



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
Public Hearings
March 27, 2012

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Aldermanic Vice President John Papa opened the Public Hearing at approximately 7 p.m. All those present rose and pledged allegiance to the Flag of the United States of America.

ROLL CALL

Aldermanic President John F. Anglace, Jr. - absent
Alderman Lynne Farrell - present
Alderman John "Jack" Finn - present
Alderman Stanley Kudej - present
Alderman Eric McPherson - present
Alderman Noreen McGorty - present
Alderman John P. Papa - present
Alderman Anthony Simonetti - present

Legal Notice

City of Shelton

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ALDERMEN WILL CONDUCT PUBLIC HEARINGS ON THE FOLLOWING:

- AMENDMENT TO ORDINANCE #858 - PAWNBROKERS
- AMENDMENT TO CODE OF ORDINANCE #370 - ESTABLISHING FIRE LANES AT PLACES OF PUBLIC ASSEMBLY AND OTHER PLACES OF HUMAN OCCUPANCY

SAID PUBLIC HEARINGS SHALL BE CONDUCTED ON TUESDAY, MARCH 27, 2012 STARTING AT 7 P.M. IN THE AUDITORIUM AT SHELTON CITY HALL, 54 HILL STREET, SHELTON.

ALL PERSONS WHO HAVE AN INTEREST THEREIN MAY APPEAR AND BE HEARD IN RELATION HERETO.

1. Amendment to Ordinance #858 – Pawnbrokers

Chapter 9 - LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE VI.– PAWNBROKERS, PRECIOUS METALS OR STONES DELAERS, SECONDHAND DEALERS

9-111 Definitions

"Pawnbroker" means a person who is engaged in the business of loaning money upon the deposit or pledge of wearing apparel, jewelry, ornaments, household goods or other personal property or purchasing such property on condition of selling the same back again at a stipulated price.

"Precious metals or stones dealer" means a person who is primarily engaged in the business of purchasing gold or gold-plated ware, silver or silver-plated ware, platinum ware, watches, jewelry, precious stones, bullion or coins.

"Secondhand dealer" means a person who is primarily engaged in the business of purchasing personal property of any type from a person who is not a wholesaler, for the purpose of reselling or exchanging such property, and has physical possession of such property, other than an antiques dealer, art dealer, coin and stamp dealer, precious metals or stones dealer, pawnbroker, consignment shop operator, special collectibles dealer, musical instrument dealer, used book dealer, dealer in motor vehicles as described in chapter 246 of the Connecticut ~~CT~~ general statutes, auctioneer as described in chapter 403 of the CT general statutes, junk dealer, as defined in section 21-9 of the CT general statutes, as amended by this act, scrap metal processor, as defined in section 14-67w of the CT general statutes, recycling facility, as defined in section 22a-207 of the CT general statutes, bona fide charitable or religious corporation, or any retailer that is primarily engaged in the business of selling new items but also gives consideration other than cash in exchange for one or more items traded in to such retailer.

"Person" means an individual, corporation, limited liability company, partnership or association.

"Licensing Authority" means the Chief of Police of the City of Shelton.

9-112 License

It shall be unlawful for any person or entity to engage in the City of Shelton in business as a pawnbroker, precious metals or stones dealer and/or a secondhand dealer as defined by the laws of the State of Connecticut, Connecticut General Statutes Sections 21-39 through 21-45, and the ordinances of the City of Shelton without a license, pursuant to Connecticut General Statutes Section 21-40 and this article.

9-113 Applications for Licenses

Applications for a pawnbroker's, second hand dealers, and precious metals or stones dealer licenses shall be made to the chief of police of the City of Shelton on forms provided by said chief. Said application shall be reviewed by the chief of police, who shall grant or deny such license. The chief of police may grant licenses to suitable persons. The chief of police may reject said application for cause provided that said "cause" shall be one which would be sufficient to revoke a license as provided by Connecticut General Statutes Section 21-40. No license shall be issued to any person who has been convicted of a felony. Upon approval by the chief of police said license shall be valid for one (1) year from the date of issuance, unless sooner revoked or suspended, with cause, by the chief of police. It shall be the responsibility of the license holder to renew his/her license. The person so licensed shall pay, for the benefit of any such city, to the authority for granting such license a license fee as set forth below.

