



Name of Applicant:

Date of Submission:

TOWN OF UXBRIDGE BOARD OF SELECTMEN

21 South Main Street

Uxbridge, MA 01569

508-278-8600

PRECIOUS METALS DEALER LICENSE CHECKLIST

- ☐ **Complete Precious Metals Dealer License Application and Emergency Contact Form** (*attached*).
- ☐ **ARTICLES OF ORGANIZATION** (if a corporation) as filed with the Massachusetts Secretary of State (must contain the Seal of the Secretary of State).
- ☐ **BUSINESS CERTIFICATE:** per M.G.L. Ch. 110, §5 & 6 – Visit the Town Clerk to determine if one is required. If applicable, include a copy with your application. *Exempt: any incorporated businesses; for exemption: both the business name and dba would need to be incorporated.*
- ☐ **CERTIFICATION OF COMPLIANCE WITH STATE LAWS FORM:** Per MGL Chapter 62C, §49A.
- ☐ **WORKERS' COMPENSATION CERTIFICATE OF INSURANCE:** Per M.G.L C 152, §25A. If applicable, you must provide proof of Worker's Compensation Insurance with Town of Uxbridge listed as "Certificate Holder".
- ☐ **STATE WORKERS' COMPENSATION INSURANCE AFFIDAVIT:** Even if your establishment does not require Workers' Compensation, this form must be filled out and **SIGNED.** (*attached*)
- ☐ **CORI FORM:** A Completed CORI Form (*attached*) along with a driver's license or passport. Applicants must appear in person with a government issued ID.
- ☐ **PLAN** (blueprints or hand drawn floor plan) – Showing the site, parking, and general building layout. *If the building is leased, provide a copy of the lease agreement.*
- ☐ **CHECK:** Payable to The Town of Uxbridge for \$20.00.
- ☐ **Return checklist and all paperwork to the Selectmen's Office for placement on a Board of Selectmen Meeting Agenda. Please Note:** Application review may take up to 4 weeks as all applications must be reviewed by other Town Departments.



TOWN OF UXBRIDGE BOARD OF SELECTMEN
21 South Main Street
Uxbridge, MA 01569
508-278-8600

APPLICATION FOR PRECIOUS METALS DEALER LICENSE

Please complete the information in its entirety.

Application Fee \$20.00

[General Bylaws Chapter 236]

Name of business: _____

Address of business: _____

Full name of applicant: _____ Date of birth: _____

Current address: _____

Business Number _____ Cell Number _____

Email Address: _____

Form of business (check one):

_____ Individual _____ Partnership _____ Association or corporation

If partnership, association or corporation:

List name and current address of all Officers, Directors of the corporation and all persons owning 10% or more of the stock in the corporation or interest in the partnership or association.

Names	Addresses
_____	_____
_____	_____
_____	_____
_____	_____

List all other names and addresses used now or in the past five years by the partnership, association or corporation:

Names	Addresses
_____	_____
_____	_____
_____	_____
_____	_____

List names of all current employees engaged in the practice of buying and selling merchandise:

Names	Addresses
_____	_____
_____	_____
_____	_____
_____	_____

The undersigned hereby applies for a license in accordance with the provisions of the statutes relating thereto.

Pursuant to MGL Chapter 62C, s. 49A, I certify under the penalties of perjury that I have, to the best of my knowledge and belief, complied with the law of the Commonwealth relating to taxes, reporting of employees and contractors.

Pursuant to MGL Chapter 152, s. 25A, I certify under the penalties of perjury that I have, to the best of my knowledge and belief, complied with the law of the Commonwealth relating to Worker's Compensation Insurance.

Signature of applicant: _____ **Date:** _____

cc: Board of Selectmen
Police Dept.
Zoning Enforcement Officer

Attachments: CORI Form

TOWN OF UXBRIDGE
BUSINESS EMERGENCY CONTACT FORM

NAME OF BUSINESS: _____

ADDRESS: _____

MAILING ADDRESS: _____

PHONE: _____

MANAGER/OWNER: _____

(PLEASE NOTE: THIS SHOULD BE A 24-HR CONTACT PERSON IN CASE OF EMERGENCIES.)

