

ORDINANCE NO. 2023 - 42

AN ORDINANCE OF THE TOWNSHIP OF STAFFORD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 174 OF THE TOWNSHIP CODE, ENTITLED "SECONDHAND GOODS AND PRECIOUS METALS, DEALERS OF"

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Stafford, County of Ocean, State of New Jersey, that Chapter 174- Secondhand Goods and Precious Metals, Dealers of shall be amended and supplemented as follows:

SECTION 1. Chapter 174 of the Township Code entitled Secondhand Goods and Precious Metals, Dealers of is hereby amended as supplemented as follows (additions are underlined and deletions appear as ~~strikes~~throughs:

§ 174-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCEPTABLE IDENTIFICATION

A current valid New Jersey driver's license or identification card, a current valid photo driver's license issued by another U.S. state, a valid United States passport, or other verifiable U.S. government-issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

ANTIQUÉ OR ANTIQUES

One or more old and valuable art object or item no longer in production that is at least fifty (50) years old. As used in this chapter, the terms "antique" or "Antiques" shall also mean "primitives."

ANTIQUÉ DEALER

Any person, partnership, firm, association or corporation, other than a licensed pawnbroker or licensed secondhand dealer, having a place of business in the Township of Stafford for the

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purpose of purchasing, trading or dealing in antiques or primitives and who derive seventy-five percent (75%) of his or her gross sales from the sale of antiques or primitives.

APPLICABLY REQUIRED COMPUTER EQUIPMENT

Any computer equipment, peripherals or other electronic equipment and/or components required to access, input information into or query the electronic database system designated by the Chief of Police.

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 not, and also including material for manufacture. And so defined in N.J.S.A. 51:6-1.

BUSINESS ENTITY

Any and all forms of business organization operating pursuant to law, including but not limited to entities designated and/or operating as a partnership, limited liability company, corporation, "S" corporation, association or firm. For purposes of this chapter, the term "business entity" includes a foreign business or businesses formed under the laws of another state which business is authorized by the State of New Jersey Division of Revenue to conduct business within this state and, at all times relevant to this chapter, is in good standing with the New Jersey Division of Revenue. Foreign businesses include all forms of business entity recognized in the foreign jurisdiction, including any form of business entity not otherwise recognized by the laws of the State of New Jersey, such as, without limitation, a limited liability partnership.

CHIEF OF POLICE

The Chief of Police of the Township of Stafford or his designee/representative.

DATABASE

A computerized internet capable database with hardware and software compliant to, accessible by, and acceptable to the Chief of Police.

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DEALER

Any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For purposes of this chapter, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

DESIGNATED VENDOR

A person or entity who is appointed or designated by the Chief of Police who is authorized to collect and maintain precious metal transaction information or other purchase information as defined herein, for the Township of Stafford.

ITINERANT BUSINESS

A dealer who conducts business intermittently within the municipality or at varying locations.

LICENSEE

Any person or business entity granted a license pursuant to this chapter and/or granted a license by the Department of Banking and Insurance in accordance with the Pawn broking Law.

GIFT CARD

A restricted monetary equivalent or script that is issued by retailers or banks to be used as an alternative to a non-monetary gift.

MINOR

Any person under the age of 18 years.

PAWNBROKER

Any person, partnership, association or corporation lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing

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business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

PAWN BROKING LAW

The New Jersey statute and implementing regulations, N.J.S.A. 45:22-1, et seq. and N.J.A.C. 3:16-1.1 et seq., respectively, and any and all amendments thereto, which govern and regulate pawn shop businesses and pawnbrokers operating within the State of New Jersey.

Person

Any individual which is not a business entity. For purposes of this chapter, the term "person" shall also include an individual operating a business as a sole proprietorship.

PLEDGE

An article or articles deposited with a pawnbroker in the course of business.

PLEDGOR

A person who delivers the pledge into the possession of a pawnbroker, unless such person discloses that he is or was acting for another, and in such an event "Pledgor" means the disclosed principal.

PRECIOUS METALS

Gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and 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.



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PURCHASE

Not only the exchange of money for precious metals, but the exchange or trading of any other tangible or intangible property for precious metals. The exchange of money and the exchange, deposit, pledge, sale, conveyance or trade of any tangible or intangible article.

REPORTABLE TRANSACTION

Every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

SECONDHAND DEALER OR DEALER IN SECONDHAND GOODS

As used in this chapter, any person, partnership, corporation, association, joint venture, trustee, court-appointed representative or agent thereof which operates a business for profit which buys, sells, possesses on consignment for sale or trades jewelry, stamps, coins or any precious metals which may have been previously owned by a consumer or derives more than 35% of its gross receipts from the sale, consignment for sale, pledge or trade of any goods, wares or merchandise which have previously been owned buy a consumer, including but not limited to furniture, appliances, consumer electronic goods, clothing, automobile accessories, books, magazines, athletic cards and memorabilia or precious metals, whether in bulk or manufactured state. The term "secondhand dealer" shall include businesses commonly known as "pawnbrokers," "trading posts," "swap shop operators," "stamp dealers," "coin dealers," "jewelers," and "auction houses" that purchase and resell items from persons other than dealers and suppliers. The fact that any business does any of the following acts shall be prima facie proof that said business is a secondhand dealership:

- A. Advertises in any fashion that it buys or sells secondhand or used items. Such advertisements shall include, but not limited to, media advertisements, telephone listings, and signs, whether on the exterior or interior of the business.
- B. Devotes a significant segment or section of the business premises to the purchase or sale of secondhand or used items.
- C. Secondhand Goods. Goods which have been previously owned, worn or used by a consumer and/or that ate not new. For purposes of this chapter, the term "secondhand

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goods” shall include “secondhand watches” except where the context clearly indicates to the contrary.

