

**TOWNSHIP OF JEFFERSON
COUNTY OF MORRIS, NEW JERSEY**

ORDINANCE #17-15

**“ORDINANCE CREATING CHAPTER 390 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE
ENTITLED ‘SECONDHAND DEALERS’ AND THE LICENSING AND REGULATIONS OF SUCH DEALERS”**

BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that there is hereby created Chapter 390 of the Jefferson Township Municipal Code, entitled “Secondhand Dealers” as follows:

SECTION I

Chapter 390 Precious Metals, Gems, and Secondhand Goods

§390-1 **Purpose and intent.** The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals, gems, gemstones and/or other articles by requiring reasonable reporting, maintenance and distribution criteria for secondhand and transient dealers.

§390-2 **Definitions.** For 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 include: a current valid New Jersey driver's license or identification card issued by the New Jersey Motor Vehicle Commission, a current valid photo driver's license issued by another U.S. state, other verifiable United-States-government-issued photo identification with address, or valid United States passport and evidence of current address. All of the above-listed identification procedures require the dealer to capture or record evidence of the person's current address.

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, as also defined in N.J.S.A. 51:6-1.

Database. A computerized Internet-capable database with hardware and software compliant with standards set 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, receives for pawn or otherwise exchanges or trades any property as described in §390-11 herein, and includes anyone advertising the purchase, sale or receipt for pawn of any of the aforementioned items.

Gift Card. A restricted monetary equivalent or scrip that is issued by retailers or banks to be used as an alternative to a nonmonetary gift.

Itinerant Business. Any business conducted intermittently within the Township or at varying locations.

Pawn. A bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the implied power of sale or default.

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

Precious Metals. Metals composed of or containing 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., or N.J.S.A. 51:6A-1 et seq., gems, gemstones, coins, and all forms of jewelry.

Public. Individuals and other retail sellers, not to include businesses engaged primarily in wholesale transactions.

Purchase. The exchange of money or other consideration for the pledge, sale, conveyance, or trade of any property described in §390-11 herein.

Reportable Transaction. Every transaction conducted by a dealer in which property described in §390-11 herein is purchased, pawned or exchanged from or with the public.

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 or audio/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, DVRs, GPS devices, camcorders, car stereos, gift cards, furniture, clothing, other valuable articles, or as listed in §390-11 herein.

Transient Buyer. A dealer who has not been in any retail business continuously for at least six months at that address in the Township where the dealer is required to register. The term "transient buyer" shall also include a dealer who intends to close out or discontinue all retail business in the Township within six months, or as defined in N.J.S.A. 51:6A-5 and N.J.A.C. 13:47C-1.1. Vendors doing business during a community event sponsored or sanctioned by the Township shall not be considered transient buyers.

§390-3_ **License required.** No person shall use, exercise or carry on the business, trade or occupation of buying, receiving, receiving for pawn or selling of any property described in §390-11 herein, or operate as a dealer of said property within the Township of Jefferson, without having first obtained a license from the Township Clerk as hereinafter provided.

§390-4 **Registration and issuance of license.** Every dealer conducting business or intending to conduct business within the jurisdiction of the Township of Jefferson shall first file an application with the Township Clerk and be fingerprinted by the Police Department, which shall initiate an investigation of the applicant's moral character and business responsibility. In the event that the dealer is a business entity other than a sole proprietorship, the officers of the corporation or the partners of the partnership or limited partnership shall be listed on the application and shall be fingerprinted and investigated. Upon completion of the investigation, the Chief of Police or his designee shall advise the Township Clerk to either issue or deny the license based upon the results of the investigation. Upon issuance of a license pursuant to this chapter, the licensee shall be provided with a copy of this chapter.

§390-5 **License fees; non-transferability.**

- A. Upon submitting an application for a license or a license renewal application pursuant to this chapter, the applicant shall provide a nonrefundable application fee of \$300, payable to the Township of Jefferson.
- B. A license issued pursuant to this chapter shall not be transferable and shall terminate on December 31 of the year in which said license is issued, unless it is renewed pursuant to the provisions of this section.
- C. On or about November 1 of each year, the Township Clerk shall make available a renewal application for each licensed dealer. Upon submission of the renewal application and required fee, the license shall be renewed unless the dealer has violated the provisions of this chapter; in such case, the Chief of Police will notify the dealer, who may request a hearing prior to the revocation of said license.

§390-6

Revocation of license.

- A. Licenses issued pursuant to this chapter may be revoked after a hearing, upon notice to the applicant, 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 as a dealer in property as described in §390-11 herein;
 - (3) Any violation of this chapter;
 - (4) Conviction of any crime;
 - (5) Conviction of any disorderly persons offense involving moral turpitude;
 - (6) Conviction of any offense under the laws of the United States or any state which is substantially equivalent to the offenses named in this section;
 - (7) 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 as to constitute a menace to the health, safety, or general welfare of the public.
- B. Notice of the hearing for revocation of a license shall be issued by the Chief of Police, given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least 10 business days prior to the date set for the hearing. The hearing shall be conducted by the Township Council.

