

**\*\*\*ADOPTED MARCH 7, 2016\*\*\***

**DELANCO TOWNSHIP**

**ORDINANCE 2016-2**

**AN ORDINANCE OF THE TOWNSHIP OF DELANCO AMENDING  
CHAPTER 205 ENTITLED "LICENSES, BUSINESS" OF THE CODE OF THE TOWNSHIP  
OF DELANCO TO REGULATE THE ACTIVITIES OF  
DEALERS IN PRECIOUS METALS, GEMS, AND SECONDHAND GOODS**

**WHEREAS**, the theft of property negatively affects the residents of Delanco and the surrounding area and has a negative financial impact on citizens and businesses; and

**WHEREAS**, the Township Committee believes that a thorough investigation, identification, maintenance of records, and licensing of secondhand dealers in the Township of Delanco is necessary and would be in the best interest of public safety and general welfare, consistent with and in accordance with N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq; and

**WHEREAS**, it is the purpose and intent of this legislation to assist law enforcement officials and victims of crime in recovering stolen precious metals, gems, gemstones, and/or other property by requiring electronic reporting, maintenance and distribution criteria for secondhand and transient dealers; and

**WHEREAS**, the use of electronic reporting systems for this type of information is common across the United States. These systems have proven to dramatically increase law enforcement's ability to efficiently collect transaction data, to make matches of sold or pawned property to stolen property, and to identify trends in the selling or pawning of stolen property; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, pursuant to this Chapter, secondhand dealers of goods within the Township of Delanco are hereby required to submit transaction data, in an electronic format after being so informed by the Chief of Police of the Township of Delanco; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that Chapter 205 of the Code of the Township of Delanco be amended as follows:

Section 1. After the title "Chapter 205 LICENSES, BUSINESS," insert the following language:

**ARTICLE I**

**Licensing - General**

Section 2. Following Article I, ending at Chapter 205-22, insert Article II as follows:

**ARTICLE II**

**Licensing - Dealers in Precious Metals, Gems and Secondhand Goods**

**205-23. 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.

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 Appendix I of this Ordinance, or operate as a Dealer of said property within the Township of Delanco, without having first obtained a license from the Township of Delanco Police Department as hereinafter provided.

**205-24. 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 include: a current valid New Jersey Driver's License or Identification Card issued by the NJ Motor Vehicle Commission, a current valid photo driver's license issued by another US 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/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. And as so defined in N.J.S.A. 51:6-1. 3

**CHIEF OF POLICE** - The Chief of Police of the Township of Delanco or his designee/representative.

**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 Appendix I of this Ordinance, and includes anyone advertising the purchase, sale or receipt for pawn of any of the aforementioned items.

**GIFT CARD** - Is 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 Delanco 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 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.

**PRECIOUS METALS** - 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 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 Appendix I of this Ordinance.

**REPORTABLE TRANSACTION** - Every transaction conducted by a Dealer in which property described in Appendix I of this Ordinance is purchased, pawned or exchanged from or with the public, as that term is defined in this Section.

**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, tools of all 4 kinds, televisions, DVRs, GPS, camcorders, car stereos, gift cards, furniture, clothing, other valuable articles, or as listed in Appendix I.

**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. The term Transient Buyer will also include a Dealer who intends to close out or discontinue all retail business in the Township of Delanco 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. Vendors doing business during a Community Event sponsored/sanctioned by the Township of Delanco shall not be considered a Transient Buyer.

**205-25. Registration and Issuance of License.**

Every Dealer conducting business or intending to conduct business within the jurisdiction of the Township of Delanco shall first register with the Chief of Police, who shall fingerprint the applicant and institute such an investigation of the applicant's moral character and business responsibility as he deems necessary for the protection of the public welfare. In the event that the Dealer is a business entity other than a sole proprietorship, the officers in a corporation or the partners in a partnership (or limited partnership) shall be deemed to be the applicant (s) who shall be fingerprinted and investigated in accordance with this Chapter. Upon completion of the investigation, the Chief of Police shall either issue or deny the license based upon the results of his investigation. Upon issuance of the license, the applicant shall be given a copy of this Ordinance.

**205-26. License Fees; Non-Transferability.**

1. There shall be no separate fee for the issuance of this license, but every licensee must hold a general business license in the Township of Delanco.
2. A license issued under the provisions of this Chapter shall not be transferable and shall terminate on December 31st of the year in which said license is issued, unless it is renewed pursuant to the provisions of Paragraph 3 below.
3. On or about November 1st of each year, the Chief of Police shall make available a renewal application for each licensed Dealer under this Ordinance. Upon submission of the renewal application, the license will be renewed unless the Dealer has violated provisions of this Chapter. In such case the Chief of Police will notify the Dealer, who may request a hearing as described herein.

