

ORDINANCE 2244-16

**ORDINANCE OF THE CITY OF WOODBURY ESTABLISHING
CHAPTER 137 ENTITLED "PAWNSHOPS, DEALERS IN PRECIOUS
METALS, GEMS, GEMSTONES AND SECONDHAND GOODS" OF THE
CODE OF THE CITY OF WOODBURY**

BE IT ORDAINED by the Mayor and Council of the City of Woodbury 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 resale criteria for dealers of secondhand 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 secondhand goods or articles by being a secondhand dealer within the City of Woodbury without having first obtained a permit from the City of Woodbury 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 state within the United States, a valid United States Passport, or other verifiable United States Government issued identification.

ARTICLE: Any article of merchandise, including any portion of such article, whether a distinct part thereof or not, including every part there of 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 City of Woodbury 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 goods, scrap metal, gold, silver, precious metals, gems or jewelry or any item as defined as secondhand 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 City of Woodbury 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 City of Woodbury 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 "pledger" 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 City of Woodbury 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 secondhand 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 secondhand 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:

I. 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 City of Woodbury. Upon request for an Application for a Permit, the Dealer shall be given a copy of this Ordinance.

b. The City Clerk shall, on an 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 onsite business manager;

- iv.) Provide address from which business shall be operated;
- v.) Provide current telephone numbers for all business owners and onsite manager;
- iv.) Provide dates of birth for all business owners and onsite business manager
- v.) Provide two 2 forms of identification one of which shall contain a photograph for all business owners and onsite business owner;
- vi.) Provide three (3) sets of fingerprints taken by the City of Woodbury Police Department or their designee of each business owner and the onsite manager;
- vii.) Pay to the City of Woodbury an annual fee to be determined periodically by Resolution; and
- viii.) Provide an original Bond as may be required by law.

c. Upon Application the City of Woodbury 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. SECONDHAND 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 City of Woodbury 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 City Clerk 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 onsite 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 onsite business manager;
- v.) Provide two 2 forms of identification one of which shall contain a photograph for all business owners and onsite business owner;
- vi.) Provide three (3) sets of fingerprints taken by the City of Woodbury Police Department or their designee of each business owner and the onsite manager;
- vii.) Pay to the City of Woodbury an annual fee to be determined annually by Resolution; and
- viii.) Provide original of Bond as maybe required by law.

c. Upon Application the Woodbury City 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 City of Woodbury 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 City of Woodbury 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 City 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 City of Woodbury 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 City of Woodbury Police.
2. Security camera records shall be kept for 72 hours and shall be made available to the Woodbury 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 Woodbury 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 Woodbury City or his/her duly designated representative for a period of five (5) days 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 Woodbury 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 Woodbury Police Department.

IX. PURCHASES FROM MINORS.

No Dealer within the City of Woodbury 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 \$100.00 or a maximum fine of \$500.00 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.

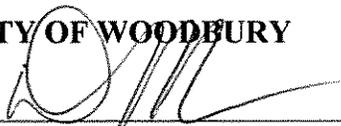
- A. Licenses issued under the provisions of this Chapter may be revoked by the Chief of Police after a Hearing before the City Administrator and upon written Notice to the Dealer for any of the following causes:
 - 1. Fraud, misrepresentation, or false statement contained in the Application for license;
 - 2. Fraud, misrepresentation, or false statement made in the course of carrying on the business of purchasing secondhand 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 City Administrator 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 Chapter 143 of the Code of the City of Woodbury “Precious Metals and Gems” is hereby repealed effective 90 days from the passage and publication of this Ordinance as required by law.

BE IT FURTHER ORDAINED that Chapter 137 shall take effect 90 days from the passage and publication of this Ordinance as required by law.

CITY OF WOODBURY



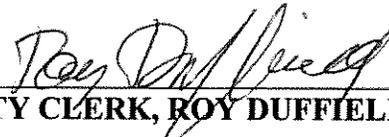
DAVID TROVATO
President of Council

ATTEST:


CITY CLERK, ROY DUFFIELD, RMC

CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the City Council of the City of Woodbury held on the 23th day of February, 2016, and will be considered for final passage and adoption at a meeting of the City Council of the City of Woodbury to be held on March 8, 2016 at the 33 Delaware Street, Woodbury, New Jersey 08096, at which time any person interested therein will be given an opportunity to be heard.


CITY CLERK, ROY DUFFIELD, RMC

VOICE VOTE

1st Reading

	Aye	Nay	Abstain	Absent
Cncl. Carter	X			
Cncl. Floyd	X			
Cncl. Johnson	X			
Cncl. Reddin	X			
Cncl. Parker	X			
Cncl. Swanson	X			
Cncl. Tierney	X			
Cncl. Fleming	X			
Cncl. Pres. Trovato	X			
TALLY:	9	0	0	0

ROLL CALL VOTE

2nd Reading

	Aye	Nay	Abstain	Absent
Cncl. Carter	X			
Cncl. Floyd	X			
Cncl. Johnson	X			
Cncl. Reddin	X			
Cncl. Parker	X			
Cncl. Swanson			X	
Cncl. Tierney	X			
Cncl. Fleming	X			
Cncl. Pres. Trovato	X			
TALLY:	8	0	1	0

The foregoing ordinance was hereby approved by the Mayor of the City of Woodbury on this 8th day of March, 2016.


MAYOR WILLIAM VOLK