TOWNSHIP OF FAIRFIELD
ORDINANCE #2014-13

AN ORDINANCE AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF FAIRFIELD SO AS TO ADD CHAPTER IV, ARTICLE 21, ENTITLED “SECON DHAND PRECIOUS METALS, GEMS AND JEWELRY DEALERS”

WHEREAS, the Chief of Police has brought to the Township Council’s attention that disposal of stolen property through the use of pawnbrokers has been negatively affecting the residents of Fairfield Township and that stringent regulations are necessary to aid in the recovery of that stolen property by increasing the difficulty of such disposal; and

WHEREAS, the New Jersey Pawnbroking Law, N.J.S.A. 45:22-1, et seq., establishes certain regulations and restrictions governing pawnbrokers and dealers of secondhand goods; and

WHEREAS, the Pawnbroking Law requires review by municipal police of certain records and merchandise belonging to and/or held by pawnbrokers and dealers of certain types of secondhand goods; and

WHEREAS, the Pawnbroking Law permits municipal enforcement of certain violations of the provisions therein; and

WHEREAS, the Governing Body has determined it is in the best interest of the citizens of the Township of Fairfield to license, regulate and establish a standard body of uniformly produced records and policies to be adhered to by pawnbrokers, pawnbroking businesses and dealers of secondhand goods for the purposes of (1) supporting the efforts of local, regional and state law enforcement authorities to track, monitor and share information regarding secondhand goods bought, sold and exchanged, including monies lent through pawnbrokers, (2) facilitating and encouraging the prevention of fraud and other abuses upon the citizens of the Township of Fairfield, (3) ensuring and promoting the difficulty of disposing of stolen property and aiding in the recovery thereof and (4) generally implementing and enforcing the goals and purposes of the Pawnbroking Law.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of Fairfield, County of Essex, State of New Jersey, as follows:

SECTION 1. Chapter IV, Article 21, entitled “Secondhand Precious Metals, Gems and Jewelry Dealers,” of the Township Code of the Township of Fairfield is hereby added to read in its entirety as follows:

4-21. SECONDHAND PRECIOUS METALS, GEMS AND JEWELRY DEALERS.
§ 4-21.1. Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

DEALER -- Any person, partnership, corporation or other entity, whether permanent or itinerant, who on one or more occasions (through any means) buys or sells secondhand gold, silver, precious metals, gems or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

ITINERANT BUSINESS -- Any business conducted intermittently within the Township of Fairfield or at varying locations.

MINOR -- Any person under the age of 18 years.

PERMANENT-BASED BUSINESS -- Any business conducted on a year-round basis and housed in a single structure, such as a store or residence.

§ 4-21.2. Issuance of license.
Each dealer conducting business within the jurisdiction of the Township of Fairfield 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 section. Upon completion of the investigation, the Chief of Police shall either issue or deny the license based upon the results of his investigation. Upon the issuance of the license, the applicant shall be given a copy of Chapter 4, Article XXI.

§ 4-21.3. License fees; non-transferability.
A. The fee for the issuance of a license shall be as follows:

(1) $50.00 per year for permanent-based businesses; and
(2) $25.00 per year for itinerant businesses.

B. 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.
§ 4-21.4. Records to be maintained.
Each dealer shall maintain a complete record of each purchase and sale, including the amount paid, description and digital photograph of the item, and any identifying numbers or engravings. The dealer shall also obtain the name, address, date of birth, driver's license number and state of issuance for the person from whom the items were purchased, received or sold. This information is to be documented on the "Secondhand Jewelry Transaction Receipt" form supplied by the Fairfield Police Department. These records shall be subject to the inspection of any authorized police officer of the Township of Fairfield and must be maintained for a period of at least one year.

§ 4-21.5. Description to be delivered to Chief of Police.
Each dealer doing business in the Township of Fairfield shall deliver to the Chief of Police the description of all items purchased, received or sold within 48 hours of the completion of the transaction on the "Secondhand Jewelry Transaction Receipt" forms prescribed by the Chief of Police.

§ 4-21.6. Disposal within 45 days of purchase prohibited.
No dealer shall sell, melt or change the form of or dispose of any articles purchased or received within 45 days of the date of said purchase, and all such items shall be made available for at least 45 days to any authorized police officer requesting such items.

§ 4-21.7. Restrictions on transactions.
A. Each dealer must require identification of the person with whom he is transacting business, and no transaction may be made with any minor, as herein defined, nor with any individual who is in an intoxicated state and/or is under the influence of intoxicating liquor, narcotics or hallucinogenic or habit-producing drugs.

B. Any dealer who purchases any article of used or secondhand jewelry shall immediately report to an appropriate law enforcement agency any delivery or sale of used jewelry under circumstances that would cause a reasonable person to believe the used jewelry was probably stolen or otherwise inappropriately obtained.

§ 4-21.8. Revocation of license.
A. Licenses issued under the provisions of this chapter may be revoked by the Chief of Police after a hearing upon notice to the applicant for any of the following causes:

   (1) Fraud, misrepresentation or false statement contained in the application for license.
   (2) Fraud, misrepresentation or false statement made in the course of carrying on the business of purchasing secondhand precious metals, gems and jewelry.
   (3) Any violation of this chapter.
   (4) Conviction of any crime or disorderly persons offense involving moral turpitude.
   (5) 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.

B. 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 five days prior to the date set for the hearing.

§ 4-21.9. Violations and penalties.
See § 1-5, General Penalty.

SECTION 2. This ordinance shall take effect after second reading and publication as required by law.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

JAMES W. GASPARINI
Mayor

ATTEST:

DENISE D. CAPONE
Municipal Clerk
NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on October 28, 2014, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on November 24, 2014 at 7:30 p.m. at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

DENISE D. CAFONE
Municipal Clerk

INTRODUCTION OF ORDINANCE – October 28, 2014: ORDINANCE #2014-13,
AN ORDINANCE AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF FAIRFIELD SO AS TO ADD CHAPTER IV, ARTICLE 21, ENTITLED “SECONDHAND PRECIOUS METALS, GEMS AND JEWELRY DEALERS”

INTRODUCED BY: Councilman Cifelli
SECONDED BY: Council President LaForgia
PUBLISHED: November 6, 2014

ROLL CALL VOTE

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2ND READING AND PUBLIC HEARING - November 24, 2014

INTRODUCED BY: Councilman Cifelli
SECONDED BY: Council President LaForgia
PUBLISHED: December 4, 2014

ROLL CALL VOTE

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