**205-27. Revocation of License.**

1. Licenses issued under the provisions of this Chapter may be revoked by the Director of Police after a hearing, upon notice to the applicant, for any of the following causes:

- a. Fraud, misrepresentation, or false statement contained in the application for license;
- b. Fraud, misrepresentation, or false statement made in the course of carrying on the business as a Dealer in property as described in Appendix I of this Ordinance;
- c. Any violation of this Chapter;
- d. Conviction of any crime;
- e. Conviction of any disorderly persons offense involving moral turpitude;
- f. Conviction of an offense under the laws of the United States or any other state, which is substantially equivalent to the offenses named in paragraph d. or e. above; or;
- g. 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.

2. Notice of the hearing 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 ten (10) business days prior to the date set for the hearing. The hearing shall be conducted by the Chief of Police.

**205-28. Dealers' Responsibilities, Requirements and Recordkeeping.**

Every Dealer within the Township of Delanco shall, upon the purchase, receiving for pawn, or receiving for consignment, of any property described in Appendix I of this Ordinance from the public, as this term is defined in Section 205-24, be required to:

- 1. 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.
- 2. Document, through use of an electronic database software system as designated by the Chief of Police, the information listed in Section 205-28.3.a-f. These records shall be subject to the inspection of any sworn police officer acting in the performance of their duties.
- 3. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, enter all transactions into the electronic 6 database within forty-eight (48) hours from the date of purchase including the following information:
  - a. The name, address, date of birth, telephone number, and governmental identification number of the seller;
  - b. 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 of gift cards;
  - c. The price paid for the property;
  - d. The entry must include the name of the clerk or the Dealer who made the transaction so as to readily identify that individual.

e. A color photograph or color image of the seller's presented governmental photo identification scanned into the transaction record.

f. A color photograph or color image of all property sold scanned into the transaction record. When photographing or imaging, all property must be positioned in a manner that makes it readily and easily identifiable.

4. All of the above described property cannot be sold or disposed of and shall be made available for inspection by any sworn Police Officer in the performance of their duties for a period of three (3) 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 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 requirement under this section.

5. In the event of a database failure or 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 Section 205-28.3.a-f into the database as soon as possible upon the Dealer's 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 the ordinance and may result in the revocation of the Dealer's license under Section 205-27 of this Ordinance. 7

6. 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 Delanco Police Department or any other sworn Police Officer acting in the performance of their duties to examine any database, book, ledger, or any other record on the premises relating to the purchase of property from the public as defined in Section 205-24. Delanco Township Police Officers are 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 the article is missing or stolen. A receipt will be provided to the Dealer for any property seized by the Delanco Township Police Department.

**205-29. 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 in Section 205-24. 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 Delanco Township Police Department or any sworn Police Officer in the performance of their duties.

**205-30. Purchases from Minors.**

No Dealer within the Township of Delanco shall purchase any property as defined in Appendix I from any person under the age of 18 years.

**205-31. Violations and Penalties.**

Pursuant to N.J.S.A. 40:49-5, as amended, any person, firm association or corporation violating any section of this chapter shall, upon conviction in the court having competent jurisdiction, be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty. Each offense shall be considered a separate offense under this chapter. Each day of violation shall be considered a separate violation for the purpose of the enforcement of this chapter. Each violation shall result in a ten (10) day suspension of the Dealer's license under this Ordinance.

**APPENDIX I  
PROPERTY AS FOLLOWS:**

Scrap gold	Tools of all kinds
Old gold	Sports memorabilia
Silver	Typewriters
Jewelry	Paintings
Home electronics/audio and visual equipment	Televisions
Musical instruments	DVRs
Cellular telephones and accessories	MP3
Scales	iPods
Computers including: laptop, tablets, computer hardware and software	GPS, DVD Players/Recorders desktop, Players/Recorders
Gaming systems and software	Camcorders
Word processors	Cameras
Scanners	Car stereos
Sporting goods of all kinds	Gift cards
Antiques	Furniture
Platinum	Clothing
All other precious metals weapons both bladed and firearms	Any and all other articles of value. Antique

Section 3. **Repealer.** Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 4. **Severability.** In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 5. **Effective Date.** This ordinance shall take effect upon publication of Notice of Final Passage in accordance with the law.