Type of License	Initial Fee	Renewal Fee	Bond
Pawnbroker*	\$50.00	\$25.00	\$2,000.00
Secondhand Dealer	\$250.00	\$100.00	\$2,000.00
Precious metals or stones Dealer	\$10.00	\$10.00	\$2,000.00

*The renewal fee and bond requirement for a pawnbroker will be waived if the applicant is licensed in the City of Shelton as a secondhand dealer.

Applicants shall file with the Chief of Police ~~mayor's office of such city~~ a bond to such city with competent surety, in the penal sum listed above, to be approved by such licensing authority, and conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed.

The application for a pawnbroker's license shall contain the following information:

- (1) The type of business to be engaged in,
- (2) The applicant's full name, age and date and place of birth,
- (3) The applicant's residence addresses and places of employment within the preceding five years,
- (4) The applicant's present occupation,
- (5) Any crime of which the applicant has been convicted and the date and place of such conviction,
- (6) All locations used or intended to be used for the purchase, receipt, storage or sale of property,
- (7) If the applicant is a corporation, limited liability company, partnership or association, the application shall contain the information required by this subsection for each individual who is or will be an officer, shareholder, financial backer or creditor, other than a financial institution, of such entity or any other individual with a relationship to such entity similar to that of an officer, shareholder, financial backer or creditor.
- (8) The application for such license and any renewal thereof shall contain information on any Internet web site or account used by such applicant to conduct the business. During the term of the license, the licensee shall notify the licensing authority in writing of the addition or discontinuation of any Internet web sites or accounts used to conduct the business.

9) A statement that the applicant is the owner of the premises where the business is to be conducted or evidence of a written lease thereon for the full period for which the license is issued, i.e. one (1) year.

10) A statement as to whether a previous license was granted to any person, member/manager of the limited liability, shareholder/officer of a corporation, partition by any governmental authority and the status of same and if revoked, the reason therefore.

The Chief of Police may require additional information as deemed necessary to investigate the qualifications, character, competency and integrity of the applicant.

The Shelton Police Department will complete a background check, including a criminal records check, on the applicant ~~or~~ any person employed in the operation of the business and any person with an ownership interest. A successful completion of this background [check] is mandatory both prior to the issuance of a permit and when it is renewed.

~~The applicant must also be fingerprinted for the initial application. There is a \$19.25 processing fee charged by the FBI for this service and a \$50.00 fee charged by the State. Two Postal Money Orders or certified Bank Checks in the amounts of \$19.25 and \$50.00 made payable to "DPS" must be submitted at the time you are fingerprinted for this permit. No personal checks will be accepted. The processing fees are subject to change. The Chief of Police shall charge each individual a fee equal to the fees established by the Federal Bureau of Investigation and the State Police Bureau of Identification for performing such criminal history record checks.~~

The licensing authority shall grant or deny an application for a license not later than ninety days after the filing of such application with the licensing authority. A licensee seeking renewal of such license shall file an application for renewal at least sixty days before the expiration of such license and the licensing authority shall grant or deny such renewal not later than thirty days after the filing of such application for renewal. Failure of the licensing authority to act on such initial application or renewal application within the applicable period specified in this subsection shall be deemed to be a denial. The licensing authority may suspend, revoke or modify any license issued under this section at any time during the period of the license for good cause shown, upon notice to the licensee and following a hearing. The licensing authority shall hold any such hearing not later than five days after the date of issuance of such notice, and shall issue a decision not more than fourteen days after any hearing. Any person aggrieved by any action of the licensing authority in denying, suspending, revoking, modifying or refusing to renew a license issued pursuant to this section may appeal from such action to the Superior Court.

