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Effective
6/24/12

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2012-14

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER, CHAPTER 529,
SECONDHAND MERCHANTS AND DEALERS OF PRECIOUS METALS

SECTION 1. Chapter 529, of the Code of the Township of Lower, is hereby repealed in its entirety and shall be replaced with the following:

§ 529-1. Definitions.

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

SECONDHAND MERCHANT OR SECONDHAND DEALER OF PRECIOUS METALS

Any person, firm or corporation, who, within the Township, purchases, trades, handles or deals in any secondhand or used watches, jewelry, cutlery, gold, or other precious metals, wrought gold or other wrought precious metals, or any secondhand or used article whatsoever composed or manufactured in whole or in part of gold or other precious metals.

§ 529-2. License required.

- A. It shall be unlawful for any person, firm or corporation to engage in the business of secondhand merchant or secondhand dealer of precious metals, as defined in this chapter, without first obtaining a license therefore, as hereinafter provided. A separate license shall be required for each location, place or premises used for the conduct of the business of secondhand merchants and secondhand dealers of precious metals.
- B. Each application shall be referred to the Chief of Police or his designee, who shall institute whatever investigation of the applicant's business responsibility and criminal history, in the case of owner, and of criminal history only, in the case of a salesman, as is considered necessary for the protection of the public. No license shall be issued to any person who has been convicted of any crime, or a disorderly person offense involving theft. The findings of the Chief of Police or his designee shall be communicated in writing, together with any recommendations which he may have, to the Township Council within a reasonable time after the application has been filed. The Township Council shall consider the application at a regular meeting after receiving a report of the investigation. If, based upon the information contained in the application and the report, there is no adverse showing with respect to the applicant's business responsibility and criminal history, services or activity are free from fraud, in the case of an owner, or that there is no indication that the applicant's criminal history is unsatisfactory, in the case of a salesman, the Township Council may approve the application and the Township Clerk shall then issue the license, provided that the required license fees and bond fees have been paid, and further provided that there are authorized, but unissued, licenses available.

§ 529-3. Application.

- A. Any person, firm or corporation desiring a license to conduct the business of secondhand merchant or secondhand dealer of precious metals, as defined in this chapter, shall make a written application for a license, which shall contain the full name and address of the applicant and all employees and, if the applicant is a corporation, the full name and address of all its officers and directors.
- B. The number of licenses issued under this chapter to businesses, dealing in precious metals shall be limited to a maximum of ten, which number is deemed sufficient to meet the public need and prevent the creation of a nuisance to the public. No licensee shall retain custody of any license created hereunder, unless he owns and is prepared to operate a business as described herein.

§ 529-4. License fee and term.

The license fee to be paid to the Township by any secondhand merchant or secondhand dealer of precious metals shall be \$500. The license shall be valid from January 1 to December 31, renewable annually.

§ 529-5. Place of business; soliciting on streets; canvassing.

- A. Any license issued under the provisions of this chapter shall designate the place in which the secondhand merchant or secondhand dealer shall carry on such business; and such business shall not be carried on or conducted in any other place than that designated in or by such license. No secondhand merchant or secondhand dealer of precious metals shall be permitted to solicit business upon any street or public highway of the Township.
- B. No person, firm, or corporation shall conduct a house-to-house canvass for the purchase or sale of secondhand or used watches, jewelry, cutlery, gold, or other precious metals, wrought gold or other wrought precious metals, or any other secondhand or used article whatsoever composed or manufactured in whole or in part of gold or other precious metals, within the Township.

§ 529-6. Record of purchases, sales and exchanges; daily reports.

Every secondhand merchant and secondhand dealer shall keep a tightly bound book, not loose-leaf, with pages numbered in sequence in which there shall be made at the time of the transaction a record, in English, of every article received, purchased, sold or exchanged by him, setting forth the following: the name, age, sex, residence and a picture with the general description of the individual with whom the transaction is had, the price or consideration paid or received at the time of the transaction and a picture with the description of every article received, sold or exchanged, giving the manufacturer's name or other marks of identification appearing on the same. Every secondhand dealer shall deliver or mail by U.S. Mail, first class, postage prepaid, to the Chief of Police of the Township of Lower, a legible and accurate exact copy of the aforementioned record of purchases, sales and exchanges before any subsequent transaction or changing of the composition or character of the item(s) received by the secondhand dealer.

It will be at the discretion of the Chief of Police of the Township of Lower to switch the method of delivery of such notifications to electronic via internet or electronic mail if said system is established by the Lower Township Police department. Any costs associated with this method will be the responsibility of the dealer.

§ 529-7. Record inspection, transmission and maintenance.