§390-7

Dealer's responsibilities, requirements, and recordkeeping. Every dealer within the Township shall, upon the purchase, receiving for pawn, or receiving for consignment, of any property described in §390-11 herein from the public, shall be required to:

- A. Record using a unique transaction number 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, 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., and any property containing a serial number.
- B. Document, through use of an electronic database software system as designated by the Chief of Police, the information listed in Subsection C herein. These records shall be subject to the inspection of any sworn police officer acting in the performance of his or her duties.
- C. Through the use of required computer equipment, and using the electronic format approved by the Chief of Police, enter all transactions into the electronic database within 48 hours from the date of purchase, including the following information:
- (1) The name, address, date of birth, telephone number, and governmental identification number of the seller;
 - (2) A full description of property sold or pawned by the seller, including, but not limited to, marks, numbers, dates, sizes, shapes, initials, monograms and serial numbers, face value and identifying numbers or gift cards;
 - (3) The price paid for the property;

- (4) The name of the clerk or the dealer who made the transaction, so as to readily identify that individual;
 - (5) A color photograph or color image of the seller's presented governmental photo identification;
 - (6) A color photograph or color image of all property sold. When photographing or imaging, all property must be positioned in a manner that makes it readily and easily identifiable.
- D. None of the above-described property shall be sold or disposed of, and shall be made available for inspection by any sworn police officer in the performance of his or her duties for a period of three business days from the date the information required above is received by the Chief of Police in the prescribed electronic format. The property shall remain in the same condition as when purchased and shall not be changed, modified, melted, or disposed of by the dealer until the three-day period has expired. If the nature of the property is such that it would create a hardship on the dealer by holding the property 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 requirements under this section.
- E. In the event of a database failure or if the dealer's computer equipment malfunctions, 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 required transaction information described in Subsection C herein into the database as soon as practicable upon the dealer's computer 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 this chapter and may result in the revocation of the dealer's license.
- F. 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 Township Police Department or any other sworn police officer acting in the performance of his or her duties to examine any database, book, ledger, or any other record on the premises relating to the purchase of property from the public. Township police officers are hereby empowered to take possession of any property known by a police officer or official to be missing or to have been stolen, or where the officer or official has probable cause to believe that the article is missing or stolen. A receipt will be provided to the dealer for any property seized by the Township Police Department.

§390-8 **Non-applicability.** This chapter shall not apply to purchases made by dealers from wholesalers or other legitimate suppliers, but shall only apply to those purchases made from the public, which includes other retail sellers as defined herein. 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 Township Police Department or any sworn police officer in the performance of his or her duties.

§390-9 **Purchases from minors.** No dealer within the Township shall purchase any property as defined in §390-11 herein from any person under the age of 18 years.

§390-10 **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 of \$2,000 and/or by imprisonment for a term not exceeding 90 days and/or by a period of community service not exceeding 90 days. Each and every violation shall be considered a separate violation. Each day that a violation continues shall be a separate violation. Notwithstanding the revocation of license provisions set forth in this chapter, each violation shall result in a ten-day suspension of the dealer's license under this chapter.

§390-11 **Property.** The following is a non-exhaustive list of property covered under this chapter:

- All other precious metals
- Antique weapons of all kinds
- Antiques
- Audio/visual equipment
- Blu-ray players or recorders and accessories
- Camcorders
- Cameras
- Car stereos
- CD/DVD players or recorders and accessories
- Cellular telephones and accessories
- Clothing
- Computers, including: Desktops, Laptops, Tablets, Computer hardware, Computer software,
- Tools of all kinds
- DVRs
- Furniture
- Gaming systems and software
- Gift cards
- GPS devices
- Home electronics
- iPads®
- iPods®
- Jewelry
- MP3 players and accessories
- Musical instruments
- Old gold
- Paintings
- Platinum
- Scales
- Scanners
- Scrap gold
- Silver
- Sporting goods of all kinds
- Sports memorabilia
- Televisions
- Typewriters
- Word processors
- Any and all other articles of value

SECTION II

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

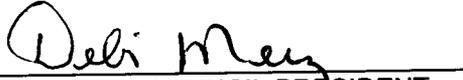
This Ordinance shall take effect immediately upon final publication as provided by law.

Council Member	By	2 nd	Yes	No	Abstain	Absent	By	2nd	Yes	No	Abstain	Absent
Mr. Birmingham						X						
Mr. Dunham	X		X									
Mrs. Finnegan			X									
Vice President Sanchelli			X									
President Merz		X	X									

ATTEST:

COUNCIL OF THE TOWNSHIP OF JEFFERSON



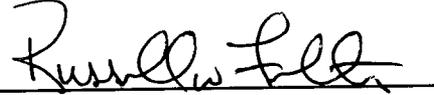


MARIA PIVROTTO, DEPUTY CLERK

DEBI MERZ, COUNCIL PRESIDENT

INTRODUCED: April 19, 2017
ADOPTED: May 3, 2017

RUSSELL W. FELTER, MAYOR



DATE AND TIME PRESENTED TO MAYOR FOR SIGNATURE:

8:00 PM

CERTIFICATION

I, Maria Pivrotto, Deputy Clerk of the Township of Jefferson, do hereby certify that the foregoing Ordinance #17-15 was duly adopted by the Township of Jefferson Council on the 3rd day of May, 2017.



MARIA PIVROTTO, DEPUTY TOWNSHIP CLERK