D. Secondhand Watches. A watch shall be deemed to be secondhand if:

1. It as a whole or the case thereof or the movement thereof has been previously sold to or acquired by any person who bought or acquired the same for his use or the use of another, but not for resale; provided, however, that a watch which has been sold or acquired and is thereafter returned either through an exchange or for credit to the original individual, firm, partnership, association or corporation who sold or passed title to such watch, shall not be deemed to be a secondhand watch for the purposes of this chapter if such vendor shall keep a written or printed record setting forth the name of the purchaser thereof, the date of the sale or transfer thereof, and the serial number (if any) on the case and the movement, and any other distinguishing numbers or identification marks, which said record shall be kept for at least five (5) years from the date of such sale or transfer and shall be open for inspection during all business hours by the Ocean County Prosecutor or prosecutor’s duly appointed representative;
2. Its case, serial numbers or movement numbers or other distinguishing numbers or identification marks shall be erased, defaced, removed, altered or covered; or
3. If its movement is more than five (5) years old and has been repaired by any person or persons, including the vendor, notwithstanding that it may have been returned either through an exchange or for credit to said original vendor. Cleaning and oiling a watch movement or recasting the movement in a new case shall not be deemed watch repair for the purposes of this chapter.

SECONDHAND GOODS

Used goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, any tools, telephones, typewriters, word processors, GPS devices, computers, computer hardware and software, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles,

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game cartridges, DVDs, CDs, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, furniture, clothing, and other valuable articles. For the purposes of this chapter, “secondhand goods” shall not include goods transacted in the following manner:

- A. Judicial sales or sales by executors or administrators;
- B. Occasional or auction sales of household goods sold from private homes;
- C. Auctions of real estate;
- D. The occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

SELLER

A member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.

TRANSIENT BUYER

A dealer as defined herein, who has not been in a registered retail business continuously for at least six months at any address in the municipality where the dealer is required to register or who intends to close out or discontinue all retail business within six months. Or as so defined in N.J.S.A. 51:6A:-5 and N.J.A.C. 13:47C-1.1.

Any licensee operating as a pawnshop or pawnbroker shall comply with all applicable state and federal laws and regulations that govern the same. Specifically, businesses dealing in the purchasing of precious metals will comply with the laws outlined in N.J.S.A. 51:6A-1.

Notwithstanding anything in Chapter 134 (“Licensing”) to the contrary, except where otherwise stated in this chapter, the provisions of this chapter shall govern pawnbrokers, pawn broking activities, dealers in secondhand goods and precious metal dealers with respect to the issuance,



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term, renewal and effect of licenses issued pursuant to this chapter and the violations and penalties set forth in this chapter. It is the express intent of the Township of Stafford that any conflict between this chapter and Chapter 134 of the Code of the Township of Stafford, entitled "Licensing," be resolved in favor of this chapter.

§174-4. License requirement for dealers; Operation.

A. License requirement. No person, partnership, limited liability company, corporation, or other entity shall engage in the business of buying, selling, or the pawning of precious metals or other secondhand goods, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefor from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly persons offense(s), or municipal ordinance violation(s), and the date(s) thereof. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in §174-3 above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for purposes of this chapter. No person, partnership, limited liability company, corporation or other entity shall place or cause to be placed any advertising for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower right-hand corner of the advertisement. In any advertisement in electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to the penalties established in §174-10.

B. Prohibited purchases.

No licensee shall purchase or accept any goods, wares, articles, or things under any of the following circumstances:

Where the seller is less than the age of 18;

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A pawnbroker may not accept a pledge from any person who is under the age of 16. (N.J.S.A. 45:22-31);

Where the seller is intoxicated, "Intoxicated" is defined as a seller whose mental or physical functioning is substantially impaired as a result of alcohol or drugs;

Where the seller fails to present a valid New Jersey driver's license or at least two forms of identification of which at least one contains the seller's full legal name, date of birth, a photograph or full physical description, and an identification number.

Where the article to be purchased had an original manufacturer's serial number at the time it was new but no longer legibly exhibits said number.