HOME ADDRESS: _____

CELL #: _____

EMAIL: _____

HOURS OF OPERATION: *Please submit your hours of operation in the box below and whether the premises has an alarm or sprinkler system. Class I-III Auto Sales Licensing will use ZBA Decision for hours.*

<div style="display: flex; justify-content: space-between;"><div>The premises is _____ ALARMED _____ NOT ALARMED</div><div>The premises has _____ SPRINKLER SYSTEM _____ DOES NOT HAVE SPRINKLER SYSTEM</div></div>			
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THIS FORM MUST BE COMPLETED BEFORE A LICENSE IS ISSUED



CERTIFICATE OF COMPLIANCE WITH STATE LAWS

Pursuant to M.G.L Chapter 62C, Sec 49A, and M.G.L. Ch. 151A, Section 19A, the undersigned acting on behalf on the License Holder, certifies under the penalty of perjury that, to the best of the undersign's knowledge and belief, the License Holder is in compliance with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support*.

** Signature of Individual or Corporate License Holder (Mandatory)

*** License Holder's Social Security Number/or Federal Identification Number

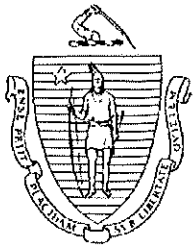
By: _____
Corporate Officer
(Mandatory, if applicable)

Date: _____

*The provision in the Attestation of relating to child support applies only when the License Holder is an individual.

**Approval of or a renewal of a license will not be granted unless this certification clause is signed by the applicant. For all corporations, a certified copy of the vote of the Board of Directors must be provided.

*** Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a license or other agreement issued, renewed or extended. This request is made under the authority of Massachusetts General Laws, Chapter 62C, section 49A.



The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
Lafayette City Center
2 Avenue de Lafayette, Boston, MA 02111-1750
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: _____

Address: _____

City/State/Zip: _____ Phone #: _____

Are you an employer? Check the appropriate box:

1. ☐ I am a employer with _____ employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____ Expiration Date: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under § 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: _____ Date: _____

Phone #: _____

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (check one):

1. ☐ Board of Health 2. ☐ Building Department 3. ☐ City/Town Clerk 4. ☐ Licensing Board
5. ☐ Selectmen's Office 6. ☐ Other _____

Contact Person: _____ Phone #: _____

Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an **employee** is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An **employer** is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that **"every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required."** Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
Lafayette City Center
2 Avenue de Lafayette,
Boston, MA 02111-1750
Tel. (857) 321-7406 or 1-877-MASSAFE
Fax (617) 727-7749
www.mass.gov/dia



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
Department of Criminal Justice Information Services
200 Arlington Street, Suite 2200, Chelsea, MA 02150
TEL: 617-660-4640 | TTY: 617-660-4606 | FAX: 617-660-5973
MASS.GOV/CJIS



**Criminal Offender Record Information (CORI)
Acknowledgement Form**

To be used by organizations conducting CORI checks for employment, volunteer, subcontractor, licensing, and housing purposes.

_____ Town of Uxbridge _____ is registered under the
(Organization)
provisions of M.G.L. c.6, § 172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licensees, and applicants for the rental or lease of housing.

As a prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, I understand that a CORI check will be submitted for my personal information to the DCJIS. I hereby acknowledge and provide permission to _____ Town of Uxbridge _____
(Organization)
to submit a CORI check for my information to the DCJIS. This authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing _____ Town of Uxbridge _____
(Organization)

with written notice of my intent to withdraw consent to a CORI check.

FOR EMPLOYMENT, VOLUNTEER, AND LICENSING PURPOSES ONLY:

The _____ Town of Uxbridge _____ may conduct
(Organization)
subsequent CORI checks within one year of the date this Form was signed by me, provided, however, that _____ Town of Uxbridge _____, must first provide me
(Organization)

with written notice of this check.

By signing below, I provide my consent to a CORI check and affirm that the information provided on Page 2 of this Acknowledgement Form is true and accurate.

Signature of CORI Subject

Date



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
Department of Criminal Justice Information Services
200 Arlington Street, Suite 2200, Chelsea, MA 02150
TEL: 617-660-4640 | TTY: 617-660-4606 | FAX: 617-660-5973
MASS.GOV/CJIS



SUBJECT INFORMATION

Please complete this section using the information of the person whose CORI you are requesting.
The fields marked with an asterisk (*) are required fields.

