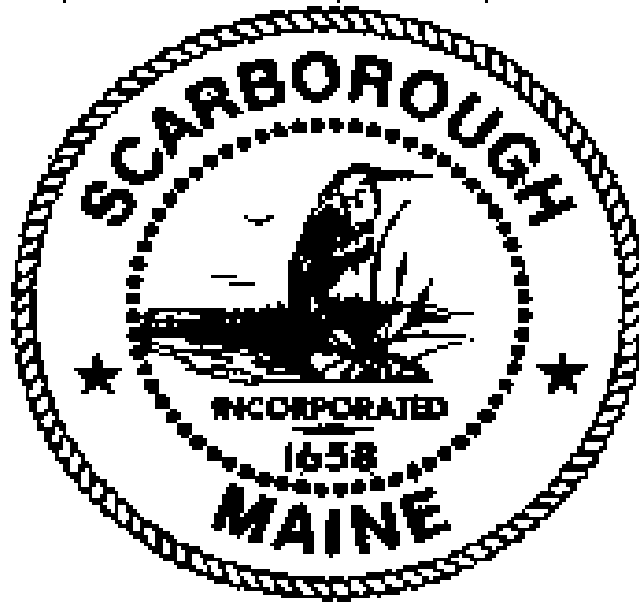


Chapter 1017

TOWN OF SCARBOROUGH PAWNBROKER ORDINANCE



Adopted on February 17, 2010
Amended on December 1, 2010

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**CHAPTER 1017
TOWN OF SCARBOROUGH
PAWNBROKER ORDINANCE**

ARTICLE I - TITLE, PURPOSE & DEFINITIONS

Section 101. Title.

This Ordinance shall be known and may be cited as the Pawnbroker Ordinance of the Town of Scarborough, Maine.

Section 102. Purpose.

The purpose of this Ordinance is to ensure that any person who is issued a Pawnbroker License by the town follows all local and State requirements.

Section 103. Definitions.

The following terms have the following meanings:

103.1 Pawn Transaction.

Means the lending of money on the security of pledged tangible personal property that is delivered to a pawnbroker and held by the pawnbroker. The term also includes the purchase of tangible personal property on the condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

103.2 Pawnbroker.

Means a person who engages in pawn transactions.

103.3. Tangible Personal Property.

Includes motor vehicles, but does not include documents evidencing title to motor vehicles. The term also does not include checks, drafts or similar instruments or real estate.

ARTICLE II - General

Section 201. License Required.

No person shall conduct business as a pawnbroker without first obtaining a license pursuant to the following provisions:

New Licenses

1. The Town Council may grant licenses to persons of good moral character to be pawnbrokers in the Town if such person demonstrates the following:
 - a. The person is 21 years of age or older
 - b. The person has no record of criminal convictions for crimes of moral turpitude
 - c. The person is not a convicted felon

2. A license shall be obtained by the owner or duly authorized agent of the owner of the business where the pawn transactions will occur by submitting a completed application to the Town Clerk's office upon forms provided for such purposes.
3. The fee for such license shall be as set forth in the Town of Scarborough Schedule of License, Permit and Application Fees.
4. A pawnbroker license issued under this Ordinance shall be valid for no more than one calendar year [January through December].

Applications for all pawnbroker licenses shall state the name of the applicant; residence address; name of the business to be conducted; business address; the nature of the business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony.

No pawnbroker license shall be issued unless the premises to be used for the pawnbroker business comply fully with all applicable ordinances and regulations of the Town of Scarborough.

A pawnbroker license may be issued by the Town Council only after conducting a public hearing. Notice of the hearing shall be advertised in a local daily newspaper, at least seven (7) days prior to the meeting at the expense of the applicant.

The Town Council shall not take final action on an application for a pawnbroker license until the Town Clerk has received and reviewed a criminal background check from the State Bureau of Investigation on the applicant and any persons working in the place of business and reported the results of that background check to the Town Council.

Renewals

An existing license may be renewed by the Town Clerk, provided that the holder of the existing license makes application for renewal on or before December 31st. If the holder applies for renewal on or before December 31st, the existing license shall remain in effect until final action on the renewal application. Otherwise, the existing license shall expire on December 31st and an application for a new license must be filed. For renewal applications filed on or before December 31st, the Clerk shall process and issue renewal licenses in the same manner as the Town Council processes and issues new licenses, except that no public hearing is required for a renewal. The Clerk may renew a license only if the Clerk is satisfied that the application meets all the requirements of this ordinance. If the Clerk is not satisfied that the application meets all the requirements of this ordinance, the Clerk shall refer the application to the Town Council, which shall process the application in the same manner as an application for a new license.

