

ORDINANCE 2015 -13

**AN ORDINANCE AMENDING ARTICLE II OF THE CODE OF THE
TOWNSHIP OF WEST DEPTFORD TO INCLUDE
CHAPTER 122 “DEALERS IN
PRECIOUS METALS, GEM AND GEMSTONES, AND
DEALERS IN SECONDHAND GOODS”**

BE IT ORDAINED by the Mayor and Township Committee of the Township of West Deptford, and it is hereby enacted and ordained by the authority of the same that Article II of the Code of the Township of West Deptford is hereby **AMENDED** to include Chapter 122 “DEALERS IN PRECIOUS METALS, GEM AND GEMSTONES, AND DEALERS IN SECONDHAND GOODS”, as follows:

**“CHAPTER 122:, DEALERS IN
PRECIOUS METALS, GEMS AND GEMSTONES,
AND DEALERS IN SECONDHAND GOODS**

' 122-1. PURPOSE AND INTENT

The purpose and intent of this Chapter is to assist law enforcement officials in recovering stolen precious metals, gems, gemstones and/or other articles by requiring minimum reporting, maintenance and distribution criteria for secondhand and transient dealers.

No person shall use, exercise or carry on the business, trade or occupation of buying scrap gold, old gold, silver, jewelry, home electronics/audio and visual equipment, musical instruments, telephones and telephonic equipment, scales, computers, computer hardware and software, typewriters, word processors, scanners, sporting goods of all kinds, antiques, platinum, all other precious metals, tools of all kinds, televisions, DVR's, GPS, camcorders, car stereos, gift cards, furniture, clothing or other valuable articles, hereinafter referred to as “secondhand goods or articles,; or being a secondhand dealer within the Township of West Deptford without first obtaining a license from the Township of West Deptford.

' 122-2. DEFINITIONS

- A. For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meanings ascribed herein. Words used in the present tense shall include the future, words in the plural number shall include the singular number and words in the singular number shall include the plural number. The word “shall” is always mandatory and not merely directory.
- B. As used in this Chapter, the following terms shall have the meanings herein:

ADVERTISE and/or ADVERTISEMENT – Any attempt directly or indirectly by publication, dissemination, solicitation, endorsement or circulation or in any other way to induce directly or indirectly any person to enter or not enter into any obligation or acquire any title or interest in any article.

APPLY and/or APPLIED – Any method or means of application or attachment to, or of use on, or in connection with, or in relation to, an article whether such application, attachment, or use is to, on, by in or with:

1. The article itself; or
2. Anything attached to the article; or
3. Anything to which the article is attached; or
4. Anything in or on which the article is; or
5. Anything so used or placed as to lead to a reasonable belief that the mark on that thing is meant to be taken as a mark on the article itself.

Or as so defined in N.J.S.A. 51:6-1.

ARTICLE – Any article of merchandise, including any portion of such article, whether a distinct part thereof or not, including every part thereof whether separable or not, and also including material for manufacture. And as so defined in N.J.S.A. 51:6-1.

MERCHANT – One who purchases from the public and sells or otherwise exchanges, conveys, alters or trades an article.

PERSON – Any individual natural persons, partnerships, joint ventures, businesses, societies, associates, clubs, trustees, trusts, corporations, or unincorporated groups, or an officers, agents, employees, servants, factors or any form of personal representatives of any thereof, in any capacity, acting for self or on behalf of another.

PLEDGE – An article or articles deposited with a secondhand merchant in the course of his/her business. Or as so defined in N.J.S.A. 45:22-1.

PLEDGOR – A person who delivers the pledge into the possession of a secondhand merchant, unless such person discloses that he/she is or was acting for another, and in such an event “pledgor” shall mean the disclosed principal. Or as so defined in N.J.S.A. 45:22-1.

PRECIOUS METALS, GEMS, GEMSTONES – Articles comprised of gold, silver, sterling, platinum and/or their alloys as defined in N.J.S.A. 51:5-1 *et seq.*, N.J.S.A. 51:6-1 *et seq.* and/or N.J.S.A. 51:6A-1 *et seq.*; gems, gemstones, coins and all forms of jewelry herein contained.