Sec. 9-114. - Change of address.

In the event the licensee shall change any of the addresses stated in the application during the term for which the license is issued, such licensee shall notify the chief of police in writing, certified mail or hand delivery to police headquarters of such change not later than one (1) business day after such change.

9-115 Operations

Pawnbroker:

All operations carried on pursuant to said license shall be in accord with the provisions of Connecticut General Statutes Sections 21-39 through 21-47.

The pawnbroker shall only operate at the address that his/her license has been issued to and shall be required to post his/her license and tax ID number in an area visible to the public within the premises. Additional permits shall be required for additional locations and each permit is nontransferable. It shall be the responsibility of the licensee holder to renew his/her license.

Pawnbrokers shall be required to keep a computerized record in a format approved by the chief of police. All items received shall be entered immediately into an electronic record. Included shall be all transactions pawned or purchased and it shall include the dollar amount of the pawn or purchase. Every pawnbroker shall be required to electronically transmit a weekly report of all transactions to the Shelton Police Department Detective Division. The day and time that the weekly electronic report is due shall be determined by the commander of the detective division. If the day that the weekly electronic report is due falls on a legal holiday the electronic report shall be due the next business day. The records shall be transmitted electronically in a stored format specified by the chief of police or his designee.

When items are deposited or pledged for money loaned purchased by the pawnbroker, the pawnbroker shall sell the items only after the pawnbroker has held them for at least sixty (60) days after from the date when the same was left in deposit or pledged or the purchase of said item. A law enforcement agency in the course of an investigation may require a pawnbroker to hold an item for a longer period of time, if necessary.

The pawnbroker shall require and record positive identification from all customers selling goods to the pawnbroker. Positive identification shall mean valid, current identification, issued by a governmental entity, which contains a numerical identifier, a current residence address, and a photograph of the person identified. The pawnbroker shall be required to keep at least three (3) years written and computerized records of all the pawnbroker's transactions.

All transaction records shall accurately describe all items, including, but not limited to: distinguishing marks, manufacturer's name, model names or numbers, serial numbers, engravings, etchings, color and size, affiliation with any institution or organization, dates, initials, vintage or image represented. Any description of audio, video or electronic media of any kind shall also indicate the title and artist or any other identifying information contained in the cover or external surface of such media. Jewelry item description shall include the material, ring size, weight, chain length, shapes, carat weight and color, also any other unique identifying features. Items that are new or obviously never used or still in the original box or packaging shall be documented as such. No jewelry or gold shall be described as scrap. Every pawnbroker shall photograph any jewelry or precious metal pawned or sold and keep such photograph on file for at least three (3) years. A photo shall be stored in a digitized format associated with the transaction number, must be retrievable and must be furnished to police upon request.

A digital photograph of each article that does not contain any identifiable numbers or markings shall be included. Each entry in the record-keeping system shall be numbered consecutively. A tag shall be attached to the article in a visible and convenient place with a number written on such tag corresponding to the entry number in the record-keeping system and shall remain attached to the article until the article is sold or otherwise disposed of, provided the licensing authority shall prescribe procedures authorizing the removal of such tags from articles, including those articles consisting of jewelry that are cleaned and repaired on the premises by the pawnbroker, that will provide accountability for such articles. Such tag shall be visible in a digital photograph taken in accordance with this section.

The pawnbroker shall be subject to random inspections by the Shelton Police Department for the purpose of monitoring compliance with this article. Any officer of the Shelton Police Department may, during business hours, enter upon any premises used by the pawnbroker for the purpose of the business, to examine all articles taken in pawn, kept, stored in or upon said premises. All records and inventories are subject to examination.

Items transferred or received from another licensed pawnbroker located within or outside the City of Shelton shall be recorded in the premises to which they are transferred or received. Any items taken in pawn or purchased, which is disposed of other than by sale or auction shall have a notation in the record indicating the method of disposal.

All records maintained pursuant to this section shall be retained by the pawnbroker for not less than two years.

