are resold at retail, and the buyer paid less than \$2,500 of secondhand items containing precious metals purchased within any period of 12 consecutive months.

PERSONS INELIGIBLE

- 1- No license may be issued to a person who:
 - a- Is not a citizen of the United States or a resident alien;
 - b- Is a minor at the time the application is filed;
 - c- Has been convicted of a crime directly related to the licensed occupation and has not shown competent evidence of sufficient rehabilitation and presents fitness to perform the duties of pawnbroker, precious metal dealer, or secondhand dealer, or a person of good moral character and repute;
 - d- Holds a liquor license
 - e- In the judgment of the Select board is not the real party in interest or beneficial owner of the business operated under the license;
 - f- Has had a pawnbroker, precious metal dealers, or secondhand dealers; license revoked anywhere within five years of the license application.

PLACES INELIGIBLE

- 1- No license may be issued for a place or a business ineligible for a license under Town ordinance or State law.
- 2- No license may be issued for operation in a residential zoning district.
- 3- No license may be issued for a place or business that holds a liquor license.
- 4- No license may be granted for operation on a premise for which taxes, assessments, or other financial claims of the Town or government agency are delinquent and unpaid.

LICENSE APPLICATION

Every application for a license under this ordinance must be made on a form supplied by the Town, must be verified and must contain the following information:

- 1- If the applicant is a natural person;
 - a- The name, place and date of birth, street residence address, and phone number of the applicant;
 - b- The name of the business if it is to be conducted under a designation, name, style other than the name of the applicant and a certified copy of the certificate of assumed name required by state law;
 - c- Whether the applicant is the owner and operator of the business and if not, who is;
 - d- Whether the applicant has ever used or been known by a name other than his/her true name, and if so, what was the name, or names, and information concerning dates and places where used;
 - e- Whether the applicant is married or single. If married, the true name, place and date of birth and street address of applicant's spouse;
 - f- Street address at which applicant and spouse have lived during the preceding ten years;
 - g- Kind, name, and location of every business or occupation applicant and spouse have engaged in during the preceding ten years;
 - h- Names and addresses of applicant's and spouse's employers and partners, if any, for the preceding ten years;

- i- Whether the applicant or spouse has ever been convicted of a violation of any State law or local ordinance, other than non-alcohol related traffic offenses. If so, the applicant must furnish information as to the time, place and offenses for which convictions were had;
 - j- Whether the applicant or spouse has ever been engaged as an employee or in operating a pawnshop, precious metal dealership, or secondhand dealership or other business of a similar nature. If so, applicant must furnish information as to the time, place, and length of time;
 - k- Whether the applicant has ever been in military service. If so, the applicant must, upon request, exhibit all discharges.
- 2- If the applicant is a partnership:
- a- The name and address of all partners and all information concerning each partner as is required of an individual applicant as above;
 - b- The name(s) of the managing partner or partners, and the interest of each partner, or partners in the business;
 - c- A true copy of the partnership agreement and a copy of the certificate of assumed name required by State law;
- 3- If the application is a corporation or other organization:
- a- The name, and if incorporated, the State of incorporation;
 - b- A true copy of the certificate of incorporation, articles of incorporation or association agreements;
 - c- The name of the manager or proprietor or other agent in charge of, or to be in charge of the premises to be licensed, giving all information about the person as is required in the case of an individual applicant and;
 - d- A list of all persons who, single or together with their spouse, own or control an interest in the corporation or association in excess of five percent or who are officers of the corporation or association, together with their addresses and all information as is required for a single applicant;
- 4- For all applicants:
- a- Information regarding the financial status of the applicant, including the amount of the investment that the applicant has in the business, land, building premises, fixtures, furniture, or stock in trade and proof of the source of the money. The Town may require the applicant to submit a certification that the applicant is the real party in

interest, is financially solvent, and has sufficient capital to responsibly operate the licensed establishment. The certification must be on the Town's approve form and issued by an independent, licensed or certified professional such as a lawyer or accountant;

- b- A list of responsible persons, including the names of owners, managers, and assistant managers, who may be notified or contacted by the State or Town employees in case of emergency.
- c- For each manager and assistant manager with responsibility for operation of the business, the following must be provided:
 - (1) Complete personal information requested on the Town's form;
 - (2) Two sets of fingerprints and a photograph; and
 - (3) Such other information as the Town may require.
- d- Whether the applicants hold a current pawnbroker, precious metal dealer, or secondhand dealer license for any other municipality.
- e- Whether the applicant has ever been denied a pawnbroker, precious metal dealer, or secondhand dealer license from any other governmental unit;
- f- The location of the business premises;
- g- The legal description of the premises to be licensed including a map of the area for which the license is sought, showing dimensions, locations of building, street access and parking facilities;
- h- Whether all real estate and personal property taxes that are due and payable for the premises have been paid, and if not paid, the years and amounts that are unpaid; and
- i- Other information that the Town deems necessary.