PUBLIC – Individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

PURCHASE – The exchange of money and the exchange, deposit, pledge, sale, conveyance or trade of any tangible or intangible article.

SECONDHAND GOODS - Any article previously sold, acquired, exchanged, conveyed, traded or otherwise formerly owned, including but not limited to buying scrap gold, old gold, silver, jewelry, home electronics/audio and visual equipment, musical instruments, telephones and telephonic equipment, scales, computers, computer hardware and software, typewriters, word processors, scanners, sporting goods of all kinds, antiques, platinum, all other precious metals, tools of all kinds, televisions, DVR's, GPS, camcorders, car stereos, gift cards, furniture, clothing or other valuable articles.

SECONDHAND WATCH – As defined in N.J.S.A. 45:22-38.

GIFT CARD – is a restricted monetary equivalent or scrip that is issued by retailers or banks to be used as an alternative to a non-monetary gift.

REPORTABLE TRANSACTION – Every transaction conducted by a dealer in which precious metals, or other tangible property, are purchased or exchanged from or with the public.

TRANSIENT BUYER – A merchant who has not been in any retail business continuously for at least six (6) months at that address in the municipality where the merchant is required to register or who intends to close out or discontinue all retail business in the Township of West Deptford within six (6) months. Or as so defined in N.J.S.A. 51:6A-5 and N.J.A.C. 13:47C-1.1.

ITINERANT BUSINESS – Any business conducted intermittently within the Township of West Deptford.

' 122-3. **RESPONSIBILITIES**

A. **PRECIOUS METALS, GEMS AND GEMSTONES**

1. **Permit Required**

- a. Prior to buying, attempting to buy or offering to buy any precious metals, gems or gemstones, no person, as defined in ' 122-2, shall engage in such business without first obtaining a permit from the Township of West Deptford.
- b. The Township Clerk shall, on application reviewed and signed by the Chief of Police, issue an appropriate permit. Each applicant is required to:

- i) Provide full name.
 - ii) Provide current address.
 - iii) Provide current telephone number.
 - iv) Provide date of birth.
 - v) Provide two (2) forms of identification, one of which shall contain a photograph.
 - vi) Provide three (3) sets of fingerprints taken by the West Deptford Township Police Department.
 - vii) Pay to the Township of West Deptford an annual fee of \$250.00. This fee will be used for the purpose of registering the West Deptford Township Police Department in R.A.P.I.D., which is a computer program that tracks secondhand dealer(s) transactions.
 - viii) Provide original of Bond as required by N.J.S.A. 45:22-7 and N.J.A.C. 13:47C-6 or as otherwise required by law.
- c. All permits included in this Section shall expire on December 31st of the year in which they were issued.
- d. All permit renewals shall be required to undergo the same process as the initial permit application.
- e. All permits shall be displayed in a location at the place of business which is easily visible to the public.
- f. Exceptions: Where a Transient Buyer intends to conduct business in the Township of West Deptford for five (5) days or less per calendar year, the annual permitting fee shall be reduced to \$50.

2. Registration

- a. A merchant of precious metals, gems or gemstones shall, prior to buying, attempting to buy or offering to buy, register with the West Deptford Township providing the following information on a form prescribed by the Police Department:
- i) Name and address of merchant;
 - ii) Address from which merchant shall conduct business;
 - iii) Copy of valid permit from the Township of West Deptford.

3. Bond

Shall be obtained in accordance with N.J.A.C. 13:47C-6 or as otherwise required by law.

4. Recordkeeping

Every merchant within the Township of West Deptford shall, upon the purchase of any precious metal, gem or gemstone from the public, be required as follows:

