

CITY OF SOMERVILLE
ORDINANCE NO. 2025-
IN CITY COUNCIL: _____, 2025

Be it ordained by the City Council, in session assembled, that Chapter 8, Article III of the Code of Ordinances of the City of Somerville is amended as follows by deleting the ~~struckthrough~~ text and adding the underlined text.

Sec. 8-60. – Pawnbroking prohibited.

~~A No person may not shall operate a pawnbroking business at any time as a pawnbroker. A pawnbroking business is one that A pawnbroker shall be defined as one who~~ takes temporary possession of personal property ~~and~~ in exchange ~~for a loan~~ ~~lends money~~ to the property owner, ~~with~~ under an agreement that the personal property may be sold if the loan is not repaid in a certain amount of time.

Sec. 8-61. Definitions.

~~Second hand dealer~~ is a person who purchases used or second hand personal property for the purpose of resale; provided that a person who purchases only automobiles, books, prints, coins or postage stamps shall not be considered a second hand dealer for purposes of this article.

~~Consignment dealer~~ is a person who, without taking ownership of used or second hand personal property, displays said personal property for sale and, only upon sale of the item, delivers any payment, as agreed, to the owner.

~~Precious item~~ is any item made of or containing any gold, silver, platinum or other precious metal, or any item identified with a serial number or engraving, including but not limited to electronic items, retail or internet gift cards, and communications devices, or any item that is marked with a unique identifier by its creator, manufacturer, or owner. No automobile, stock, bond, note or other written evidence of ownership shall be considered a precious item for purposes of this article.

Sec. 8-621. – License required Secondhand dealer.

- (a) ~~A person may not operate a secondhand dealer business —one that takes possession of used or secondhand personal property, whether by purchase, donation, or on consignment, for the purpose of resale— unless they have obtained a secondhand dealer license from the City Council.~~
 - (1) ~~A charity or nonprofit, or a business that deals exclusively in the purchase and sale of used automobiles, books, prints, coins, or postage stamps, is not a secondhand dealer business for the purposes of this section~~

~~It shall be unlawful for any person operating as a second hand dealer to purchase any item without first obtaining a second hand dealer's license from the city council.~~

- (b) ~~An applicant application for a second hand secondhand dealer license shall be filed file an application on a form prescribed by the city clerk. The application form and shall, at minimum, require the applicant to provide information regarding the existence of consumer complaints against the applicant and authorization to submit to a CORI check. The fees for a secondhand dealer such license shall be set by the city council. Each A second hand secondhand dealer license shall continue in force until the following expire on April 30 annually, subject to renewal, unless sooner revoked. A secondhand dealer license may not be transferred.~~
- (c) ~~Before purchasing merchandise or accepting it for consignment, a secondhand dealer shall require that a seller provide a valid, government issued, photo ID and shall verify that the identification matches the~~

seller. A secondhand dealer may not purchase merchandise or accept it for consignment from a person under the age of eighteen. A secondhand dealer shall provide a seller with an itemized receipt for all merchandise purchased by them.

(d) When a secondhand dealer takes possession, by purchase, donation, or on consignment, of an item made of or containing gold, silver, platinum, or other precious metal, or an item identified with a serial number or engraving, including electronic items or communications devices, or marked with a unique identifier by its creator, manufacturer, or owner, not including a stock, bond, note, or other written evidence of ownership, the secondhand dealer shall create a record of the transaction. The record shall include, at minimum, the name, age, date of birth, and current residence of the seller, a copy of the seller's photo ID, a description of the item, a serial number, engraving, or other unique identifier if any, and the date and time of the transaction.

(1) The secondhand dealer shall provide a copy of the transaction record to the seller and shall electronically transmit to the Somerville Police Department a copy of the record of the transaction no more than twenty-four hours after the transaction is conducted. The secondhand dealer shall retain the record for at least three years from the date of the transaction. The secondhand dealer shall retain the item for at least thirty days before disposing of it in any way.

No license issued under this article shall be transferable.

(e) A person who violates the provisions of this section shall be subject to a fine in accordance with § 1-11 or applicable state law.

(f) The city council-City Council may modify, suspend, or revoke a second hand-secondhand dealer license for cause, after reasonable notice to the licensee of the grounds for, and the time and place of a public hearing regarding, the proposed action-modification, suspension, or revocation of the license and the time and place of the hearing regarding such proposed action.

Sec. 8-63. — Restriction on the purchase and sale of merchandise.

No second hand dealer or consignment dealer shall purchase or accept for consignment any merchandise from anyone under the age of 18.

Every second hand dealer shall retain every precious item purchased for a minimum of 30 days before melting, changing the form of, selling, bartering, trading, displaying or otherwise disposing of it.

Sec. 8-65. Required recordkeeping.

Every second hand dealer shall obtain from every customer selling an item a valid photo identification issued by a governmental agency, including but not limited to a driver's license or passport, and shall verify that such identification matches said customer.

Every second hand dealer may be required by the police chief to keep a record of all purchases. The police chief shall annually transmit to the city council a list of second hand dealers required to keep such reports. Said record shall be in a form approved by the police chief and shall include, at a minimum, a description, any serial number, engraving or other unique identifier, the customer's valid photo identification, the name, age, date of birth and current residence of the customer, the date and time of the transaction, and the amount paid or agreed upon for each item.

Every second hand dealer shall electronically transmit to the police chief a copy of the record required by this section for the purchase of any precious item within 24 hours of the day the transaction is conducted.

Every second hand dealer shall retain this record, and all records of the purchase of all merchandise for a minimum of three years from the date of transaction.

Sec. 8-66. Penalties for violations.

~~Every person subject to this article who fails to comply with the provisions hereof shall be subject to a penalty in accordance with section 1-11 for each day of noncompliance, or in accordance with applicable state law.~~

Approved:

President

Approved:

Mayor