* First Name: _____ Middle Initial: _____

* Last Name: _____ Suffix (Jr., Sr., etc.): _____

Former Last Name 1: _____

Former Last Name 2: _____

Former Last Name 3: _____

Former Last Name 4: _____

* Date of Birth (MM/DD/YYYY): _____ Place of Birth: _____

* Last SIX digits of Social Security Number: ____ -- ____ ☐ No Social Security Number

Sex: _____ Height: ____ ft. ____ in. Eye Color: _____ Race: _____

Driver's License or ID Number: _____ State of Issue: _____

Father's Full Name: _____

Mother's Full Name: _____

Current Address

* Street Address: _____

Apt. # or Suite: _____ *City: _____ *State: _____ *Zip: _____

SUBJECT VERIFICATION

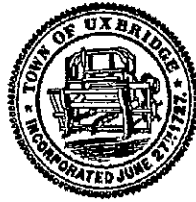
The above information was verified by reviewing the following form(s) of government-issued identification:

Verified by:

Print Name of Verifying Employee

Signature of Verifying Employee

Date



Received by
Uxbridge
Town Clerk

**POLICY OF THE BOARD OF SELECTMEN
TOWN OF UXBRIDGE, MASSACHUSETTS**

PRECIOUS METAL DEALER BYLAW, POLICY AND PROCEDURES

PURPOSE AND AUTHORITY

The Uxbridge Board of Selectmen (hereinafter "Board") by the provisions of the Town of Uxbridge General Bylaws, C. 236, as the local licensing authority, hereby adopts the following policy and procedures for Precious Metal Dealer License for the Town of Uxbridge.

GENERAL BYLAWS – CHAPTER 236 - PRECIOUS METAL DEALERS

(Adopted at the Spring Annual Town Meeting 5/14/13)

§ 236-1. Definitions

PRECIOUS METALS: For the purpose of this bylaw, the term "precious metals" means and includes any precious metal, including, but not limited to, gold, silver or platinum without regard to the form or amount of such precious metal.

PRECIOUS OR SEMI-PRECIOUS STONE OR GEMS: any stone or gem that is rare or costly or any stone or gem that is of lower value than those classified as precious.

ARTICLES: The commodities defined within this section.

DEALER: Any person, corporation, or partnership who buys precious metal and/or precious or semiprecious stones or gems from the general public, whether in bulk or in manufactured form, with an intent to obtain a monetary profit for himself/herself or for a principal.

§ 236-2. License Required

- A. No dealer shall collect, deal in or keep a shop, residence or other location for the purchase, sale or barter of precious metals, and/or precious or semi-precious stones or gems in any building or place within the limits of the town without a license from the Board of Selectmen.
- B. The Board of Selectmen may, for a fee, license suitable persons to be dealers in for the purchase, sale or barter of precious metals, and/or precious or semi-precious stones or gems at such places within the town, as may be designated in such license, under such conditions and restrictions as are prescribed in this chapter, which shall be incorporated in every such license.

§ 236-3. License fee

The Board of Selectmen shall annually determine the license fee as described.

§ 236-4. Transacting with minors prohibited.

No dealer shall directly or indirectly, either purchase or receive by way of barter or exchange any of the articles of a minor, knowing or having reason to believe him/her to be such.

§ 236-5. Waiting Period.

No article purchased or received shall be sold or altered in appearance, form or substance until a period of at least thirty (30) days from the date of its purchase or receipt has elapsed.

§ 236-6. Weekly list of articles purchased required.

Every licensee under this chapter shall make out and deliver to the police chief (or his/her designee), on Friday of each week, a legible and correct list, containing an accurate description of all articles purchased during the preceding business week, the prices paid therefor, the time when such articles were purchased, and the respective numbers of such articles.

§ 236-7. Recordkeeping requirements – Inspections.

- A. Every dealer licensed as provided in this chapter shall keep a book in which shall be written, in English, at the time of every purchase, a description of precious metals and/or precious or semi-precious stones or gems so purchased, the name, age and residence of the person from whom purchased, and the day and hour when such purchase was made.
- B. Every such dealer shall, at the time of making any purchase, attach a number to each article purchased and shall make entry of such number in the book. Such book shall, at all times, be open for the inspection of the police chief or any member of the police department.

