

**ORDINANCE OF THE TOWNSHIP COUNCIL
OF THE TOWNSHIP OF DEPTFORD
ESTABLISHING CHAPTER 4-11 ENTITLED
"PAWNSHOPS; DEALERS IN PRECIOUS METALS,
GEMS, GEMSTONES AND SECOND-HAND GOODS"**

BE IT ORDAINED by the Mayor and Council of the Township of Deptford as set forth below:

I. PURPOSE AND INTENT.

The purpose and intent of this Chapter is to assist law enforcement officials and victims of crime in recovering stolen items by implementing minimum reporting requirements and purchase and re-sale criteria for Dealers of second-hand goods.

No person shall use, exercise or carry on the business, trade or occupation of buying gold, silver, platinum, precious metals, jewelry, home electronics/audio and visual equipment, musical instruments, telephones, telephonic equipment, scales, computers, computer hardware and software, typewriters, word processors, sporting goods, antiques, tools, GPS devices, car stereos, gift cards, furniture, other valuable articles or any item that contains a serial number/identification number or other distinctive marker, hereinafter referred to as "second-hand goods or articles," by being a second-hand Dealer within the Township of Deptford without having first obtained a permit from the Township of Deptford as hereinafter provided.

II. DEFINITIONS.

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.

ACCEPTABLE IDENTIFICATION: Acceptable forms of identification shall include: a current valid New Jersey Driver's License or Identification Card, a current valid photo driver's license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification.

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 shall include material for manufacture, as so defined in N.J.S.A. 51:6-1.

CHIEF OF POLICE: the Chief of Police of the Township of Deptford or his designee/representative.

DATABASE: A computerized internet-capable database with hardware and software compliant with standards as established by the Chief of Police.

DEALER: Any person, partnership, corporation, or other entity, whether permanent or itinerant, who on one or more occasions (through any means) buys or sells or otherwise exchanges or trades secondhand good, scrap metal, gold, silver, precious metals, gems, or jewelry, or any item as defined as second-hand goods and includes anyone advertising the purchase or sale of any of the aforementioned items.

DESIGNATED VENDOR: A person or entity who is appointed or designated by the Chief of Police who is authorized to collect and maintain second-hand goods transaction information, or other purchase information as defined herein.

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

ITINERANT BUSINESS: Any business conducted intermittently within the Township of Deptford or at varying locations, this definition shall include seasonal businesses.

LICENSE: Authorization as provided by the State of New Jersey.

PAWNBROKER: Any person, partnership, association or corporation lending money on deposit or pledge or personal property, other than choses in action, securities, or printed evidences of indebtedness; or purchasing personal property on condition of selling it back at a stipulated price; or lending money on goods, wares or merchandise pledged or deposited as collateral security, or as so defined in N.J.S.A. 45:22-1.

PERMIT: Authorization as provided by the Township of Deptford upon completion of requirements.

PERSON: Any individual natural person, partnership, joint venture, business, society, associate, club, trustee, trust, corporation, or unincorporated group, or an officer, agent, employee, servant, factor or any form of personal representative of any thereof, in any capacity, acting for self or on behalf of another.

PLEDGE: An article or articles deposited with a pawnbroker or 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 pawnbroker or 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: 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.

REPORTABLE TRANSACTION: Every transaction conducted by a Dealer in which second-hand goods, are purchased, exchanged or sold from or with the public or another retailer.

SECONDHAND GOODS: Any article previously sold, acquired, exchanged, conveyed, traded or otherwise formerly owned, including but not limited to 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, scrap metal, tools of all kinds, televisions, DVRs, GPS, camcorders, car stereos, gift cards, furniture, other valuable articles any item that contains a serial number/identification number or other distinctive marker.

TRANSIENT BUYER: A Dealer who has not been in any retail business continuously for at least six (6) months at that address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business in the Township of 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.

WATCH: A watch shall be deemed to be second-hand if it comports to the definition under N.J.S.A. 45:22-38.

III. PLEDGES, PAWNS OR BUSINESS OF PAWNBROKER PROHIBITED.

No person operating or conducting a second-hand shop, junk shop, junkyard or metal processing facility shall receive in the line of his business any article or thing, by way of pledge or pawn, nor shall he loan or advance any sum of money on the security of any such article or thing.

No keeper of a second-hand shop, junk shop, junkyard or metal processing facility shall, during the continuance of his permit as such, receive or hold a permit to carry on the business of a pawnbroker.

