

ORDINANCE NO. 2008-19

ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XVI LICENSES,
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,

WHEREAS, the Borough of Belmar now desires to amend and supplement specific provisions with regard to licensing and regulating pawnbrokers, dealers and precious metals, gems and dealers and second hand goods under Section 20-12 at seq. of the Borough of Belmar Revised General Ordinances as permitted, in part, by N.J.S.A 51:6A-1 et seq.; and

WHEREAS, the Mayor and Council of the Borough of Belmar have determined that the licensing and regulation of these individuals dealing in precious metals, gems, second hand goods and pawnbrokering to protect the residents of Belmar, and those transacting business in the Borough of Belmar. Further, the licensing and regulations of these individuals will further assist the Belmar Police Department and others in recovering stolen goods.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that the Borough of Belmar Revised General Ordinances are hereby amended and supplemented as follows:

SECTION I. Chapter XX Licenses is hereby amended and supplemented as follows:

20-12 PAWNBROKERS, DEALERS IN PRECIOUS METALS AND GEMS AND DEALERS IN SECONDHAND GOODS.

20-12.1 Definitions.

- a. *Pawnbroker* shall mean 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; or purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehouseman and lending money on goods, wares or merchandise pledged or deposited as collateral security.
- b. *Person* shall mean individual natural persons, partnerships, joint ventures, societies, associates, clubs, trustees, trusts, corporations or unincorporated groups or any officers, agents, employees, servants, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself or for any other person under either personal appointment or pursuant to law.
- c. *Pledge* shall mean an article or articles deposited with a pawnbroker in the course of his business.
- d. *Pledger* shall mean 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 "pledger" means the disclosed principal.

- e. *Precious metals and gems* shall mean items comprised of gold, silver, platinum, palladium and alloys thereof, gems, coins, containing precious metals and all forms of previously owned jewelry which contain precious metals.
- f. *Precious metals and gems buyer* shall mean a person engaged in the business of purchasing metals, gems, coins, containing precious metals and all forms of previously owned jewelry, either as a primary business or in connection with another business, from any person who is not in the business of selling precious metals as required under ~~N.J.S.A. A-1 to A-8~~ N.J.S.A. 51:6A-1 to 51:6A-8 including but not limited to businesses commonly referred to as "jewelry stores."
- g. *Secondhand goods* shall mean all forms of previously owned goods, including but not limited to: antiques, furniture, watches, china, crystal, paintings, precious metals and gems and goods containing precious metals and gems.

20-12.2 Purpose and Intent

The purpose and intent of this Section, 20-12.1 et seq., is to provide licensing and regulation of individuals dealing in precious metals, gems, second hand goods and pawnbrokering to protect the residents of Belmar, and those transacting business in the Borough of Belmar as permitted, in part, by N.J.S.A 51:6A-1 et seq. Further, the licensing and regulations of these individuals will further assist the Belmar Police Department and others in recovering stolen goods. In addition, in regard to precious metals and gems, this Section, 20-12.1 et seq., shall be complied with in addition to the laws, rules and regulations as contained in N.J.S.A. 51:6A-1 et seq. and N.J.A.C. 13:47C-1.1 et seq.

20-12.3 Registration of Precious metals and gems buyer with Police Department.

No precious metals and gems buyer as defined herein or as defined by N.J.S.A. 51:6A-1 et seq. shall prior to buying, attempting to buy or offering to buy any precious metals or gems, register with the Police Department on a form prescribed by the Police Department. This registration is in addition to any licence required by Chapter XX of this Code.

20-12.2 20-12.4 License Required; Statement of License Number Requested Advertisement.

No individual person, partnership, or corporation shall engage in the business of the purchase, sale or pawnbrokering of and all forms of previously owned jewelry and goods without first obtaining a license from the Borough of Belmar. Advertising in any print or electronic media, or by sign, that precious metals and/or gems are being bought in any location within the Borough of Belmar shall constitute "engaging in business" for purposes of this section. No person shall place or cause to be placed any advertisement for purchase of gems and/or precious metals without

stating in said advertisement the license number issued to the individual or entity by the Borough of Belmar. In any print advertisement, the license number shall appear in type no smaller than eight (8) point in the lower right-hand corner of the advertisement. In any advertisement in the electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license numbers shall be in violation of this section and shall be subject to the penalties set forth in this section. This license shall be displayed in public view and available for inspection at all times.