FEES

- 1- **INVESTIGATIVE FEE.** Every applicant for a new license must pay the Town the investigative fee of \$100. This fee will be for the purpose of conducting a preliminary background and financial investigation of the applicant. If the Select board believes that the public interest so warrants, it may require a similar investigation at the time of renewal of the license. If an investigation is ordered by the Select board at the time of license renewal, the applicant must pay the fee specified above, except the fee will be smaller of the stated dollar amount or the actual cost of the investigation. There will be no refund of the investigation fee after the investigation has begun.

- 2- License fees. The annual fees for a pawnshop, precious metal dealers, or secondhand dealer's license will be \$50. The annual fee must be paid before conducting activity that requires a license under this ordinance. No refund of a fee will be made except as authorized by this ordinance.

BOND REQUIRED

At the time of filing for a license, the applicant must file a bond in the amount of \$5,000 with the town clerk. The bond, issued by a licensed surety company, must be approved as to form by the city attorney. The bond must be conditioned on the licensee's compliance with the Town ordinances, in relation to the business of pawnbroker, precious metal dealer, and secondhand dealer. The bond must also be conditioned on the licensee's obligation to account for and deliver articles to a legally entitled person or to pay the person or persons the reasonable value of the articles.

APPLICATION PROCEDURE

- 1- No license may be issued until the police department has conducted an investigation of the representations set forth in the application, the applicant's moral character, and the applicant's financial status. All applicants must cooperate with this investigation.
- 2- No license may be issued until the Select board has held a public hearing in accordance with the following:
 - a- A public hearing must be held prior to issuing a license. Notice of the hearing will be made in the same manner as that of an ordinance amendment; and
 - b- At the public hearing all people interested in the matter must be heard. No hearing is required for a renewal license, but the Select board may, at its option, hold a hearing.
- 3- The select board may issue a license before an investigation, notice and public hearing for an applicant who:
 - a- Had a license within the previous five years for the establishment that is specified in the application and that is continuing to operate under a license.
 - b- Wishes to resume operation of the business without sufficient time, through no fault of his or her own, to meet the normal procedural requirements;
 - c- Had no criminal license convictions, or license suspensions or revocations during the prior licensed period; and
 - d- Otherwise qualifies and meets the requirements for a license.

In this situation the Select board may immediately issue an interim license to the applicant for a period of no longer than 90 days. The applicant must thereafter proceed through the specified requirements for an investigation, notice, and public hearing. At the public hearing

the Select board will decide whether the license should continue in effect or be revoked. The interim license gives the applicant no greater right to continuation of the license that it would have had to issuance of a new license following normal procedure.

- 4- After investigation and hearing, the select board will grant or deny the application, considering the factors in this ordinance and the best interest of the public health, safety, and general welfare. The select board may impose conditions on a license to protect the public health, safety, and general welfare.
- 5- A license is a privilege, not a right. Even if a person meets the minimum requirements for a license, the Town is not obligated to grant the license. The select board has broad discretion to decide it, where, and how licensed businesses may operate. The select board may limit the number of licenses, when in its judgment; the welfare of the town suggests such action. The select board may develop criteria for evaluating a license application.
- 6- An application for a license may be considered by the select board at the same time an applicant is requesting land use approvals needed for the site, including site plan review, rezoning, or an amendment to the comprehensive guide plan. Final approval of a license will not be granted until the select board has given at least preliminary approval to any necessary land use request. If an application is granted for a location where a building is under construction or not ready for occupancy, the license will not be delivered to the licensee until a certificate of occupancy has been issued for the licensed premise.
- 7- In the case of the death of the licensee, the personal representative of a licensee may continue operation of the business for not more than 90 days after the licensee's death.

License Term, Renewal

Each license will expire one year from when it was issued. The application for the renewal of an existing license must be made at least 90 days before the date of the expiration of the license and must be made on the form which the town provides.

