



TOWN OF PLYMOUTH

POLICY: PAWNBROKERS POLICY

BOS/03/02/R00

Approved: July 22, 2003

Effective: September 18, 2003

1.0 PURPOSE

To create policies for the regulation of pawnbrokers in the Town of Plymouth.

2.0 POLICY GUIDELINES

- § 130-1. General.
- § 130-2. Rate of Interest.
- § 130-3. Inspections.
- § 130-4. Records.
- § 130-5. Pledger's Card.
- § 130-6. Pledger's Memorandum.
- § 130-7. Report to the Board of Selectmen.
- § 130-8. Posting of Pawnbroker Laws and Bylaw.
- § 130-9. Hours of Operation.
- § 130-10. Retention of Pawned Items.
- § 130-11. Prohibited Acts
- § 130-12. Complaints and Enforcement
- § 130-1. Noncriminal Disposition.

§130-1. General

The Board of Selectmen (for the purposes of this bylaw, references to the "Board of Selectmen" shall include the Board of Selectmen or its designee) may license suitable persons to be pawnbrokers. Such licenses shall be valid only in the building or place designated in the license, unless the Board of Selectmen consents otherwise. Applications for new licenses may be filed at any time with the Board of Selectmen. Such licenses may be issued in April, to take effect on

May 1, following. All licenses issued under this bylaw shall expire on May 1, unless sooner revoked.

Persons who engage in or carry on the business of lending money on mortgages, deposits or pledges of wearing apparel, jewelry, ornaments, household goods or other personal property purchasing such property on the condition of selling the same back again at a stipulated price, when the property so mortgaged, pledge or purchased is deposited with the lender, must be licensed as pawnbrokers.

Every person so licensed, shall, at the time of receiving the license, file with the Board of Selectmen a bond in the amount of \$300.00.

The fee for a pawnbroker license shall be \$100.00. This is set by the Board of Selectmen.

§130-2. Rate of Interest

The rate of interest licensed pawnbrokers may charge shall be fixed by the Board of Selectmen by regulation.

No licensed pawnbroker shall charge or receive any greater rate of interest than that fixed by the Board of Selectmen, and interest shall be determined on the precise sum advanced by the lender. Further, no licensed pawnbroker shall make or receive any extra charge or fee for storage, care or safekeeping of any goods, articles, or thing pawned.

The rate of interest currently is:

- A. For loans up to and including twenty-five dollars(\$25), five percent a month (and each fraction thereof at the same rate).
- B. For loans over twenty-five dollars (\$25) three percent a month (and each fraction thereof at the same rate).

§130-3. Inspections

The members of the Board of Selectmen or any officer authorized by the Board may, at any time, enter upon any premises used by a licensed pawnbroker for the purposes of the pawnbroker's business, ascertain how the pawnbroker conducts business and examine all articles taken in pawn or kept or stored upon said premises. All books and inventories shall be exhibited under such circumstances whenever a demand shall be made for such exhibition.

A licensed pawnbroker, clerk, agent or other person in charge of such premises who refuses to admit thereto an officer authorized to enter the same, or who fails to exhibit to him on demand all such articles, books and inventories, and any person who wilfully hinders, obstructs or prevents such officer from entering the

premises or from making the examination authorized in the preceding section, shall be punished, pursuant to G.L. c.140, §74, by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or both.

§130-4. Records

Every licensed pawnbroker shall, at the time of making any loan, attach a number of the article taken in pawn. Every licensed pawnbroker shall keep a record book of a style and size to be approved by the Chief of Police, in which shall be legibly written in ink in the English language, at the time of making each loan, an account and description, including distinguishing marks and numbers, of the goods, articles or things pledged or pawned, the amount of money loaned thereon, the day and hour when it was pawned, the rate of interest to be paid on such loan, the number of such article, and the name, age and residence of the person pawning the same.

Every licensed pawnbroker shall photograph any person pawning or pledging articles and keep such photographs with the record books as part of the pawnbroker's records.

For all loans, every licensed pawnbroker shall require positive identification and record the type of identification presented. The date of the birth of any person pawning or pledging any article shall be recorded. Positive identification shall mean any picture identification card issued by a governmental agency.

§130-5. Pledger's Card

Each pledger shall be required by the pawnbroker to sign his or her name, age and address on a card. In the event the pledger is unable to write, the pawnbroker shall fill in the name, age and address on such card, together with a notation stating that the pledger was unable to do so. Licensed pawnbrokers shall retain such cards for seven years in an alphabetical index file.