§ 236-8. Posting of name and occupation.

Every dealer shall display, in some suitable and conspicuous place in his shop, residence, or other place of business, a sign having his/her name and occupation legibly described thereon in large letters. Such shop and all articles purchased therein, may at all times, be examined by the police chief or member of the police department.

§ 236-9. Violation-Penalty.

Any person or entity not licensed as required under §2 of this chapter, who/which collects, deals in or barter precious metals and/or and precious or semi-precious stones or gems in any place or manner other than that designated in his/her/its license, or who/which engages in any such activity after notice to him/her that a previously issued license has been revoked, or any person or entity which violates any rule, regulation or restriction contained in his/her license, shall be subject to a fine to be determined annually by the Board of Selectmen; each day of such violation shall constitute a separate offense.

APPLICATION POLICY/PROCEDURES

The applicant must submit and obtain the following:

1. A completed Precious Metal Dealer Permit form.
2. Application fee made payable to the Town of Uxbridge in the amount of \$20.00.

3. A Criminal Background check will be conducted on the applicant and all employees. Please provide a completed CORI form.
5. A Business Certificate from the Town Clerk's office.
6. Zoning Compliance verification from the Zoning Enforcement Officer
7. Worker's compensation Insurance Affidavit and Insurance Certificate.

Licensee shall conform with the provisions of the Town of Uxbridge Zoning Bylaws, General Bylaws and the laws of the Commonwealth of Massachusetts.

LICENSE INFORMATION

Licenses are issued annually and expire on December 31st. The license must be posted in a conspicuous place upon the premises.

VIOLATION/PENALTY

All notices of violations and complaints received by the Board of Selectmen concerning the licensed property shall be placed in the file of the licensee.

The following shall serve as a guideline for minimum penalties/action to be taken by the Licensing Authority for license violations. These guidelines shall not preclude the Licensing Authority from taking additional action, as it may deem reasonable, necessary or appropriate in each situation:

<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth Offense</u>
1-Day Suspension of License	3-Day Suspension of License	5-Day Suspension of License	10-Day Suspension of License
	(Consecutive Days)	(Consecutive Days)	(Consecutive Days)

The above penalties/actions shall commence on the day(s) specified by the Board of Selectmen. Suspension shall apply and relate to usual "business" days of the subject business.

The Licensing Authority will notify police department of any suspension to ensure the establishment is in compliance.

If any further violations occur at the establishment during the term of any suspension, the Board shall revoke the suspended license.

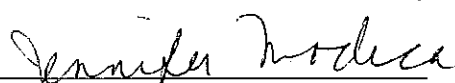
The licensee has the right to appeal any decision of the Board.

The Board of Selectmen enacted this policy, by vote, at its regularly scheduled meeting on 11/12/13, which was duly posted and noticed.

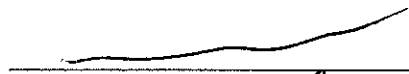


Tim Rice, Chair

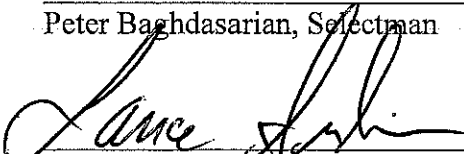
Joe Frisk, Vice Chair



Jennifer Modica, Clerk



Peter Baghdasarian, Selectman



Lance Anderson, Selectman

Attachments: Precious Metal Dealer Permit
Worker's Comp Affidavit
CORI Form

Chapter 236

PAWNSHOPS, SECONDHAND AND PRECIOUS METAL DEALERS

- | | |
|--|---|
| § 236-1. Purpose. | § 236-16. Holding period before sale. |
| § 236-2. Definitions. | § 236-17. Articles to remain on premises. |
| § 236-3. Authority. | § 236-18. Examination of articles and shop. |
| § 236-4. License Required. | § 236-19. Removal of articles by police officers. |
| § 236-5. Posting of name and occupation. | § 236-20. Rules and regulations. |
| § 236-6. Regulated property. | § 236-21. Fees. |
| § 236-7. License applications – general. | § 236-22. Enforcement and Violations. |
| § 236-8. Issuance and renewal of licenses. | |
| § 236-9. Revocation – General. | |
| § 236-10. Records of purchases -Transaction Records. | |
| § 236-11. New England State Police Information Network (NESPIN) – Data Submission. | |
| § 236-12. Certified Scales. | |
| § 236-13. Notification to police regarding possible stolen property. | |
| § 236-14. Receipt of articles from minor – prohibited. | |
| § 236-15. Responsibility of proprietor for violations. | |

GENERAL REFERENCES

§236-1. Purpose.

