



APPLICATION FOR A LICENSE FOR SECONDHAND DEALERS

PLEASE CHECK ONE: INITIAL _____ RENEWAL _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

BUSINESS PHONE #: _____

EMAIL ADDRESS: _____

OWNER'S NAME: _____

OWNERS DATE OF BIRTH: _____

OWNERS SOCIAL SECURITY #: _____

Names of Associates engaged in buying and selling:

NAME	ADDRESS	DOB	SS#

DATED: _____ SIGNATURE: _____

***** MUNICIPAL USE ONLY *****

FEE: _____ SENT TO POLICE DEPT.: _____

RECEIPT OF BOND: _____ APPROVED: _____ DENIED: _____

RECEIPT OF FINGERPRINTS: _____ SIGNATURE: _____

LICENSE NO.: _____

ORD. # 22-12

ORDINANCE AMENDING CHAPTER 250, ENTITLED "PAWNBROKERS" TO BE ENTITLED "SECONDHAND DEALERS," OF THE CITY CODE OF THE CITY OF LONG BRANCH

WHEREAS, the City of Long Branch ("City") has previously adopted Chapter 250 of the Ordinances of the City of Long Branch entitled "Pawnbrokers"; and

WHEREAS, the City of Long Branch Police Department with the approval of the Public Safety director has performed an analysis of Chapter 250 and requested amendments thereto; and

WHEREAS, public presentations have made during Workshop Session wherein the details of the amendment sought by the Police Department as approved by the Public Safety Director; and

WHEREAS, the Administration of the City of Long Branch endorses the amendments to Chapter 250; and

WHEREAS, Chapter 250 of the Ordinances of the City is to be renamed "Second Hand Dealers"; and

WHEREAS, the amendments to the Ordinance are to better control the identification of stolen property and require detailed description of items being sold as well as identification of the individual seeking to sell these items in an effort to control criminal activity in the area of thefts; and

WHEREAS, this Ordinance is in the best interests of the citizens of the City of Long Branch.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Long Branch that Chapter 250 "Second Hand Dealers" be and same hereby amended as follows:

Chapter 250. SECONDHAND DEALERS

250-1. Purpose and intent.

The purpose and intent of this chapter is to provide licensing and regulation of individuals dealing in precious metals, gems, secondhand goods and pawn brokering to protect the residents of the City of Long Branch, and those transacting business in the City of Long Branch 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 City of Long Branch Police Department and others in recovering stolen goods. In addition, in regard to precious metals and gems, this chapter 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.

250-2. Definitions.

As used in this chapter, the following term shall have the meaning indicated:
SECONDHAND DEALER

A. Except as provided in Subsection B below, any person, partnership, limited-liability company, corporation or other entity who, either wholly or in part, engages in or operates a trade or business of buying and/or selling used goods or equipment in the City of Long Branch, such as antiques, precious stones, gold, silver, platinum or other precious metals, jewelry, coins, any tools, television sets, radios, record or stereo sets, electronic devises, musical instruments, sporting goods, automotive equipment, collectibles, game cartridges, firearms, cameras and camera equipment, and video equipment.

B. The business of secondhand dealer shall not be deemed to include:

- (1) Judicial sales or sales by executors or administrators.
- (2) Occasional or auction sales of household goods sold from private homes.
- (3) Auctions of real estate.
- (4) The occasional sale, purchase or exchange of coins or stamps by a person at his permanent residence, or in any municipally owned building by a person who is engaged in the hobby of collecting coins or stamps, and who does not solicit the sale, purchase or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television or other form of printed or electronic advertising.

250-3. License required; advertising.

No person, partnership, limited-liability company, corporation or other entity shall engage in business has a secondhand dealer without first obtaining a license from the City Clerk.