Secondhand Dealer:

The operations for a secondhand dealer are the same as a Pawnbroker except for the holding period. No secondhand dealer shall sell or dispose of any personal property acquired in any transaction in the course of business in less than ten (10) days after the date of its receipt. Upon the sale or disposition of such property, such dealer shall, if such property is not sold at retail at the place of business of such dealer, include a record of such sale or disposition in the record-keeping system required by this section.

Precious Metal & Stone Dealers

The operations for a Precious Metal & Stone Dealers are the same as a Pawnbroker except for the following conditions:

~~(1) The licensee shall maintain a place of business within this state, at which the goods purchased or received and the required records shall be available for such inspection.~~

1. No licensee may pay ~~advertise that he or she will pay~~ for property received with cash.
2. No Precious Metal & Stone Dealer shall sell or dispose of any personal property acquired in any transaction in the course of business in less than ten (10) days after the date of its receipt.

Section 9-116 Property from minor

No pawnbroker shall have any business dealings as a pawnbroker with any unemancipated minor under the age of eighteen (18) years, except with the written consent of the parent or guardian of the minor unless a parent or legal guardian is present and must show positive identification as set forth in this article to each particular transaction. No pawnbroker's license shall be issued to any person who is not eighteen (18) years of age or over. No person under eighteen (18) shall be an agent for any pawnbroker.

Sec. 9-117. - Stolen goods.

It shall be the duty of every pawnbroker to report to the police any article pledged with him, or which it is sought to be pledged with him, if he shall have reason to believe that the article was stolen or lost, and found by the person attempting to pledge it, in the case of a lost article. The pawnbroker shall not accept any property if upon inspection it is apparent that serial numbers, model numbers, or identifying characteristics have been intentionally defaced on that article of property.

Sec. 9-118. - Penalties.

Complaints concerning pawnbrokers shall be investigated by the detective division of the Shelton Police Department. An investigation shall be made in all such instances and a report with recommendations shall be forwarded to the chief of police. In the event the chief of police determines that disciplinary action should be instituted against the pawnbroker the detective division shall cause to be served upon the pawnbroker, notice as to time, date and place of hearing of the charges with a statement of the reasons. The hearing will be conducted by the chief of police or his/her designee.

~~After notice and hearing, the chief of police may suspend, revoke or refuse a City of Shelton pawnbroker's license upon finding that:~~

~~The pawnbroker, either knowingly or without the exercise of due care to prevent the same, has violated this article or Connecticut General Statutes Sections 21-39 through 21-47.~~

~~A fact or condition exists, existed or had been known at the time of the original application for a pawnbroker's license which would have justified the refusal to issue such license.~~

~~The pawnbroker, or any employee of the pawnbroker, has aided, abetted or conspired with anyone to circumvent or violate this article or Connecticut General Statutes Sections 21-39 through 21-47.~~

~~The pawnbroker, or a legal or beneficial owner of the pawnbroker, or the individual(s) responsible for the operation of the business, has been convicted of a crime that the chief of police finds which would negatively affect the duties and responsibilities of a pawnbroker.~~

~~The pawnbroker fails to file an electronic report as required herein.~~

~~The pawnbroker fails to accurately record the description of each piece of property or fails to accurately record identifying information of any customer that sells or pawns goods to the pawnbroker as required herein.~~

~~The chief of police may reinstate a suspended pawnbroker's license or issue a new pawnbroker's license to a person whose pawnbroker's license has been suspended or revoked if the pawnbroker corrects the situation that gave rise to the suspension or revocation.~~

Violation:

Any person, corporation, limited liability company, partnership, agent or employee thereof who violates the provisions of this article shall be fined an amount not to exceed two hundred fifty (\$250.00) dollars ~~one hundred dollars (\$100.00).~~

Section 9-119 Conflict with Statute

Any provisions herein which is determined to conflict with Connecticut General Statutes Sections 21-39 through 21-47 shall be void.