License Restrictions

- 1- Generally. Every license is subject to the conditions in the following paragraphs, all other provisions of this section, and of other applicable regulations, ordinances or state law.
- 2- Maintenance of Peace. Every licensee is responsible for the conduct of his or her place of business and the conditions of order in it. The act of any employee of the licensed premise is deemed the act of the licensee as well, and the licensee will be liable for all penalties provided by this ordinance equally with the employee, except criminal penalties.
- 3- Display of License. Every license must be posted in a conspicuous place in the premises for which it is used.

- 4- Written Record. At the time of a receipt of an item of property, a licensee must immediately record the information listed below, in English, in a computer program approved by the police department. A licensee may also record the information in indelible ink on a form approved by the Chief of Police or his designee.
- a- An accurate description of the item of property including any trademark, identification number, serial number, brand name, or other identifying mark on such item;
 - b- The date and time the item of property was received by the licensee;
 - c- The name, residence address, residence telephone number, and date of birth and a reasonably accurate physical description of the person from whom the item of property was received, including approximate height, weight, color of eyes, color of hair, sex, and race;
 - d- The identification number and state or agency of issue for one of the following forms of identification of the person from whom the item was received:
 - 1- A current, valid Maine photo driver's license;
 - 2- A current, valid Maine photo identification card;
 - 3- A current valid photo driver's license or identification card issued by another state or Canadian province, and one other form of identification;
 - 4- Valid passport;
 - 5- Current, valid military photo identification.
 - e- The amount of money loaned, advanced to the pledger or paid to the seller, or the nature of the transaction if not a loan or sale;
 - f- The maturity date of the pawn transaction and the amount due;
 - g- The monthly and annual interest rates, including pawn fees and charges;
 - h- The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date;
 - i- The signature or unique identifier of the licensee or employee that conducted the transaction; and
 - j- The description of the item or serial number for an item that is "traded-in" and the item received as a result of the exchange.

5- Inspection and Retention of Records. The licensee must make available the information required in subsection 4 above at all reasonable times for inspection by the police department. The information required in subsection 4 must be retained by the licensee for at least four years. Upon request of a certified police officer, the licensee must provide copies of all records required in subsection 4 above.

6- Receipts/ Pawn Tickets. The licensee must provide a receipt to the seller or pledger of an item of property received, which must be numbered to correspond to the entry in the licensee's records and must include the items listed below. The pledger or seller must sign the receipt/ pawn ticket and receive an exact copy of it:

- a. the name, address, and phone number of the licensee's business;
- b. the date and time on which the item was received by the licensee;
- c. a description of the item received and the amount paid to the pledger or seller in exchange for the item pawned or sold, and whether it was pawned or sold;
- d. the signature or unique identifier of the licensee or agent engaged in the transaction;
- e. the last regular business day by which the item must be redeemed by the pledger without risk that the item will be sold and the amount necessary to redeem the pawned item(s) on that date;
- f. the monthly and annual rate of interest charged on pawned items received and all fees and charges;
- g. the name and address of the seller or pledger;
- h. the statement that "Any personal property pledged to a pawnbroker within this state is subject to sale or disposal when there has been no payment made on the account for a period of not less than 60 days past the date of the pawn transaction, renewal, or extension; further notice is necessary. There is no obligation for the pledger to redeem pledged goods";
- i- the statement that "The pledger of this item attests that it is not stolen, it has no liens or encumbrances against it, and the pledger has the right to sell or pawn the item";
- j-the statement that "This item is redeemable only by the pledger to whom the receipt was issued, or any person identified in a written and notarized authorization to redeem the property identified in the receipt, or a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger. Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record"; and
- k- A blank signature line for the pledger's signature.

8- Monthly Reports to Police. At the end of each month, the licensee must submit the information for each reportable transaction that is required by section 4 above. The information must be in the form of a printed or written form acceptable to the Chief of Police.

9- Stolen or Lost Property. A licensee must report to the Oxford Police an item pledged or received, or sought to be pledged or received, if the licensee has reason to believe that the article was stolen or lost.

