

16-09

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN, STATE OF NEW JERSEY
AMENDING CHAPTER 37, GEMS, PRECIOUS METALS &
JEWELRY, IN THE CODE OF THE BOROUGH OF
MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 37, Precious Metals, Gold & Jewelry, is hereby amended in the Code of the Borough of Merchantville, as follows:

ARTICLE I. SECTION 37-1 Definitions.

For the purposes of this article, 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 United States 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.

CHIEF OF POLICE - The Chief of Police of the Borough of Merchantville 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 Chapter, 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 Borough of Merchantville 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 Chapter.

REPORTABLE TRANSACTION - Every transaction conducted by a dealer in which property described in Appendix I of this Chapter 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 kinds, televisions, DVRs, GPS, camcorders, car stereos, gift cards, other valuable articles, or as listed in Appendix I of this Chapter.

TRANSIENT BUYER - A dealer who has not been in any retail business continuously for at least six 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 Borough of Merchantville within six 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 Borough of Merchantville shall not be considered a transient buyer.

ARTICLE II. SECTION 37-4. Records to be maintained.

A. Every dealer within the Borough of Merchantville shall, upon the purchase, receiving for pawn, or receiving for consignment of any property described in Appendix I of this article from the public, as this term is defined in Chapter 37-1, 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 cost of which to be paid by the dealer, the information listed in Section 37-4(A)(3)(a) through (f), contained herein. These records shall be subject to the inspection of any sworn police officer acting in the performance of his or her 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 database within 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, owner-applied marks, 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.

B. 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 his or her duties for a period of ten (10) 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

ten (10) 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 Director of Police has the authority to grant the dealer a waiver of the requirements of this Section.

C. In the event of a database failure or dealer's computer equipment malfunction, 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 into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure of the dealer to properly maintain computer equipment in a reasonable fashion, or failure of the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this Chapter and in the revocation of the dealer's license.

D. 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 Merchantville 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. Merchantville Borough 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 Merchantville Borough Police Department.

ARTICLE III. SECTION 37-10 Violations, penalties.

Any person who violates any provision of this Chapter shall, upon conviction, be subject to one or more of the following: a fine not exceeding \$2,000.00; and/or imprisonment for a term not exceeding ninety (90) days; and/or a period of community service not exceeding ninety (90) days. If the violation is of a continuing nature, each day during which it continues shall constitute a separate and distinct offense.

ARTICLE IV.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE V.

This Ordinance shall take effect thirty (30) days after passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
EDWARD F. BRENNAN, MAYOR

ATTEST:

DENISE BROUSE, BOROUGH CLERK

The foregoing ordinance was introduced by Mayor and Council at a meeting held on June 13, 2016. This Ordinance will be considered for adoption on final reading and public hearing to be held on July 11, 2016 at 7:30 p.m. in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to amend the reporting regulations for the sales of precious metals, gold and jewelry in the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:00 AM to 4:00 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

GEMS, PRECIOUS METALS & JEWELRY
Borough of Merchantville
APPENDIX I
Property Governed by Chapter 37

Scrap gold
Old gold
Silver
Jewelry
Home electronics/audio and visual equipment
Musical instruments
Cellular telephones and accessories
Scales
Computers, including: desktop, laptop, tablets, computer hardware and software
Gaming systems and software
Word processors
Scanners
Sporting goods of all kinds
Tools of all kinds
Sports memorabilia
Typewriters
Paintings
Televisions
DVRs
MP3s
iPods®
GPS, DVD players/recorders
Blue-ray players/recorders
Camcorders
Cameras
Car stereos
Gift cards
Antiques
Platinum
All other precious metals
Antique weapons, both bladed and firearms
Any and all other articles of value identifiable by a serial number or other owner-applied number