The purpose and intent of this regulation is to establish a system which fairly and impartially regulates the sale of secondhand articles by secondhand dealers, pawnbrokers & precious metals dealers for the stated purpose of:

- A. identifying stolen property that may be received by such second hand dealers, pawnbrokers & precious metals dealers;
- B. deterring and preventing the sale of stolen goods and;
- C. aiding law enforcement officers in their duty to apprehend and prosecute any person who facilitates the theft, possession and or sale of stolen goods, while enabling the return of stolen property to the rightful owners.

§236-2. Definitions.

Unless the content specifically indicates otherwise, the meaning of the terms used in this Bylaw shall be as follows:

- A. PAWNBROKER – A person who is engaged in the business of loaning money on the deposit or pledge of wearing apparel, jewelry, ornaments, household goods or other personal property on condition of selling the same back again at stipulated price.

- B. **SECONDHAND DEALER**- Has the same meaning as the term “secondhand collector”, “junk dealer” junk collector” and “keeper of a shop” for the purchase, sale or barter of junk, old metals or secondhand articles” as referenced in MGL c. 140, § 54. A secondhand dealer shall mean any person, firm, corporation, or partnership engaged in the business of buying, selling, exchanging, or dealing in any way with secondhand articles, used goods, old junk, scrap metals, or unwanted personal property; regardless of the number of transactions (frequency of sales shall not be relevant) or the location where such sales take place (having a dedicated shop or store and the use of residential property shall not be relevant). This definition shall include all persons who conduct business in the sale of unwanted personal property at a flea market, antique shop, coin show, gun show, jewelry show, refinery reclamation drive, and or any jewelry.
- C. **PRECIOUS METALS DEALER**- One who deals/buys a classification of metals that are considered to be rare and/or have a high economic value. The higher relative values of these metals are driven by various factors including their rarity, uses in industrial processes and use as an investment commodity. Precious metals include, but are not limited to: gold, silver, platinum, iridium, rhodium and palladium.
- D. **APPLICANT** – The individual(s) or corporation that is applying for a license under this bylaw.
- E. **BUYER** – Any person (other than the pawnbroker, secondhand dealer or precious metals dealer who has purchased or otherwise obtained custody, (whether temporary or permanent) of secondhand articles, used goods, old junk, scrap or precious metals, or unwanted personal property. This definition shall also refer to any person who acquires such goods from a secondhand dealer, pawnbroker or precious metals dealer as a gift or in lieu of some form of compensation.
- F. **SELLER** – Shall mean any person who relinquished or is intending to relinquish custody, (whether temporary or permanently) of secondhand articles, used goods, old junk, scrap metals, or unwanted personal property by means of offering for sale, consignment, barter exchange loan or to hold as security.
- G. **PROPRIETOR** – The owner of any business regulated by this Bylaw. This definition applies to all persons with ownership authority, whether the business is a sole proprietorship, partnership, or corporation.
- H. **PRECIOUS METALS**: For the purpose of this bylaw, the term “precious metals” means and includes any precious metal, including, but not limited to, gold, silver, platinum, iridium, rhodium and palladium, without regard to the form or amount of such precious metal.
- I. **PRECIOUS OR SEMI-PRECIOUS STONE OR GEMS**: any stone or gem that is rare or costly or any stone or gem that is of lower value than those classified as precious.

J. ARTICLES: Commodities in excess of \$100.00.

K. BUSINESS: the sole proprietorship, partnership, firm or corporation engaged in the practice of trading in any of the articles defined within this bylaw

§236-3. Authority.

The Uxbridge Board of Selectmen, as the licensing authority issues licenses to and regulates secondhand dealers, pawnshops & precious metals dealers within the Town of Uxbridge, Massachusetts.