- A. This book, and all goods, articles, or things purchased, received or kept for sale or exchange by every secondhand merchant and secondhand dealer of precious metals shall be subject to inspection of the Chief of Police of the Township or such persons as may be designated by the Chief of Police.
- B. Any secondhand merchant or secondhand dealer of precious metals not at a permanent place of business in the Township shall, at the conclusion of the last day of business in the Township, turn over to the Police Department the book containing the recordation of all purchases, sales and exchange a mentioned in § 529-6.
- C. Any secondhand merchant or secondhand dealer of precious metals with a permanent place of business in the Township shall keep said book mentioned in § 529-6 for a minimum of one year from the date of the latest transaction recorded in said book.

§ 529-8. Storage of purchased goods prior to sale or disposal.

Every secondhand merchant and secondhand dealer of precious metals must keep, without concealment, for a period of ten (10) days, subject to inspection by any police officer, all goods, wares and merchandise purchased or received from any person before selling, shipping or otherwise disposing of the same. This provision shall be followed in addition to § 529-6, requiring reports and records.

§ 529-9. Use of unlicensed premises prohibited.

No secondhand dealer of precious metals shall make use of any property, private or public, not included within the licensed premises, or bank vault, within the Township, leased to the secondhand dealer for the storage, handling or display of any secondhand article.

§ 529-10. Melting, wrecking and remodeling.

No secondhand dealer of precious metals shall take apart or melt up any watch, watch case or article composed or manufactured, in whole or in part, of gold, silver or platinum or other precious metal until he shall have made a record of his intention to do so, along with all other data required to be recorded in the book mentioned in § 529-6, and unless and until he shall have kept such article in his licensed place of business or bank vault in the Township, leased to the secondhand dealer, for inspection for a period of not less than ten (10) days after the report provided for under § 529-6 has been made, unless the article proposed to be taken apart, melted up, wrecked or remodeled has been sooner inspected by the Chief of Police or his deputy or received clearance for such melting, wrecking or remodeling.

§ 529-11. Display of license.

Every secondhand dealer of precious metals shall maintain and display his license at all times during the period of his license in a conspicuous place or in the licensed premises.

§ 529-12. Bond.

Every secondhand dealer of precious metals shall, at the time of receiving such license, execute a bond to the Township of Lower in the penal sum of \$10,000 with good and sufficient surety or sureties to be approved by the Township Solicitor conditioned upon the licensee faithfully observing and complying with the provisions of this chapter at all times during the continuance of such license and conditioned further upon a promise to indemnify, keep and hold the Township of Lower harmless against all liabilities, judgments, costs, damages and expenses which may in any way come against the Township in consequence of the issuance of said license or by any act or thing done or neglected to be done by said licensee under and by virtue of the authority granted in said license or for the failure or neglect of such licensee to observe and comply with the ordinances of the Township relating to the business licensed.

§ 529-13. Purchases from minors.

No secondhand dealer of precious metals shall purchase any secondhand article whatsoever from any minor or minors without written parent or guardian consent.

§ 529-14. Exceptions.

The provisions of this chapter shall not apply to secondhand material purchased from any regular motor vehicle dealer, public utility corporation, governmental agency, regularly licensed junk dealer, industrial plant, licensed electrical or plumbing contractor, to purchases at judicial sales or to items left for repair.

§ 529-15. Suspension or revocation of license; hearing.

In addition to being subject to the penalties provided in §§ 529-16 of this chapter, any license issued under this chapter may be revoked or suspended as outlined in code 432-17.

§ 529-16. Violations and penalties.

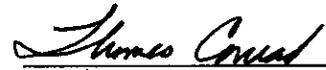
For the violation of any provision of this chapter, the maximum penalty, upon conviction of the violation, shall be a fine not exceeding \$500 or imprisonment in the county jail for a period not exceeding 90 days, or both. In addition thereto, upon such conviction, the person, firm or corporation violating any of the provisions of this chapter shall be subject to suspension or revocation of the license issued.

SECTION 2. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. Upon final passage and publication according to law, a copy of this Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower.

SECTION 5. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law provided.



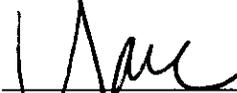
Thomas Conrad, Councilmember



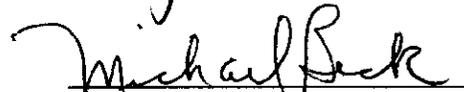
Walt Craig, Councilmember



Glenn Douglass, Councilmember



Kevin Lane, Councilmember



Michael Beck, Mayor

Attest: 
Claudia R. Kammer, Township Clerk

Adopted: June 4, 2012