Section 202. Display of License, Laws by Pawnbroker; Occupation Sign.

Every Pawnbroker shall post in a conspicuous location in his or her place of business a copy of the License, this Ordinance and the Statutes of the State of Maine governing pawnbrokers, as well as a business sign in the English language with his or her name and occupation legibly inscribed thereon in large letters.

Section 203. Account of Business Done and Disclosure to Consumer.

Account Kept. Every pawnbroker shall maintain records in which the pawnbroker shall enter:

1. The date, duration, amount, periodic rate of interest and annual percentage rate of every loan that is made;
2. The finance charge, due dates for payment and the total payment needed to redeem or repurchase the pawned property;
3. An accurate account and description of the property pawned;
4. The terms of redemption or repurchase, including any reduction in the finance charge for early redemption or repurchase and the right of the consumer to at least one extension of 31 days at the same rate of interest upon request in writing or in person; and,
5. The name and address of the consumer.

Inspection. The pawnbroker shall allow any police officer to inspect these records at any and all times.

Delivery to Consumer. At the time of the pawn transaction, the pawnbroker shall deliver to the consumer a signed, written disclosure complying with the truth-in-lending provisions of the Maine Consumer Credit Code, 9-A M.R.S.A. §8-101 et seq. containing the items required by subsection 1 above and the name and address of the pawnbroker.

Section 204. List of Transactions; Seller to furnish Proof of Identification.

Every person licensed as a pawnbroker shall make out, and have a available for periodic collection, a legible and correct list, upon blanks furnished by the police chief, containing an accurate description of all articles taken in pawn, purchased or sold, the name, residence and date of birth of the buyer or seller other than the licensee, together with the correct and exact time when such articles were pawned, purchased or sold, and the amount the item was sold for. Before recording the information required by this section, a pawnbroker shall require reasonable written proof of the seller's identification in the form of a motor vehicle operator's license, military identification card, State identification card or similar item which confirms the person's identification by date of birth and by physical description. The routine reporting shall be submitted to the Chief of Police or his designee within 48 hours of the transaction.

Section 205. Receiving Articles from Minors, Thieves.

No one licensed pursuant to this article shall purchase or receive any article from any person under the age of 18 years without the written consent of such person's parent or guardian, or from a person known or suspected to be a thief or a receiver of stolen property.

Section 206. State Law to Apply.

All provisions of the laws of the State of Maine governing pawnbrokers, including, without limitation, 30-A M.R.S.A. §§3960 – 3964-A, as such may be amended from time to time, shall apply in addition to the provisions of this ordinance.

Section 207. Suspension or Revocation of License.

The Town Council may, after a public hearing, preceded by notice to interested parties, suspend, or revoke any pawnbroker license on the grounds that the business is considered a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, by-laws, or rules and regulations.

**Section 208. Additional Requirements on Purchase and Sale of Used Personal Property.
[Adopted 12-01-2010]**

Any person licensed as a pawnbroker under this Ordinance (“licensee”) who also engages in the purchase and resale of used personal property in transactions which are not pawn transactions must also comply with the following requirements:

1. Before completing the purchase of any used personal property, the licensee must record the following information:
 - a. The date of purchase;
 - b. The seller’s name, address and date of birth; and
 - c. A brief description of the property, including any identification numbers.

Before recording the information required by this subsection, the licensee shall require reasonable written proof of the seller’s identification in the form of a motor vehicle operator’s license, military identification card, adult liquor identification card or similar item.

2. The records required under subsection 1 must be kept for the purpose of complying with this Ordinance, maintained in order by date of purchase and contained in a bound volume or ledger, a binder in which pages can be affixed, or electronic records that can be viewed and printed.

Upon request from any law enforcement officer or prosecuting attorney, the licensee shall promptly make available for inspection at the licensee’s principal place of business the records required under subsection 1.

ARTICLE III - PENALTY AND SEPARABILITY.

Section 301. Penalty.

Any person who engages in pawn transactions in the Town of Scarborough without the license required by this Ordinance commits a civil violation punishable by a civil penalty of not more than \$100. Any licensee who violates any provision of this Ordinance commits a civil violation punishable by a penalty of not more than \$500. All civil penalties under this Ordinance are recoverable on complaint, to the use of the Town of Scarborough.

Section 302. Separability.

The invalidity of any provision of this Ordinance shall not invalidate any other part.