§236-4. License required.

- A. Pawnshops, secondhand dealers & precious metals dealers shall be licensed by the Board of Selectmen prior to engaging in said activity and shall comply with this Bylaw, which was promulgated in accordance with M.G.L. C. 140, § 54 and other applicable enabling authority.
- B. Applications for new licenses and renewal licenses shall be made in writing on forms provided for this purpose by the Office of the Board of Selectmen. Said office shall keep a record of all licenses so issued. Each license granted shall be issued on a location-specific basis. No license shall be granted to transient or temporary businesses; they shall issue only with respect to permanent business locations.
- C. Licenses under this section shall be awarded at the sole discretion of the Board of Selectmen.
- D. Upon approval, a license shall be issued and shall continue in effect for one year, unless sooner revoked by the Board of Selectmen. Licenses are renewed annually, effective January 1st of each year.
- E. No license may be transferred or assigned to another person, entity, business or location, without approval by the licensing authority.
- F. The license issued hereunder shall be clearly and prominently displayed in a suitable and conspicuous place within the shop, residence or other place in which the proprietor conducts business.

§ 236-5. Posting of name and occupation.

The proprietor shall display, in a suitable and conspicuous place in his shop, residence, or other place where he conducts business, a sign at least 15x20 inches in size, with his name and occupation legibly printed thereon.

§236-6. Regulated Property.

Any proprietor of business who regularly buys, sells, exchanges, or deals with any articles in excess of \$100.00 for resale is considered regulated property. Such shop, residence or other place of business and all articles purchased or sold therein, may, at all times, be inspected by the Police Chief or his designee.

§236-7. License applications – General.

License applications, upon completion, shall be forwarded for review to the Uxbridge Building Inspector/Zoning Enforcement Officer & Fire Department, prior to submission to the Board of Selectmen. Each official in the previously mentioned Departments may make recommendations to the Board of Selectmen whether the requested license should be approved, modified or denied; however the final decision shall be made at the sole discretion of the Board of Selectmen.

§236-8. Issuance and renewal of licenses.

The Board of Selectmen may deny or condition its approval of an original or renewal application for proprietor's license if it has reasonable cause to believe any of the following conditions exist:

- A. the proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, has owned or operated any substantially similar license and, within the five years prior to the application date had a pawnbroker, secondhand dealer or precious metals dealer license revoked for a reason that would be grounds for a denial or revocation pursuant this policy;
- B. the proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, has been convicted of a felony or any crime involving a false or fraudulent statement within five years prior to the application date, (a CWOFF shall be re-viewed as a finding or admission of guilt);
- C. the proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, has:
 - (1) knowingly made a false statement in the application;
 - (2) knowingly omitted information requested to be disclosed in the application; or
 - (3) completed the application with reckless disregard for the truth or accuracy of the statements made therein;
 - (4) unjustifiably refused a lawful inspection during regular business hours of the proprietor's premise, books, forms or records by the Police Chief or his designee;
 - (5) been cited for more than three violations of these regulations, any state or federal law, or any combination thereof within a two-year period, including the two years prior to the application date; and/or,
 - (6) been convicted of any law of the Commonwealth of Massachusetts that is contrary to the type of business to be conducted, such as, but not limited to, receiving stolen property, any form of breaking and entering, larceny from a

person or any other form of larceny, or any form of aggravated assault, as verified by a CORI by the Police Chief or his designee;

- D. the business has been found to constitute a public nuisance;
- E. such other grounds exist as the Board of Selectmen determines to be contrary to the public interest or in violation of the conditions of the license or any law or regulation of the Commonwealth or the Town of Uxbridge.

§236-9. Suspension/Revocation – General.

- A. A violation of any section of this Bylaw shall result in the suspension of the license for 60 days for the first offense, suspension for one year for the second offense and a revocation for the third offense.

§236-10. Records of purchases -Transaction Records.