~~20-12.3~~ 20-12.5 Licensees to Maintain Receipt Book.

All persons regulated to purchase, sell or pawnbroker precious metals and gems and secondhand goods to require of anyone offering to sell them merchandise regulated by this section to produce two (2) identifications, such as a driver's license, voter registration card, social security card or similar identification, with one (1) of the forms of identification bearing a photograph of the seller. They shall also sign and give to the seller a receipt for said merchandise and shall obtain from the seller the following information: name, address, sex, date of birth, telephone number, social security number, if available, and physical description. A form for physical description shall be available if desired from the Police Department.

- a. All persons regulated by this section shall maintain a record of each purchase, which record shall contain a description of the merchandise purchased, any identifying numbers, marks or markings on the merchandise, a copy of the signed receipt given to the seller and a record of all information required under this section.
 1. The receipt provided to the seller shall contain the following information:
 - (a) The price at which the precious metals are being bought expressed as a price per ounce.
 - (b) The weight of the precious metal purchased together with a full and complete description of the items being purchased.
 - (c) If the item purchased is a gem or piece of jewelry not bought on the basis of weight, the price being paid for the item together with a description of the item.
 - (d) The name and address of the seller, sex, date of birth, telephone number, social security number if available.
 - 2 Those records shall be immediately available for inspection by the Police Department of the Borough of Belmar and shall be maintained for two (2) years from the date of purchase.
- b. Within twenty-four (24) hours of the close of business on any day except Saturday, all persons regulated under this section shall deliver to the Police Department of the Borough of Belmar a list of all items of merchandise covered by this chapter purchased by them. For all merchandise purchased on Saturday, said list of

_____ Additions are indicated by underline; and, deletions by ~~strikeout~~.

items shall be delivered to the Police Department by no later than 12:00 noon of the Monday following. Said list shall contain a description of each item, any identifying numbers, the time of purchase and the name and address of the seller.

- c. No person regulated by this section shall sell, melt down or otherwise dispose of any merchandise covered by this section purchased by him until after the expiration of ~~five (5) days or one hundred twenty (120) hours~~ 10 business days from the close of business on the date of purchase; provided, however, that no such waiting period shall be required if the merchandise is purchased from a person regularly engaged in the business of buying and selling precious metals and licensed and regulated pursuant to an ordinance of another municipality similar to this section and requiring a similar waiting period of ~~not less than five (5) days or one hundred twenty (120) hours~~ 10 business days from the close of business on the date of purchase:
1. The license obtained in accordance with this section.
 2. The prices at which the precious metals are being bought, expressed as price per ounce.
- d. No person who engages in the business of the purchase of precious metals, gems, coins or previously owned jewelry shall purchase any such items from any person under the age of eighteen (18) years.

~~20-12.4~~ 20-12.6 **Penalties.**

Violation of any part of this section may result in the revocation of the license pursuant to the rules and regulations of Chapter XX of this Code. ~~In addition to the provisions for the revocation or suspension of licenses, the Chief of Police, any Police Officer of the Borough or any taxpayer or resident of Belmar may make a complaint in the Municipal Court of the Borough for any violation of this chapter, article, section, paragraph or provision thereof.~~ Any violation of this section shall be punishable by a minimum fine of five hundred (\$500.00) dollars for the first offense ~~and/or imprisonment for a term not to exceed ninety (90) days or both in the discretion of the Court~~ and in addition to a fine, in the discretion of the Court, imprisonment for a term not to exceed ninety (90) days. The second offense shall result in a fine of not less than one thousand (\$1,000.00) dollars ~~and/or imprisonment for a term not to exceed ninety (90) days, or both, in the discretion of the Court~~ and in addition to a fine, in the discretion of the Court, imprisonment for a term not to exceed ninety (90) days. Third and subsequent offenses shall result in a fine of the maximum amount permitted by law, and in addition to a fine, in the discretion of the Court, imprisonment for a term not to exceed ninety (90) days.

SECTION II. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph,

subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoption and publication.