10-Police Order to Hold or Confiscate.

a. Investigative Hold. Whenever a law enforcement official from another agency notifies a licensee not to sell an item, the item must not be sold or removed from the premises. If the investigative hold is confirmed in writing by the originating agency within 72 hrs., it will remain in effect for 15 days from the date of initial notification, or until the investigative order is canceled, or until an order/ confiscate is issued by the Chief of Police or his designee.

b- Order to Hold. Whenever the chief of police or his designee notifies a licensee in writing or electronically not to sell an item, the item may not be sold or removed from the licensed premise until authorized by the chief of police or his designee. An order to hold will expire 90 days from the date it is issued, unless the chief of police or his designee determines the hold is still necessary and notifies the licensee in writing to continue the hold.

c- Order to Confiscate. If an item is identified as stolen or evidence in a criminal case, the chief of police or his designee may:

(1) physically confiscate and remove the item from the premises, pursuant to a written order from the chief of police or his designee, or

(2) place the item on hold indefinitely, in which case the item may not be sold, refurbished, or removed from the premises without the written order of the chief of police or his designee.

When an item is confiscated the person doing so must provide identification upon request of the licensee, and must provide the licensee the name and phone number of the confiscating agency and investigator, and the case number related to the confiscation.

d- Termination of Order. When an order to hold/ confiscate is no longer necessary, the chief of police or his designee must terminate the order and notify the licensee.

11- Redemption; Non-Redemption; Risk of Loss.

a- A person pledging, pawning, or depositing an item for security must have a minimum of 60 days from the date of that transaction to redeem the item before it may be forfeited, refurbished, and sold, or in the case of precious metal, melted down or dismantled. During the

60 day redemption period any extensions of the pawn transaction, items may not be removed from the premises or sold, except as provided in this section. A person may redeem a pawned item 72 hrs. after the item was received by the pawnbroker or precious metal dealer, excluding Sundays and legal holidays. Licensees must redeem an item only to the original pledger, to a person identified in a written and notarized authorization to redeem the property signed by the pledger, or to a person identified in writing by the pledger at the time of the initial transaction. Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record in accordance with this section. The deadline for redeeming an item must be a day on which the pawnbroker is open for regular business.

b- An item sold to a licensee may not be sold or otherwise removed from the premises for 30 days after the date of the sale, unless otherwise permitted by this section.

c- A pledger has no obligation to redeem pledged goods or make payment on a pawn transaction. Pledged goods not redeemed within 60 days of the date of the pawn transaction, renewal, or extension will automatically be forfeited to the pawnbroker, and qualified title to the goods will automatically vest in the pawnbroker.

d- While the pledged goods remain in possession of the pawnbroker and not sold to a third party, the pawnbroker's title to the pledged goods is qualified only by the pledger's right to redeem the goods by paying the loan plus fees and interest accrued to the date of redemption. If the goods are lost or damaged while in the possession of the pawnbroker, the pawnbroker must compensate the pledger, in cash or replacement goods acceptable to the pledger, for the fair market value of the lost or damaged goods. Proof of compensation is a defense to a prosecution or civil action.

12- Inspection of Items

a- Inspection by Town. The licensee must at all reasonable times during the term of the license, allow the police department to enter the business premises and other premises where items purchased or received as part of the business are stored. The purpose of the visit will be to inspect the premises and the merchandise to locate items suspected of being stolen or otherwise improperly disposed of, and to verify compliance with this section.

b- Inspection by Claimants. Additionally, the items coming into possession of the licensee must at all reasonable times be open to inspection of a person claiming to have been the owner of an item or to have an interest in it, if the person is accompanied by a police officer.

13- Label Required. Licensees must attach a label to every item at the time it is pawned, purchased, or received into inventory from a reportable transaction. Permanently recorded on the label must be the number or name that identifies the transaction in the licensee's records, the transaction date, the name of the item and the description or the model and serial number of

the item as reported to the police department, whichever is applicable, and the date the item can be sold, if applicable. Labels may not be reused.

