

**Chapter 23 SECONDHAND GOODS**

**Art. I. In General, §§ 23-1--23-15**

**Art. II. Pawnbrokers, Junk Dealers, Secondhand Dealers, and Flea Markets, §§ 23-16--23-30**

Div. 1. Generally, §§ 23-16--23-25

Div. 2. License, §§ 23-26--23-30

**ARTICLE I. IN GENERAL**

- Sec. 23-1. Reserved.
- Sec. 23-2. Reserved.
- Sec. 23-3. Reserved.
- Sec. 23-4. Reserved.
- Sec. 23-5. Reserved.
- Sec. 23-6. Reserved.
- Sec. 23-7. Reserved.
- Sec. 23-8. Reserved.
- Sec. 23-9. Reserved.
- Sec. 23-10. Reserved.
- Sec. 23-11. Reserved.
- Sec. 23-12. Reserved.
- Sec. 23-13. Reserved.
- Sec. 23-14. Reserved.
- Sec. 23-15. Reserved.

**ARTICLE II. PAWNBROKERS, JUNK DEALERS, SECONDHAND DEALERS, AND FLEA MARKETS\***

-----  
\*State law reference(s)--Automobile junkyards, 30 M.R.S.A. § 2451 et seq.;  
pawnbrokers, 30 M.R.S.A. § 3151 et seq.  
-----

**DIVISION 1. GENERALLY**

**Sec. 23-16. Definitions.**

The following words and phrases, when used in this article,

shall have the meanings respectively ascribed to them:

*Flea market* shall mean and include any group of five (5) or more unrelated persons selling tangible used or secondhand personal property or collectors' items to the public.

*Flea market dealer* shall mean and include any person who sells goods at a flea market.

*Junk collector* shall mean and include any person having a trucking license, or traveling from place to place within the city for the purpose or purchasing junk, or making a business of purchasing junk from persons who desire to sell it; and who carries it away after purchasing it.

*Junk dealer* shall mean and include any person engaged in the purchase, sale or barter of old iron, steel, chain, aluminum, brass, copper, tin, lead, or other base metals, belting, waste paper, old rope, old bags, bagging, barrels, piping, rubber, glass, empty bottles, and jugs of all kinds and quantities of less than one (1) gross, and all other articles discarded or no longer used as manufactured articles composed of any one (1) or more of the materials hereinbefore mentioned.

*Pawnbroker* shall mean and include any person whose business or occupation is to take or receive, by way of pledges, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money loaned thereon at a stipulated rate of interest or at a stipulated amount of repayment; or who purchases any such property on condition of selling the same back again to the seller thereof or his assignee at a stipulated price; provided, however, that this definition shall not apply to banking institutions, brokerage houses, members of the stock exchanges, or persons who make loans exclusively upon stocks, bonds, bills of lading, warehouse receipts, mortgages, contracts, commercial paper, or other written or printed evidence of ownership of property or of indebtedness to the holder or owner of any such security.

*Secondhand dealer* shall mean and include any person engaged in the business of selling, exchanging, dealing in, or dealing with secondhand articles, including, but not limited to, firearms, opera glasses, telescopes, watches, clocks, diamonds or other precious stones, gold, silver, platinum or other precious metals, jewelry, furs, fur coats or other kinds of wearing apparel, antique furniture, furnishings, glass and dishes, musical instruments,

radios, used cars, tires, automobile accessories, office and store fixtures and equipment, electrical, gas and water meters, and all classes of fixtures and their connections.

(Code 1968, § 903.2; Ord. No. 231-80, 12-22-80; Ord. No. 576-81, § 2, 3-16-81; Ord. No. 251-82, 11-15-82; Ord. No. 431-85, § 1, 2-20-85)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

#### **Sec. 23-17. Purchases from minors.**

No pawnbroker, junk dealer, junk collector or secondhand dealer shall directly or indirectly either purchase or receive by way of barter or exchange any goods or articles from a minor, knowing or having reason to believe him or her to be such.

(Code 1968, § 903.6; Ord. No. 231-80, 12-22-80)

#### **Sec. 23-18. Record keeping.**

(a) *Pawnbrokers.* Every pawnbroker, at the time of receiving any article pawned, pledged or received in exchange, or any other article or consideration, shall give the pawnor a statement that the pawnbroker will return the article at a stipulated price which shall be computed in accordance with the requirements of 30 M.R.S.A., Chapter 215, Subchapter VII, and shall complete a sworn statement, blanks for which shall be furnished by the chief of police, stating the full name, age, sex and address of the person with whom the transaction is being made, the day and hour when the transaction took place, and a full, accurate and detailed description including all distinguishing marks and numbers of each article so pawned, pledged or exchanged as will make its identification certain and plain; and the fair market value thereof and the price paid by the licensee; the source from which and the time when the pawnor, pledgor or vendor procured the same, and cause such statement to be signed and sworn to by the person with whom such transaction has been made, and within forty-eight (48) hours after the transaction shall electronically report the relevant information contained in the sworn statement to the chief of police or his or her designee. He or she shall retain the statement in his or her possession, which, together with any article therein listed, may be inspected by any officer of the law at any and all times. Articles purchased outright by pawnbrokers shall be retained on the premises not less than ten (10) days, unless sooner released by the chief of police, and no article pawned, traded or sold shall be altered or changed until opportunity shall have been given for examination of such articles by the chief of police.