- a. Record on a numbered receipt the name, address and telephone number of the purchaser; the name address and telephone number of the seller or sellers; the time and date of the transaction; the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams of the precious metals; fineness in terms of karats for gold, silver, sterling coin, gem or gemstones, and/or as in accordance with N.J.S.A. 51:5-1 *et seq.*, N.J.S.A. 51:6-1 *et seq.* and/or N.J.S.A. 51:6A-1 *et seq.* All merchants regulated under this Chapter shall weigh the article in plain view of the seller and on a scale certified and calibrated by the New Jersey Department of Weights and Measures.
- b. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, enter all transactions into the electronic database within forty-eight (48) hours from the date of purchase. The information entered will contain all information outlined in ' 122-3A4a, in addition to the following:
 - i) A physical description of the seller;
 - ii) The receipt number;
 - iii) A full description of the articles purchased, including but not limited to marks, numbers, dates, sizes, shapes, initials and monograms;
 - iv) The price paid for the article; and
 - v) The form shall be signed by the seller and initialed by the merchant who made the transaction.
 - vi) The form must be legibly initialed by the clerk or the dealer who made the transaction, so as to readily identify that individual.**
 - vii) A color photograph or color image of the seller's presented identification.**
 - viii) A color photograph or color image of all items sold. When photographing or imaging all items must be positioned in a manner that makes them readily and easily identifiable.**
 - ix) Items should not be grouped together when photographing or imaging; each item will have its own color photograph or color image.**
 - x) In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is**

required to be submitted on paper forms approved by the Chief of Police. In the event that paper forms are used, the dealer is responsible to enter all transaction information into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of the ordinance and subsequently being subject to the penalties for doing so.

- c. The precious metals, gems and gemstones are to be made available for inspection to the Chief of Police of the Township of West Deptford, or his/her duly designated representative, for a period of five (5) days from the date the information required above is received by the Chief of Police.

The precious metals, gems and/or gemstones shall remain in the same condition as when purchased and shall not be changed, modified, melted, altered or disposed of by the merchant until the five-day period has expired. During this five-day period, the precious metals, gems and/or gemstones shall be in public view at the merchant's place of business.

If the property is such that it would create a hardship on the merchant by holding the precious metal, gem and/or gemstone for such period, the merchant may present the property to the Chief of Police, or his/her duly designated representative, so that it may be photographed and, if deemed necessary by the Chief of Police, or his/her duly designated representative, an investigation shall be initiated into the purchase.

The Chief of Police, or his /her duly designated representative, has the authority to grant the merchant a waiver of the requirement under this Section. The waiver shall be on official Department of Police stationery and executed by the Chief of Police, or his/her duly designated representative. The original of said waiver shall be retained by the Department of Police and a copy shall be retained by the merchant.

All records shall be kept and maintained for a period of not less than two (2) years from the date of transaction. All records shall further be available for inspection by the Chief of Police or his

duly designated representative during this period.

- d. It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours and members of the West Deptford Police Department to examine any database, book, ledger, or any other record on the premises relating to the purchase of precious metals from the public, as well as the articles purchased or received, and to take possession of any article known by the police officer or official to be missing or to have been stolen, or where the officer or official has probable cause to believe the article is missing or stolen.

5. Advertisements

- a. Advertising, as defined in §122-2, that precious metals, gems and/or gemstones are being purchased in any location within the Township of West Deptford shall constitute “engage[ing] in such business” for the purposes of this Section.
- b. No person shall place or cause to be placed any advertisement for purchase of precious metals, gems and/or gemstones without stating in the advertisement the permit number under which the merchant operates.
- i) In any print media advertisement, the permit number shall appear in type no smaller than eight (8) point. The permit number shall appear in the lower right hand corner of the advertisement.
- ii) In any electronic media advertisement, the permit number shall be visually and/or audibly stated.
- iii) Failure to include the permit number in any advertisement shall constitute a violation.

B. SECONDHAND GOODS

1. Permit Required

- a. Prior to buying, attempting to buy or offering to buy any secondhand article, no person as defined in ' 122-2, shall engage in such business without first obtaining a permit from the Township of West Deptford.
- b. The Township Clerk shall, on application reviewed and signed by the Chief of Police, issue an appropriate permit. Each applicant is required to:

- i) Provide full name.
 - ii) Provide current address.
 - iii) Provide current telephone number.
 - iv) Provide date of birth.
 - v) Provide two (2) forms of identification, one of which shall contain a photograph.
 - vi) Provide three (3) sets of fingerprints taken by the West Deptford Township Police Department.
 - vii) Pay to the Township of West Deptford an annual fee of \$250.00. This fee will be used for the purpose of registering the West Deptford Township Police Department in R.A.P.I.D., which is a computer program that tracks secondhand dealer(s) transactions.
- g. All permits included in this Section shall expire on December 31st of the year in which they were issued.
- h. All permit renewals shall be required to undergo the same process as the initial permit application.
- i. All permits and licenses shall be displayed in a location at the place of business which is easily visible to the public.
- j. Exceptions: Where a Transient Buyer intends to conduct business in the Township of West Deptford for five (5) days or less per calendar year, the annual permitting fee shall be reduced to \$50.