- 14- Gambling. A licensee must not keep, operate, or permit the keeping or operation on the licensed premises of dice, slot machines, roulette wheel, punchboards, blackjack tables, or pinball machines that return coins or slugs, chips, or tokens of any kind, that are redeemable in merchandise or cash. A licensee must not keep or operate, and must not conduct raffles on the licensed premises and/or adjoining rooms. The purchase of lottery tickets may take place on the licensed premises as authorized by the director of the Maine Lottery Commission.
- 15- Storage Items. Items must be stored within the licensed premises building, except the town may permit the licensee to designate one locked and secured warehouse building within the town where the licensee may store items. No items may be stored in the designated warehouse building that is not reported under subsection 4 above. The licensee must permit immediate inspection of the warehouse at any time during business hours by the town and failure to do so is a violation of this ordinance. Items may not be stored in parking lots or other outside area. All provisions in this section regarding recordkeeping and reporting apply to items stored in the approved off-site facility.
- 16- Transfer Items. Items accepted by a licensee at a licensed location in the town must be for pledge or sale through a licensed location in town. No licensee under this section may sell an item that is transferred from a nonlicensed facility or a licensed facility outside the town.
- 17- Restriction on Weapons. A licensee may not receive as a pledge, or accept for consignment or sale, any firearm as defined in this code, unless the licensee maintains a federal firearms dealer's license.
- 18- Change In Required Information. Each licensee has the continuing duty to properly notify the Chief of Police or his designee of any change in the information or facts required to be furnished on the application for a license. This duty will continue throughout the period of the license.
- 19- Change In Managers. For each new manager or assistant manager employed after the license is issued, a licensee must make the offer of employment contingent upon the town's approval. Each licensee must notify the Chief of Police or his designee within 10 days after any new manager or assistant manager begins employment. This notification must include the information required in this ordinance. Failure to provide complete and timely information will subject the licensee to the penalties provided in this ordinance and to potential denial of a renewed license. The Chief of Police or his designee may cause an investigation on the new manager or assistant manager and may disapprove the employment of these personnel by notice to the licensee in writing. The licensee may appeal this decision to the select board placing a request in writing to the Town Clerk within ten days after the issuance of the notice. A failure to request an appeal waves the licensee's ability to contest the Chief of Police's decision. After the appeal period has expired without appeal, or the select board has upheld

the Chief of Police's decision upon appeal, no manager who has been disapproved may operate in that capacity upon the licensed premises.

20- Licensed Premises, Change of Ownership. Each license is issued only to the applicant and for the specific location on the premises that is described in the application and that is approved by the select board. No business may be conducted outside the licensed premises, except as otherwise provided in this ordinance. No license may be transferred to another person or place without application to the select board in the same manner as an application for a new license. Transfer of 25 percent or more of the stock of a corporation or a controlling interest thereof, whichever is less, is deemed a transfer of the license of a corporate licensee, except for a corporation whose stock is publicly traded on a stock exchange. A new license must be obtained before the transfer takes place. Each day a licensee operates after a transfer has taken place without complying with this ordinance is a separate violation subject to penalties.

21- Permitted Charges. A licensee may charge only interest rated and fees allowed by Maine Statute 30-A sec. 36933 and must post a schedule of charges on the licensed premises in a place clearly visible to the general public.

22- Pawning of Motor Vehicle Titles.

a- In addition to the other requirements of this section, a pawnbroker who holds a title to a motor vehicle as part of a pawn transaction must:

(1) - be licensed as a used motor vehicle dealer with the State and post such license on the pawnshop premises;

(2)- verify that there are no liens or encumbrances against the motor vehicle with the Maine Department of public safety; and

(3)- verify that the pledger has automobile insurance on the motor vehicle as required by law.

b- A pawnbroker may not sell a motor vehicle covered by a pawn transaction until 90 days after recovery of the motor vehicle.

Prohibitions

1. A licensee and a clerk, agent, or employee of a licensee must not:

a. makes a false entry in the records of transactions;

b. falsify, obliterate, destroy, or remove from the place of business the records, books, or accounts relating to the licensee's transactions;

c. refuse to allow the appropriate law enforcement agency, the attorney general, or other duly sworn state or federal law enforcement officer inspect the records or goods in the

person's possession during the ordinary hours of business or other times acceptable to both parties;

d. fail to maintain a record of each transaction for four years;

e. accept a pledge or purchase property from a person under the age of 18 years;

f. make an agreement requiring the personal liability of a pledger or seller, or waiving any provision of this section, providing for a maturity date less than one month after the date of the pawn transaction;

g. Fail to return pledged goods to a pledger or seller, or provide compensation as set forth in this ordinance, upon payment of the full amount due the pawnbroker unless the date of redemption is more than 60 days past the date of the pawn transaction, renewal, or extension and the pawnbroker has sold the pledged goods pursuant to this section, or the pledged goods have been taken into custody by a court or a law enforcement officer or agency;

h. sell or lease, or agree to sell or lease, pledged or purchased goods back to the pledger or seller if the same, or a related, transaction;

i. sell or otherwise charge for insurance in connection with a pawn transaction;

j. remove pledged goods from the licensed premises or other approved storage place at any time before unredeemed, pledged goods are sold pursuant to this ordinance;

k. receive any goods from a person of unsound mind or who is intoxicated;

l. violate for fail to comply with the provision in this section.