- C.** Purchasing, selling, or displaying weapons prohibited. No licensee shall deal in, buy or sell, or display in his or her shop any pistol, revolver, Derringer, Bowie knife, dirk or other deadly weapon of like character, capable of being secreted upon the person, unless such licensee shall also possess valid and current licenses or permits as required by applicable federal, state, or local laws, ordinances, rules or regulations.
- D.** Secondhand watches to be clearly marked. Any person or business entity engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell or exchange, or offer for sale or exchange, expose for sale or exchange, possess with the intent to sell or exchange, or display with the intent to sell or exchange any secondhand watch, shall affix and keep affixed to the same a tag with the words "secondhand watch" clearly and legibly written or printed thereon, and the said tag shall be so placed that the words "secondhand" shall be in plain sight at all times. Further, any person or business entity engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell a secondhand watch or in any other way pass title thereto shall deliver to the vendee a written invoice bearing the words "secondhand watch" in bold letters, larger than any of the other written matter upon said invoice, which invoice shall also set forth the following: the name and address of the vendor; the name and address

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of the vendee; the date of sale; the name of the watch or its makers; the serial numbers, if any; and any other distinguishing numbers or identification marks upon its case and movement; or if the serial numbers or other distinguishing numbers or identification marks shall been erased, defaced, removed, altered or covered, the invoice shall so state.

The vendor shall keep on file a duplicate of said invoice for at least five (5) years from the date of the sale thereof, which shall be open to inspection during all business hours by the Ocean County Prosecutor or his duly authorized representative.

Any pawnbroker, secondhand dealer or other person or business entity or any agent thereof, who may advertise or display in any manner a secondhand watch for sale or exchange shall state clearly in such advertisement or display that said watch is a secondhand watch.

§174-5. Application process for dealers; approval or denial.

- A. Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter, for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to, the following:
1. The experience of the applicant in the business of purchase and sale of those articles or goods referred to in §174-3 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience.
 2. The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license.
 3. Any criminal record of the applicant, including past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation,

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Criminal Justice Information Services Division, which may require an additional fee from the applicant.

4. The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metals or other secondhand goods, and other factors bearing on whether the licensed business will be fixed and permanent nature. This section shall not construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business; however, applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by §174-7D of this chapter will be stored, as well as the location where purchased goods will be retained during the mandatory inspection period required under §174-7A.
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- B. The Chief of Police shall complete any investigation pursuant to this chapter within 30 days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
 - C. The Chief of Police shall, upon completion of the investigation, recommend “grant” or “denial” of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified in writing within 10 days of such denial, and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.
 - D. Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices

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in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in §174-6, the retention and inspection requirements of §174-7, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by §174-8 of this chapter.

- E. Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right must file a written notice of appeal within 10 days of receiving written notice of denial of a license to act as a dealer of secondhand goods.
- F. No license shall be assignable by the dealer.
- G. Every license issued under the provisions of this chapter shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued.
- H. Any license issued for a secondhand dealer may be revoked or suspended for a period not to exceed 30 days by the Mayor and Council if they shall find after hearing: that the licensee, its officers, agents or employees have violated any of the provisions of this chapter, the laws of the state or ordinances of the Township of Stafford in the operation of the business; or that the licensee, its partners, officers or shareholders have been convicted of any offense set forth in this chapter; or that the licensee, partners, officers or shareholders have knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this chapter or any investigation into any application. The licensee shall be responsible for the acts of its

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agents, servants and employees in the operation of the business. Prior to holding a hearing concerning the question of whether a license shall be revoked or suspended, the Mayor and Council shall give at least 10 days written notice to the licensee setting forth the alleged violation. The licensee may present evidence and cross-examine witnesses at such hearing.

- I. In addition to being subject to penalty as hereinafter set forth, any person who obtains a license as herein provided by furnishing the Township of Stafford with a false or misleading application shall, upon the discovery thereof, suffer an immediate revocation of such license and forfeiture of all fees paid.
- J. No licensee shall carry on any business required to be licensed under this chapter except at the location designated on the license. Should the licensee wish to change the location, application shall be made to the Township of Stafford Clerk for such change in writing.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Stafford held on the **21st** day of **November, 2023** and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **11th** day of **December, 2023** at 7:00 p.m., at the Township Council Meeting Room, located at 260 East Bay Avenue, Manahawkin, New Jersey, 08050 at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


SUSAN FARRELL
TOWNSHIP CLERK

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Introduction: November 21, 2023

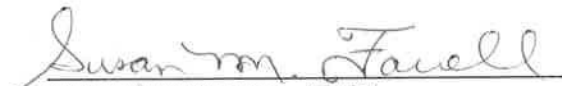
Gov. Body	Motion	Second	Yes	No	Abstain	Absent
Esposito			✓			
Henken	✓		✓			
Krier			✓			
Mower			✓			
Otte		✓	✓			
Steadman			✓			
Myhre			✓			

Adoption: December 11, 2023

Gov. Body	Motion	Second	Yes	No	Abstain	Absent
Esposito			✓			
Henken		✓	✓			
Krier			✓			
Mower			✓			
Otte	✓		✓			
Steadman			✓			
Myhre			✓			

CERTIFICATION

I, **SUSAN FARRELL**, Municipal Clerk of the Township of Stafford, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Stafford Township Council at a meeting held on the 11th day of **December, 2023**.


SUSAN FARRELL, RMC
STAFFORD TOWNSHIP
MUNICIPAL CLERK

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