IV. REGISTRATION AND ISSUANCE OF PERMIT.

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 herein, shall engage in such business without first obtaining a permit from the Township of Deptford. Upon request for an Application for Permit the Dealer shall be given a copy of this Ordinance.
- b. The Department of Community Development shall, on Application reviewed and signed by the Chief of Police, issue an appropriate permit. Each Dealer is required to:
 - i) Provide full names of all business owners.
 - ii) Provide current address of all business owners.
 - iii) Provide full name of on-site business manager.
 - iv) Provide address from which business shall be operated.
 - v) Provide current telephone numbers for all business owners and on-site manager.
 - iv) Provide dates of birth for all business owners and on-site business manager.
 - v) Provide two (2) forms of identification, one of which shall contain a photograph for all business owners and on-site business owner.
 - vi) Provide three (3) sets of fingerprints taken by the Deptford Township Police Department or their designee of each business owner and the on-site manager.
 - vii) Pay to the Township of Deptford an annual fee to be determined annually by Resolution.
 - viii) Provide original of Bond as may be required by law.
- c. Upon Application the Deptford Township Police Department shall institute an investigation of the Dealer's moral character and business responsibility for the protection of the public welfare.
- d. Upon completion of the investigation, the Chief of Police shall either accept or deny the Dealer based upon the results of his investigation.
- e. All permits included in this Section shall expire on December 31st of the year in which they were issued and shall not be transferrable.
- f. All permit renewals shall be required to undergo the same process as the initial permit application.

B. SECOND-HAND GOODS

1. Permit Required

- a. Prior to buying, attempting to buy or offering to buy any second-hand goods, as defined herein, no person shall engage in such business without first obtaining a permit from the Township of Deptford and shall also comply with N.J.S.A. 45-22-34 *et seq.* Upon request for an Application for Permit the Dealer shall be given a copy of this Ordinance.
- b. The Department of Community Development shall, on application reviewed and signed by the Chief of Police, issue an appropriate permit. Each Dealer is required to:
 - i) Provide full names of all business owners.
 - ii) Provide current address of all business owners.
 - iii) Provide full name of on-site business manager.
 - iv) Provide address from which business shall be operated.
 - v) Provide current telephone numbers for all business owners and on-site manager.
 - iv) Provide dates of birth for all business owners and on-site business manager.
 - v) Provide two (2) forms of identification, one of which shall contain a photograph for all business owners and on-site business owner.
 - vi) Provide three (3) sets of fingerprints taken by the Deptford Township Police Department or their designee of each business owner and the on-site manager.
 - vii) Pay to the Township of Deptford an annual fee to be determined annually by Resolution.
 - viii) Provide original of Bond as may be required by law.
- c. Upon Application the Deptford Township Police Department shall institute an investigation of the Dealer's moral character and business responsibility for the protection of the public welfare.
- d. Upon completion of the investigation, the Chief of Police shall either accept or deny the Dealer based upon the results of his investigation.
- e. All permits included in this Section shall expire on December 31st of the year in which they were issued and shall not be transferrable.
- f. All permit renewals shall be required to undergo the same process as the initial permit application.

V. RECORD KEEPING.

Every Dealer within the Township of Deptford shall, upon the purchase of any second-hand goods from the public or another retailer, be required as follows:

- A. Record on a numbered receipt:

1. The name, address and telephone number of the Dealer;
2. The name, address and telephone number of the seller or sellers;
3. The time and date of the transaction;
4. The net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams of the precious metals; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.; or weight in pounds for scrap metal.
5. The serial number/identification number or other distinctive markers;
6. The signature and printed name of the seller(s).
7. The form must be legibly initialed by the clerk or the Dealer who made the transaction so as to readily identify that individual.
8. These records shall be subject to the inspection of any authorized police officer of the Township of Deptford for one-year following the purchase.

B. Electronic Database.

1. The Dealer shall enter all transactions into an electronic database within forty-eight (48) hours from the date of purchase. The information entered shall contain the information in subsection "A" above, in addition to the following:
 - a. The information in "A" above shall be documented through use of an electronic database software system to be annually obtained by the Township under the Local Public Contracts Law and paid for by the Application fee of those entities conducting such business as described herein.
 - b. A physical description of the seller or sellers;
 - c. The receipt number;
 - d. A full description of the item or items purchased, including but not limited to, marks, numbers, dates, sizes, shapes, weight, initials, monograms serial number/identification number or other distinctive markers;
 - e. The price paid for the item;

- f. In the event of a database failure, or the Dealer's computer equipment malfunctions, all transaction information is required to be submitted on paper forms approved by the Chief of Police.
 - i). In the event that paper forms need to be 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 becoming accessible.
- g. 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 this Ordinance and subsequently being subject to the penalties for doing so.

C. Disclosure Report.

- 1. Each day except Sunday, before eleven o'clock in the forenoon, deliver to the Chief of Police of the Township of Deptford, or his/her duly designated representative, a legible and correct transcript, on blank forms to be furnished by the Police Department, showing the information contained in Section V. "A" and "B" above.
- 2. In the case of business done on Saturday such report shall be delivered before eleven o'clock on the succeeding Monday.

D. Security Camera.

- 1. Every Dealer in second-hand goods shall have in operation at least one interior video camera which camera and location shall be approved by the Deptford Township Police.
- 2. Security camera records shall be kept for 72 hours and shall be made available to the Deptford Police Department upon request.

VII. RESPONSIBILITIES, REQUIREMENTS.

A. Color photographs or color images.

- 1. A color photograph or color image of the seller's presented identification shall be obtained by the Dealer.
- 2. A color photograph or color image of all items purchased by the Dealer shall be obtained. When photographing or imaging all items must be positioned in a manner that makes them readily and easily identifiable.