A. A separate license must be obtained for each separate place of business.

B. Advertising in any print or electronic media or by sign that any articles or goods referred to in the definition of "secondhand dealer" are being bought in any location within the City of Long Branch shall constitute engaging in business as a secondhand dealer for the purposes of this chapter. No person shall place or cause to be placed any advertisement, the license number issued to the individual or entity by the City of Long Branch. In any print advertisement and in the electronic media, the license number shall be visually or audibly stated. Failure to indicate the license number shall be a violation of this chapter.

250-4. Investigation of applicant; issuance or denial of license.

A. Upon receipt of an application by the City Clerk completed pursuant to this chapter, the Police Department shall make an investigation of the prospective purchaser/licensee, pursuant to this chap*, for the purpose of determining the suitability of the applicant for licensing. Each license shall authorize the purchaser/licensee to conduct business only at the location in which is indicated therein. Such investigation shall include but shall not be limited to the following:

(1) The experience of the applicant in the business of the purchase and sale of those items as defined Subsection A of the definition of "Secondhand Dealer," *Editor's Note: See § 250-2.* although nothing in this chapter shall be construed to warrant denial of a license solely on the basis of lack of experience.

(2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources which shall be disclosed to the applicant in the event of a denial of any license.

(3) Criminal record of the applicant. All background checks shall be conducted through an authorized New Jersey State Police vendor.

(4) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious gems and metals and related items and other factors bearing upon whether the licensed business will be of a fixed and permanent nature. This provision, however, shall not be construed to require denial of any license solely on the grounds that the business is not conducted from a fixed location.

B. The Police Department shall complete any investigation pursuant to this chapter within 30 days of receipt of all required documentation, including

results of any background checks and the submission of the application to the City Clerk, fully completed by the applicant.

C. The Director of Public Safety shall, upon completion of the investigation, recommend, grant or deny the requested license to the City Council. The recommendation of the Director of Public Safety shall be in writing and in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the City Council accepts the recommendation of the Director of Public Safety to deny any license, the City Clerk shall notify the applicant by certified mail within 10 days of such denial and forward to the applicant a statement of the reason or reasons for such denial.

D. Grounds for recommending denial of a license by the Director of Public Safety may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to the business for which the applicant seeks a license pursuant to this chapter. A license may be denied if the investigation conducted by the Police Department reveals conviction of the applicant or any of its principal officers or employees of any crime or disorderly persons offense involving theft or receiving goods, whether such conviction was a principal or accessory before or after the fact, or conspirator.

E. Upon receipt of the recommendation of the Director of Public Safety, the City Council shall issue or deny the license accordingly (contingent upon the receipt of a bond of \$10,000 pursuant to § 245-8. In the event of a denial of the license by the City Council, the applicant shall be entitled to a hearing before the City Council, if requested, in writing, within 10 days of receiving the notice of denial, at which time the applicant shall be permitted to introduce such evidence as he/she shall deem proper. The burden of proof in any such hearing shall be on the Police Department. The City Council shall, within 10 days of the close of the hearing, make known its decision in writing.

250-5. Identification of sellers; receipt book.

A. A licensee shall require of each person selling used goods or equipment, such as antiques, precious stones, gold, silver, platinum or other precious metals, jewelry, coins, any tools, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, game cartridges, firearms, cameras and camera equipment, and video equipment, suitable identification setting forth the true name and home address of the seller. Acceptable identification includes a valid driver's license issued by the State of New Jersey or a valid government-issued photo identification. If any other form of identification is presented other than the aforementioned, then one fingerprint (preferably thumb) shall be recorded on the receipt retained by the dealer. This information shall be forwarded to the City of Long Branch Police Department within 36 hours.

B. A purchaser/licensee shall complete and issue to each seller a serially numbered receipt setting forth the following information:

(1) A detailed, legible description of the item, including the price at which it is being purchased. In the case of jewelry, the description must include style, length, color, design and stones, if any.

(2) Statement in full of any identifying marks, such as initials, names, dates, inscriptions, serial numbers, series numbers or any other information appearing calculated to set apart the particular object said for the others of like kind.

(3) If the item is purchased by weight, the troy ounce weight of the item.

(4) The name of the clerk or employee of the licensee making the transaction legibly set forth.