§130-6. Pledger's Memorandum

Every licensed pawnbroker shall, at the time of making a loan, deliver to the person who pawns or pledges any goods, article or thing, a memorandum signed by the pawnbroker, containing the same information of the entry required to be entered in the record book required by §130-4; no charge shall be made or required by the pawnbroker for any such memorandum.

§130-7. Report to the Board of Selectmen

Every licensed pawnbroker shall make a report to the Board of Selectmen every week, setting forth the information included in the record book required by §130-4, as follows: an account and description, including distinguishing marks and

numbers, of the goods, articles or things pledged or pawned, the amount of money loaned thereon, the day and hour when it was pawned, the rate of interest to be paid on such loan, the number of such article, and the name and residence of the person pawning the same. If during the preceding week no goods, articles, or other things have been taken in pawn by a licensed pawnbroker, the pawnbroker shall make a report of that fact to the Board of Selectmen or its designee.

If any goods, article or other thing pawned or pledged and in possession of a licensed pawnbroker are determined to be stolen property by a member of the Plymouth or State Police Department, or if the rightful owner of property identifies the same, and the property is confirmed by a member of the Plymouth or State Police Department to be stolen pawned goods, said property shall be returned to the rightful owner at no cost to such owner.

§130-8. Posting of Pawnbroker Laws and Bylaw

Every licensed pawnbroker shall post in a conspicuous place in his shop or office a copy of the statutes, bylaws and any regulations relating to pawnbrokers, to be furnished by the Board of Selectmen, and shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters.

§130-9. Hours of Operation

The hours of operation may be set by the Board of Selectmen by regulation.

§130-10. Retention of Pawned Items

Non-perishable articles deposited in pawn with a licensed pawnbroker shall, unless sooner redeemed, be retained by the pawnbroker on the premise for at least four months after the date of deposit; and, if perishable, for at least one month after said date. After the expiration of the applicable period, the pawnbroker may sell the article by public auction, apply the proceeds thereof in satisfaction of the debt or demand and the expense of the notice and sale, and pay any surplus to the person entitled thereto on demand. Not less than ten days prior to the sale, written notice of the same must be made by registered mail to the person entitled to the payment of any surplus at his residence as appearing in the records of the licensed pawnbroker. Proof of registered mail shall be retained on file for (1) year after the date of sale.

Articles of personal apparel shall not be considered of a perishable nature for the purpose of this bylaw.

§130-11. Prohibited Acts

No licensed pawnbroker shall make a loan directly or indirectly to a minor, knowing or having reason to believe the person to be a minor.

No licensed pawnbroker shall loan money secured by deposit or pledge of firearm, rifle, shotgun or machine gun.

No pawnbroker shall hold a license to sell, rent, or lease a firearm, rifles, shotguns or machine guns.

§130-12. Complaints and Enforcement

Complaints regarding licensed pawnbrokers shall be made to and may be investigated by the Board of Selectmen and/or the Chief of Police or the Chief's designee. In the event that the Board of Selectmen and/or the Chief of Police or the Chief's designee determines after investigation that this bylaw or regulations of the Board of Selectmen regarding pawnbrokers have been violated, the Board of Selectmen shall cause to be served upon the licensed pawnbroker by certified mail or in hand notice as to the time, date and place of hearing of the charge with a statement of the reasons for its belief that the bylaw has been violated, and of its intended action (i.e., revocation or suspension) with regard thereto. The Board of Selectmen may also initiate the complaint process.

The Board may, however, suspend or revoke a pawnbroker's license without hearing if the public health and safety so require. In such circumstances, the Board must forthwith give notice of the suspension or revocation and serve the pawnbroker by certified mail or in hand with notice of the opportunity for a hearing.

Offenses which may result in the suspension or revocation of a pawnbroker's license include, but are not limited to, the following:

- (a) Violation of any provision of this bylaw;
- (b) Violation of any provision of the statutes regulating pawnbrokers;
- (c) Violation of any provision of any other statute or bylaw.

§130-13. Noncriminal Disposition

The provisions of this chapter, and any regulation of the Board of Selectmen adopted thereunder, may be enforced by the Board of Selectmen, any Police Officer of the Town of Plymouth, by any available means in law or equity, including but not limited to enforcement by noncriminal disposition pursuant to G.L. c. 40, §21D and Chapter 1, §1-3 of this Code. Each day a violation exists shall constitute separate violation.

When enforced through noncriminal disposition, the penalties shall be as follows:

First violation:	\$100.00
Second violation:	\$200.00
Third and subsequent violations:	\$300.00

3.0 APPLICABILITY

All pawnbrokers will be subject to this policy.

4.0 QUESTIONS

Please contact Lisa Johnson at x100 if you have any questions.