B. Inspections.

1. 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 any member of the Deptford Police Department to examine any database, book, ledger, or any other record contained on the premises relating to the purchase or sale of second-hand goods.
2. The second-hand goods shall be made available for inspection by the Chief of Police of the Township of Deptford or his/her duly designated representative for a period of five (5) from the date the information required herein is received by the Chief of Police on the approved form.
3. The Dealer shall allow the Police Officer to take possession of any article known by the Deptford Police Department to be missing or to have been stolen, or where the Police officer has probable cause to believe the article is missing or stolen.
4. The second-hand goods shall remain in the same condition as when purchased and shall not be changed, modified, melted, altered or disposed of by the Dealer until the five-day period has expired. During this five-day period, the second-hand item shall be placed in public view at the Dealer's place of business.
5. If the property is such that it would create a hardship on the Dealer by holding the second-hand goods for such period, the Dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police, an investigation be implemented. The Chief of Police has the authority to grant the Dealer a waiver of the requirement under this section which waiver shall be in writing.

C. Limitations on purchases

1. Dealer payment to seller in cash shall be limited to two (2) transactions during a seven (7) day period for the same seller. The seven (7) day period shall commence on the day of the first transaction and end seven days after the transaction, i.e. if transaction #1 occurs on Monday the seven (7) day period ends on Sunday.
2. No cash payments shall be made to the same seller who makes more than five (5) transactions in any thirty (30) day period.
3. A seller making transactions over the number of proscribed weekly and monthly periods will be paid by the Dealer by means of a bank check drawn from the Dealer's business account.

VIII. NON-APPLICABILITY.

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

IX. PURCHASES FROM MINORS.

No Dealer within the Township of Deptford shall purchase any precious metals from any person under the age of 18 years.

X. VIOLATIONS AND PENALTIES.

Violation of any provision of this Chapter, shall, upon conviction thereof, be punished by a minimum fine of \$100 or a maximum fine of \$500 or by imprisonment for a term not exceeding 100 days or by a period of community service not exceeding 100 days.

Additionally, each violation of this shall result in a suspension of the Dealer's permit for ten (10) days.

Each and every violation shall be considered a separate violation.

Every day that a violation continues shall be a separate violation. Each violation shall result in an additional ten (10) day suspension.

Any person who is convicted of violating the provisions of this Chapter within one year of the date of a previous violation and who was fined for the 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.

XI. REVOCATION OF LICENSE.

A. Licenses issued under the provisions of this Chapter may be revoked by the Chief of Police after a Hearing before the Township Manager and upon written Notice to the Dealer for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the Application for license;

2. Fraud, misrepresentation, or false statement made in the course of carrying on the business of purchasing second-hand precious items as defined herein;
 3. Any other violation of this Chapter;
 4. Conviction of any crime or disorderly persons offense involving moral turpitude;
 5. Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
- B. Notice of the Hearing before the Township Manager for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of Hearing. Such Notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing.

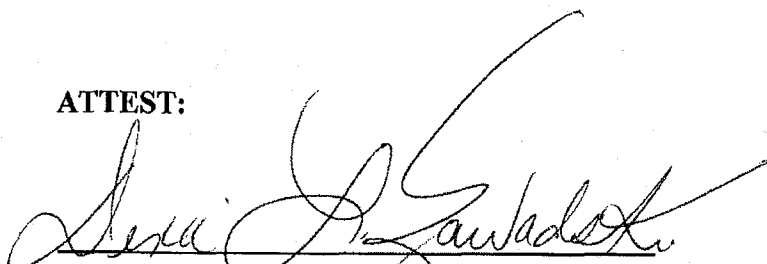
BE IT FURTHER ORDAINED that this Ordinance shall take effect 90 days from the passage and publication as required by law.



TOWNSHIP OF DEPTFORD

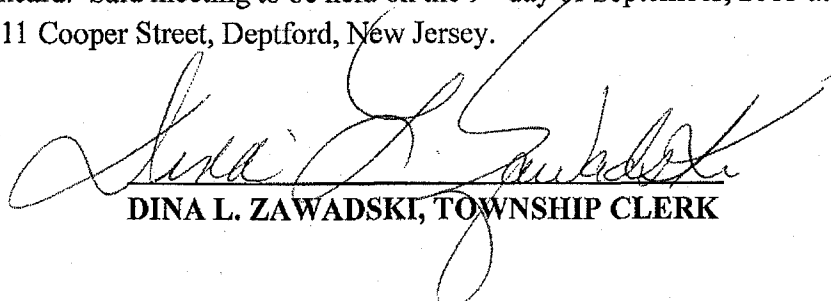

PAUL MEDANY, MAYOR

ATTEST:


DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of Township Council of the Township of Deptford held on the 5th day of August, 2013 and will be considered for final passage and adoption at a Regular Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 9th day of September, 2013 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.


DINA L. ZAWADSKI, TOWNSHIP CLERK

Introduction

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.13.13				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

Adoption

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.13.13				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			