(5) The name and permanent business address of the purchaser/licensee.

(6) The name, address, sex, date of birth and driver's license number or other government-issued ID which shall be verified by proof of identification on a receipt form provided by the City of Long Branch Police Department.

(7) No purchaser/licensee shall purchase items from any person under the age of 18.

(8) A photographed recording of the item(s) being purchased by the purchaser/licensee. The photograph should be of digital JPEG format and quality, with the ability to be electronically transferred to a computer and shall include a photograph of the identification presented by the seller, the serially numbered receipt, and a clear image of the purchased item(s). All jewelry will be photographed on a black background. This photo image shall be printed by the purchaser/licensee and stored on location until they are picked up by the City of Long Branch Police Department.

(9) A thumb print will be recorded on the receipt that is retained by the dealer in accordance with and under the conditions as provided in this subsection.

C. A record shall be kept of all receipts and photographs in the regular course of business by the purchaser/licensee.

D. All receipts shall be available for inspection by any law enforcement officer and shall be maintained on location, for two years from the date of purchase.

250-6. Time limit for disposal of merchandise.

No person regulated by this chapter shall sell, melt down or otherwise dispose of any merchandise covered by this chapter purchased by such person until after the close of business on the 30th day, after the date of purchase. All items must remain on location.

250-7. Maintenance of records; display of license.

A. Each purchaser/licensee shall maintain duplicate copies of all seller receipts and photographs pursuant to § 250-5 in legible form for a period of two years from the date of each purchase by the purchaser/licensee.

B. The license shall be posted in a conspicuous place at the location for the sale or sales licensed under this chapter.

C. Within 36 hours of any purchase, the purchaser/licensee shall deliver or fax to the City of Long Branch Police Department the serially numbered receipt(s) listing all items purchased. Said list shall contain a description of each item, any identifying numbers or inscriptions, the time of purchase and the name and address of the seller pursuant to § 250-5.

D. A digital JPEG format photograph containing image(s) of the receipt number, photo, ID of the seller and close-up of the item(s) purchased shall be printed by the purchaser/licensee and maintained in a file. These printed images will be picked up periodically by City of Long Branch Police Officers.

250-8. Bond required.

A. Within 10 days of the issuance of a license, each purchaser/licensee shall deliver a bond to the City Clerk executed by the applicant as principal, with a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond, to be approved by the City Attorney, shall be in the penal sum of \$10,000 continued for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the City of Long Branch in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the purchaser/licensee licensed under this chapter by reason of any damage sustained by any such person as a result of the operations of the purchaser/licensee under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language:

"The obligation of this bond shall, in addition to the City of Long Branch, be and remain for the benefit of any person who shall obtain a judgment against the obligor as a result of damage sustained in operation pursuant to any license granted under City Ordinance."

B. Said bond shall be kept in force for a minimum period of one year from the date of issuance of the license and must be renewed annually along

with the license.

250-9. License fee; renewal of license.

A. The fee for the initial application and license shall be \$50.00 and each annual renewal fee shall be as set at \$50.00.

B. Said license and renewal shall be valid for a period of one year from the date of issuance. At the time of renewal, no new application must be filed with the City Clerk unless any matters set forth in the original application are changed.

250-10. Violations and penalties. Any individual person, partnership or corporation found in violation of the provisions of this chapter shall be subject to a minimum fine of \$500 not to exceed \$2,000 and imprisonment not to exceed 60 days or both at the discretion of the court.

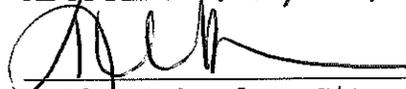
A. Each and every day a violation of this chapter exists shall constitute a separate violation.

BE IT FURTHER ORDAINED that no other provisions of Section 250 shall remain in full force and effect upon the effective date of this Ordinance.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

INTRODUCED: 9/27/12

ADOPTED: 10/9/12



Kathy Schmelz, City Clerk



Adam Schneider, Mayor