Alderman Papa stated, the State updated their Pawnbroker's Ordinance and the City has to at least meet the minimum requirements. There are a multitude of changes. There are no members of the public here to address this item. This will go to the full Board in April.

Alderman Finn MOVED to close the public hearing; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6-0.

2. Amendment to Code of Ordinance #370 - Establishing Fire Lanes at Places of Public Assembly and Other Places of Human Occupancy

Be it ordained by the Board of Aldermen of the City of Shelton that:

1. Fire lanes shall be established by the Fire Marshal at all buildings and structures designed for human occupancy, to minimize danger to life and safety from fire or other emergencies. This ordinance shall encompass all places of assembly and occupancies as defined in Chapter 4, Section 29-41-4.01 through Section 29-41-4.11 of the State Fire Safety Code. Nothing herein shall prevent the use of an existing driveway or public street from serving as a Fire Lane providing, in the judgment of the Fire Marshal, said existing driveway or public street provides sufficient access for fire and other emergency vehicles to the particular building.
2. It shall be the responsibility of the property owner to mark and maintain, in legible condition, the fire lane upon the pavement. The property owner shall install traffic control signs on buildings or stanchions at the elevation of approximately 8' 0" to the bottom of a sign 10" in width and 18" high. This sign shall read "Fire Lane" - "No Parking or Standing" - Tow Zone".

3. Any person violating the provisions of this section shall, upon conviction, be punished in accordance with section 1-11
~~There shall be a \$25.00 fine for violation of this ordinance and~~
the enforcing authority is empowered to have motor vehicles towed away at the owner's expense in order to clear a Fire Lane.

Alderman Papa stated, we received a letter from the Fire Marshal. His concern was with the fine. Right now the fine is \$25. He wants to increase it up to \$100. That is the only change in his request.

Alderman McGorty asked, this is an existing ordinance right now?

Alderman Papa replied yes, this is how the existing ordinance reads, he just wants to increase the fine.

There were no members of the public present to speak on this ordinance.

Alderman Farrell asked, this covers condominiums, right?

Alderman Papa replied, this covers condos, shopping malls, public buildings, everything. The fire lanes are supposed to be marked. The condo association would have to mark the fire lanes.

Alderman Farrell stated, I haven't gotten anything on this before, and I've been around to other condominiums and I don't see anything like this.

Alderman Finn stated, they don't have them at the White Hills Shopping Center, either.

Alderman Papa stated, they have them at Stop & Shop, the fire lanes. The restaurants too.

Alderman Farrell stated, well, I haven't seen any where people live.

Alderman Papa stated, it is the responsibility of the condominium associations to mark them.

Alderman Farrell asked, who oversees it if they're not done – they're not done in any place that I've seen.

Alderman Papa stated, if you're the president of the association, check with the Fire Marshal and find out what you should do.

Alderman Simonetti stated, I would think that there's someplace on your property where you don't want vehicles to block so if there's an emergency the vehicles can get through – fire trucks, ambulances.

Alderman Farrell stated, the only spots we have are the parking area where people that have more than two cars can park in. Every condo owns one space.

Alderman Simonetti stated, when a vehicle has to enter the property, you don't want anything blocking him because it's making a smaller lane they need for a vehicle that size. The fire trucks are at least five feet wider than cars. Turning them is not easy.

Alderman Papa stated, also in a condominium the roads are not as wide as a city street.

Alderman Simonetti asked, do you have yellow markings on the curbs in certain areas?

Alderman Farrell replied, no.

Alderman Papa stated, I recommend talking to the Fire Marshal and finding out what if anything you should do.

Alderman Finn MOVED to close the public hearing; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 6-0.

ADJOURNMENT

At approximately 7 10 p.m., Alderman Simonetti MOVED to adjourn; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 6-0.

Respectfully submitted,

Patricia M. Bruder
Clerk, Board of Aldermen

Date Submitted: _____

DATE APPROVED: _____

BY: _____

Mark A. Lauretti
Mayor, City of Shelton