2- No person under the age of 18 years may pawn or sell or attempt to pawn or sell goods with any licensee under this section.

3- No person may pawn, pledge, sell, consign, leave, or deposit an article of property with the licensee under this section if the property is:

a. not their own, whether or not the person has permission from the purported owner; or

b. subject to a security interest.

4- No person seeking to pawn, pledge, sell, consign, leave, or deposit an article of property with a licensee under this section may give or present to the licensee a name date of birth, residence address, telephone number, proof of identification, or any other information required under this section that is false, fictitious, or not their own.

Denial, Suspension and Revocation of License

1. Grounds. A license under this ordinance may be denied, suspended, or revoked for one or more of the following reasons:

- a. violation of one or more provisions of this section.
- b. violation of or non-compliance with any health, building, building maintenance, or other provisions of the Town of Oxford ordinances or state law;
- c. non-compliance with the Town of Oxford zoning code;
- d. impracticality or impossibility of conducting a background or financial investigation due to the unavailability of information;
- e. fraud, misrepresentation, or bribery in securing or renewing a license;
- f. fraud, misrepresentation or false statements made in the application and investigation for a license, or in the course of a licensee's business;
- g. violation within the preceding five years of any law relating to theft, damage or trespass to property, sale of a controlled substance, or operation of a pawnbroker, precious metal dealer, or secondhand dealer business;
- h. non-payment of real estate taxes, assessment or other financial claims of the town or state for the business premises licensed or sought to be licensed under this ordinance. If an action has been commenced questioning the amount of validity of taxes, the select board may on application by the licensee waive strict compliance with this provision. No waiver may be granted for an amount of taxes that remain unpaid for more than one year after becoming due, unless the extended period is through no fault of the licensee.

2. Sanctions.

- a. The select board may either suspend for up to 60 days or revoke a license or impose a fine not to exceed \$2,000 for each violation upon a licensee or an agent or employee of the licensee failed to comply with an applicable statute, regulation or ordinance relating to the subject matter of this ordinance. No suspension or revocation will take effect until the licensee has been afforded an opportunity for a hearing.
- b. A licensee's conviction for theft, burglary, robbery, receiving stolen property or another crime involving stolen property will result in the immediate suspension of the license by operation of this ordinance, pending a hearing on revocation of the license.

Penalty

Except as otherwise provided by state law, a person violating a provision of this section is subject to the penalties established in this ordinance. A criminal sentence imposed will not affect the right of the Town to suspend or revoke a license as the select board deems appropriate.

TOWN OF OXFORD

Application for Pawn Broker, Precious metal Dealer, or Second hand Dealer license

Fees: Initial license - \$100 renewal - \$50

Applicant Name _____ Date of birth _____

Street residence address _____

Telephone number _____

Name of Business _____

Street address of business _____

Telephone number for business _____

Is the applicant the owner and operator or the business? Yes _____ No _____

If the applicant is not the owner or operator:

Name of owner/ operator _____

Street address of owner/ operator _____

Has the applicant ever used a different name? Yes _____ No _____

If yes, Name used _____

Dates used _____

Where used _____

Is the applicant married? Yes _____ No _____

If yes, name of spouse _____

Date of birth of spouse _____

Address of spouse _____

Street address for where Applicant and spouse have lived for past ten years.

Kind, name, and address of business or occupation applicant and spouse have engaged in for past ten years.

Name and address of Applicant's and spouse's employers and partners, if any, for past ten years.

Has the applicant or spouse been convicted of a violation of any State Law or local ordinance?

If yes, time, place, and offense _____

Has Applicant or spouse operated or been employed at a pawnshop, precious metal dealership, or secondhand dealership? Yes _____ No _____

If yes, Time, place, and length of time: _____

Has applicant ever been in the military? Yes _____ No _____

If yes, please provide copy of Form DD214 with application.

Is applicant part of a partnership? Yes _____ No _____

If yes, an application needs to be filled out by each partner.