(b) *Junk dealers and junk collectors.* Every junk dealer or junk collector, upon the acquisition of any article described hereinbefore, shall keep a permanent record of such transaction which shall include a full, accurate and detailed description of the item with the full name and address of the seller together with the registration number of any vehicle used by the seller and delivery of such items and the month, day and year of the transaction. The relevant information in the record shall be electronically reported to the chief of police or his or her designee within forty-eight hours thereafter, unless earlier electronically reported to any police officer of the city upon request. Such dealer shall retain the record which may be inspected at any and all reasonable times by any police officer. The article therein listed may also be inspected at any and all times by a police officer, so long as it remains in the possession of the dealer.

(c) *Secondhand dealers.* Every secondhand dealer, upon acquisition of any article either by purchase or exchange, shall complete transaction records, blanks of which shall be furnished by the chief of police, stating the full name, address, month, date and year on which the transaction took place, and a full and detailed description of each article so purchased or exchanged, with the price paid therefor, and cause such record to be signed by the seller in person. The relevant information in the record shall be electronically reported to the chief of police or his or her designee within forty-eight (48) hours thereafter, unless earlier electronically reported to a duly authorized police officer of the city upon request. The secondhand dealer shall retain the record in his or her possession for a period of not less than two (2) years, during which time the record may be inspected at any and all reasonable times by any city police officer. No article so purchased shall be sold or otherwise disposed of, or changed or altered in its appearance or otherwise, within ten (10) days after purchase thereof, except with the written consent of the chief of police or his designated representative. The chief of police may impose reasonable conditions for the grant of such consent.

(Code 1968, § 903.7; Ord. No. 231-80, 12-22-80; Ord. No. 555-81, 3-2-81; Ord. No. 428-84, 2-6-84; Ord. No. 27-08/09, 8-4-08)

**Sec. 23-19. Display of license, laws by pawnbroker; occupation sign.**

In addition to the display of licenses required by chapter 15 of all licensees, every pawnbroker shall post in a conspicuous

location in his or her place of business a copy of the statutes of the state, and of this article, and shall also display in his or her place of business a sign in the English language with his or her name and occupation legibly inscribed thereon in large letters. (Code 1968, § 903.3; Ord. No. 231-80, 12-22-80)

**Sec. 23-20. State law to apply.**

Except to the extent that this article contains a contrary provision, all provisions of Title 30 M.R.S.A. §§ 3101--3155 shall be additional to the provisions of this article. (Code 1968, § 903.10; Ord. No. 231-80, 12-22-80)

- Sec. 23-21. Reserved.**
- Sec. 23-22. Reserved.**
- Sec. 23-23. Reserved.**
- Sec. 23-24. Reserved.**
- Sec. 23-25. Reserved.**

DIVISION 2. LICENSE\*

-----  
\*Cross reference(s)--Licenses and permits generally, Ch. 15.  
-----

**Sec. 23-26. Required.**

No person shall engage in the business of pawnbroker, junk dealer, junk collector or secondhand dealer or conduct any flea market without having a license issued by the city for such activity. (Code 1968, § 903.1; Ord. No. 231-80, 12-22-80; Ord. No. 576-81, § 2, 3-16-81)

**Sec. 23-27. Application.**

Application for a license for pawnbroker, junk dealer, junk collector or secondhand dealer shall be made to the city clerk, with payment of the fees and in accordance with the procedures set forth in chapter 15. (Code 1968, § 903.4; Ord. No. 231-80, 12-22-80)

**Sec. 23-28. Disqualifications.**

No person who has a disqualifying criminal conviction shall receive a pawnbroker, junk dealer, junk collector or secondhand

dealer license.

(Code 1968, § 903.5; Ord. No. 231-80, 12-22-80)

**Sec. 23-29. Flea markets.**

Any person who provides tables, space, or otherwise operates a flea market shall obtain a license from the city clerk for such flea market, and shall report the names and addresses of all flea market dealers in such flea market and the number of times the dealer has participated in the flea market since the previous March first to the clerk within three (3) days after such flea market. In addition, the operator of a flea market shall cause each flea market dealer to register on a form prescribed by the clerk and shall give the clerk a copy of such registration.

There shall be no purchasing of goods by a flea market dealer from any person, except another flea market dealer at the flea market prior to the opening of the flea market to the general public. No food shall be sold at a flea market unless appropriate licenses have been obtained.

Any individual selling or working at a table or tables at more than six (6) flea markets between March first and the last day of February of each year shall obtain a flea market dealer's license. Related individuals working at the same table or tables need only obtain one (1) flea market dealer's license which lists all the individuals involved in selling. As used in this paragraph, "related individuals" shall mean and include persons who are related by either affinity or consanguinity and reside at the same address. Persons who sell only craft items made by the flea market dealer shall not be required to obtain a flea market dealer's license.

The flea market operator shall exclude from participation in any flea market any person the operator knows is required to obtain a flea market dealer's license who does not present proof of such licensing or whom the operator knows has been barred from selling under this section.

No person under the age of eighteen (18) shall be permitted to sell goods or work as a flea market dealer unless his parents or guardian have given permission.

Persons who are licensed as secondhand dealers must also obtain a flea market dealer's license if they wish to participate in the flea market more than six (6) times. Such licensed

secondhand dealers shall at all times comply with the requirements of their secondhand dealer's license and the provisions of this section.

A person who is determined by the clerk to have violated any provision of this section may be barred from selling at a flea market for a period not to exceed one (1) year. Any person so charged shall be afforded notice and an opportunity to be heard prior to being barred.

(Code 1968, § 903.9; Ord. No. 231-80, 12-22-80; Ord. No. 553-81, § 1, 3-2-81; Ord. No. 431-85, § 2, 2-20-85)

**Sec. 23-30. General provisions to apply.**

Except to the extent that this division contains a contrary provision, all provisions of chapter 15 shall be additional to the provisions of this division.

(Code 1968, § 903.10; Ord. No. 231-80, 12-22-80)