2. Registration

- a. A merchant of secondhand goods, prior to buying, attempting to buy or offering to buy, register with the West Deptford Township providing the following information on a form prescribed by the Police Department:
- i) Name and address of merchant;
 - ii) Address from which merchant shall conduct business;
 - iii) A copy of a valid permit from the Township of West Deptford.

5. Recordkeeping

In the case of business done on Saturday such report shall be delivered before eleven o'clock on the succeeding Monday.

- a. The secondhand article is to be made available for inspection by

the Chief of Police of the Township of West Deptford, or his/her duly designated representative, for a period of five (5) days from the date the information required above is received by the Chief of Police.

The secondhand article shall remain in the same condition as when purchased and shall not be changed, modified, melted, altered or disposed of by the merchant until the five-day period has expired. During this five-day period, the secondhand article shall be in public view at the merchant's place of business.

If the property is such that it would create a hardship on the merchant by holding the precious metal, gem and/or gemstone for such period, the merchant may present the property to the Chief of Police, or his/her duly designated representative, so that it may be photographed and, if deemed necessary by the Chief of Police, or his/her duly designated representative, an investigation shall be initiated into the purchase.

The Chief of Police, or his/her duly designated representative, has the authority to grant the merchant a waiver of the requirement under this Section. The waiver shall be on official Department of Police stationery and executed by the Chief of Police, or his/her duly designated representative. The original of said waiver shall be retained by the Department of Police and a copy shall be retained by the merchant.

All records shall be kept and maintained for a period of not less than two (2) years from the date of transaction. All records shall further be available for inspection by the Chief of Police or his duly designated representative during this period.

C. SECONDHAND WATCHES

In addition to those requirements as found in this Chapter, the sale of secondhand watches shall be in accordance with N.J.S.A. 45:22-35 - N.J.S.A. 45:22-40.

D. NONAPPLICABILITY

This Chapter shall not apply to purchases made by jewelers or other merchants from wholesalers or other suppliers, but shall only apply to those purchases made from the public or other retail purchases. The merchant shall keep records of all wholesale purchases from a period of six months from the date of such purchase, which records shall be opened to investigation by the Township of West Deptford Police Department upon request.

E. PURCHASES FROM MINORS

No merchant within the Township of West Deptford shall purchase any article from any person under the age of 18 years.

F. VIOLATIONS AND PENALTIES

Any person, firm or corporation violation any provisions of this chapter shall, upon conviction thereof in the Municipal Court, be punished by a minimum fine of \$100 or a maximum fine of \$1000 or by imprisonment for a term not exceeding 90 days or by a period of community service no exceeding 90 days. Each and every violation shall be considered a separate violation. Any person who is convicted of violating the provisions of this chapter within one year of the date of a previous violation may be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein and same shall be calculated separately from the fine imposed for the violation of this chapter.

BE IT FURTHER ORDAINED by the Mayor and Township Committee of the Township of West Deptford, that if any section, or part thereof, of this Ordinance shall be deemed invalid, the remainder of this Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon passage and publication as required by law.

TOWNSHIP OF WEST DEPTFORD

By:



DENICE DICARLO, Mayor

ATTEST:



AMY LESO, Clerk

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 1st day of July, 2015 at a regular meeting of the Township Committee of the Township of West Deptford and was taken up for final consideration and passage at a regularly scheduled meeting of the Mayor and Township Committee of the Township of West Deptford held on the 5th day of August, 2015 at 7:00 p.m. at the Municipal Building, 400 Crown Point Road, Thorofare, New Jersey.



AMY LESO, RMC, Township Clerk