

CITY OF SOMERVILLE
ORDINANCE NO. 2021-_____
In City Council _____

Be it ordained by the Somerville City Council, in session assembled, that Sections 8-60- 8-72 of Chapter 8 of the Code of Ordinances of the City of Somerville, are hereby stricken in their entirety and replaced with the following:

Article III. – Pawnbroking Prohibited; Second Hand Dealing Licensed

Sec. 8-60. Pawnbroking Prohibited

No person shall operate at any time as a pawnbroker. A pawnbroker shall be defined as one who takes temporary possession of personal property and in exchange lends money to the property owner, 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. 8-62. License required.

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.

An applicant for a junk dealer license shall file an application on a form prescribed by the city clerk. The application form shall 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 such license shall be set by the city council. Each junk dealer license shall continue in force until the following April 30, unless sooner revoked.

No license issued under this article shall be transferable.

The city council may modify, suspend, or revoke a junk dealer license for cause, after reasonable notice to the licensee of the grounds for the proposed action 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. 8-64. Police inspection permitted.

Every second hand dealer or consignment dealer shall, upon request, permit any Somerville police officer or any state trooper or any other municipal police officer or law enforcement official to examine all merchandise and all records related to any purchase, display, sale, or disposal of any merchandise in the last three years.

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, City Council

Approved:

Mayor