- A. The proprietor or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, shall prepare a transaction record upon a form approved by the Chief of Police or designee, regardless of the manner of acquisition, of any article, good or item subject to licensing hereunder, stating:
 - 1. the full name, current address, date of birth and driver's license number of the seller;
 - 2. A photograph of a valid (unexpired) state driver's license that includes the date of birth and photograph of the person offering the identification; or,
 - a. Two other forms and photographs of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth and photograph;
 - 3. Each seller shall sign his or her true name on the transaction record verifying they are the property owner; and
 - 4. the date and time of transaction;
 - 5. a full, detailed and accurate description (including color, make, model, serial numbers, distinguishing marks or engravings) of each article and a photograph of said items with the sales receipt for bought or pawned items; and
 - 6. A proprietor shall also record each transaction, with the information required in a bound book with consecutively numbered pages. The book shall be of a size and style approved by the Chief of Police or his designee. All entries shall be in ink, legible, written in English and assigned a number. The corresponding number shall be attached to the item. No entry in the book shall be erased, obliterated, altered or defaced.

The transaction book shall at all reasonable times be open to the inspection by the chief of police or any officer or person duly authorized by him, or any other person authorized

under law. The transaction books shall be kept for a minimum of three (3) years after the proprietor last does business in the Town of Uxbridge.

§236-11. New England State Police Information Network (NESPIN) – Data Submission.

All businesses licensed pursuant to this bylaw, shall submit all records of transactions in accordance with (NESPIN) electronic database protocols and submission schedules.

All said businesses shall simultaneously forward the identical electronic transactions as submitted to NESPIN to the Uxbridge Police Department to the Chief of Police or designee.

§236-12. Certified Scales.

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the sealer of weights and measures, of the Town of Uxbridge. Licensees shall not allow those certifications to lapse.

§236-13. Notification to police regarding possible stolen property.

A. All businesses licensed pursuant to this bylaw shall immediately notify the Uxbridge Police Department upon receiving an article which is questionable as to its status of being stolen and shall make such article available for inspection by an officer of the Police Department.

B. All businesses licensed pursuant to this bylaw shall not purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed or the article bears the name of a person that is not the seller.

§236-14. Receipt of articles from minor – prohibited.

No proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor shall directly or indirectly purchase or receive by way of barter or exchange any article from a minor under the age of 18.

§236-15. Responsibility of proprietor for violations.

Every proprietor licensed under this article shall be responsible for all persons employed by him in the business. Any violation of this article or of the terms of this license by any employee of such dealer, or by any person upon the licensed premises, shall be construed to be a violation of the terms of this article or of the license by the proprietor.

§236-16. Holding period before sale.

No article herein described shall be sold, encumbered by sales contract, transferred, altered in its appearance, or otherwise disposed of, within sixty (60) days of purchase.

§236-17. Articles to remain on premises.

All articles purchased shall remain on the premises during the waiting period; items shall not be placed on the sales floor until the waiting period has expired, unless the item is clearly marked with the corresponding transaction number and the sales release date based on the time frame as specified.

§236-18. Examination of articles and shop.

Any business licensed pursuant to this bylaw, shall during regular business hours be open to inspection of all articles, books, the premises, or inventories by the Chief of Police or any officer or person duly authorized by him, or any other person authorized under law.

§236-19. Removal of articles by police officers.

- A. If the Chief of Police or his designee determines that any articles are needed for evidence in a criminal investigation, a duly authorized police officer may seize that evidence, subject to applicable criminal procedures, if any. The proprietor shall be issued a receipt for the article(s).
- B. Said seized articles, subject to a courts direction, if any, may be kept as long as necessary to permit the article to be used as evidence and for such reasonable time thereafter as needed to best determine, if possible, the person(s), if any, lawfully entitled to possession of said property and return the same to them.

§236-20. Rules and regulations.

The Board of Selectmen may adopt such rules, regulations and policy governing the issuance of licenses and the conduct of businesses licensed pursuant to this bylaw pursuant to the authority granted by Chapter 140, Section 54 of the General Laws and/or pursuant to the authority granted herein.

§236-21. Fees.

- A. The annual fee for the license issued pursuant to this Bylaw shall be established by the Board of Selectmen.

§236-22. Enforcement and Violations.

- A. Violation of any provision of this Bylaw may be addressed administratively, prosecuted as a criminal matter, or by the procedure provided in § 21D of Chapter 40 of the General Laws. Each day a violation occurs shall be considered a separate violation hereunder.