

ORDINANCE NO. 2024 - 01

ORDINANCE OF THE TOWNSHIP OF LACEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 161 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LACEY ENTITLED "DEALERS IN PRECIOUS METALS AND OTHER SECONDHAND GOODS, REPORTING SYSTEM"

BE IT ORDAINED, by the Mayor and Township Committee of the Township of Lacey, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 161 of the Township Code of the Township of Lacey, entitled "Dealers in Precious Metals and Other Secondhand Goods, Reporting System For," is hereby deleted in its entirety and shall be amended and supplemented to read as follows:

§161-1 Purpose and Intent

A. The purpose of this chapter is to:

Implement, within the jurisdictional boundaries of the Township of Lacey and establish procedures pursuant to the New Jersey Pawn broking law (N.J.S.A.45:22-2 et. seq);

Establish procedures for the licensing and operation of pawnbrokers and dealers of secondhand goods, through the implementation of a standard body of uniform policies and recordkeeping requirements to which each business governed by this chapter shall abide;

Facilitate the prevention of fraud, impositions and other abuses upon citizens of the Township of Lacey; and

Ensure the difficulty of disposing of stolen property and aid in the recovery of stolen property.

B. No person shall use, exercise or carry on the business, trade or occupation of buying 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, furniture, clothing or other valuable articles, hereinafter referred to as "secondhand goods or articles," or being a secondhand Dealer within the Township of Lacey without having first obtained a license from the Township of Lacey Police Department as hereinafter provided.

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§161-2 Definitions

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

B. Definitions

ACCEPTABLE IDENTIFICATION

Acceptable forms of identification include: a current valid New Jersey Driver's License or Identification Card, a current valid photo driver's license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification.

ANTIQUÉ OR ANTIQUES

One or more old and valuable art object or item no longer in production that is at least fifty (50) years old. As used in this chapter, the terms "antique" or "antiques" shall also mean "primitives."

ANTIQUÉ DEALER

Any person, partnership, firm, association or corporation, other than a licensed pawnbroker or licensed secondhand dealer, having a place of business in the Township of Lacey for the purpose of purchasing, trading or dealing in antiques or primitives and who derives seventy-five percent (75%) of his or her gross sales from the sale of antiques or primitives.

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.

BUSINESS ENTITY

Any and all forms of business organization operating pursuant to law, including but not limited to entities designated and/or operating as a partnership, limited liability company, corporation, "S" corporation, association or firm. For purposes of this chapter, the term "business entity" includes a foreign business or business formed under the laws of another state which business is authorized by the State of New Jersey Division of Revenue to conduct business within this state and, at all times relevant to this chapter, is in good standing with the New Jersey Division of Revenue. Foreign businesses include all forms of business entity recognized in the

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foreign jurisdiction, including any form of business entity not otherwise recognized by the laws of the State of New Jersey, such as, without limitation, a limited liability partnership.

CHIEF OF POLICE

The Chief of Police of the Township of Lacey or his designee/representative.

DATABASE

A computerized internet capable database with hardware and software compliant to, accessible by, and acceptable to 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 or otherwise exchanges or trades secondhand gold, silver, precious metals, gems, or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

DESIGNATED VENDOR

A person or entity who is appointed or designated by the Chief of Police who is authorized to collect and maintain precious metal transaction information or other purchase information as defined herein, for the Township of Lacey

GARAGE SALE

Includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," "auction sale" or "yard sale" or any similar casual sale of used tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale. As Defined in Lacey Township Code Chapter 191 titled "Garage and Other Casual Sales.

GIFT CARD

A restricted monetary equivalent or script that is issued by retailers or banks to be used as an alternative to a non-monetary gift

LICENSEE

Any person or business entity granted a license pursuant to this chapter and/or granted a license by the Department of Banking and Insurance in accordance with the Pawn broking Law.

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MINOR

Any person under the age of 18 years.

PAWNBROKER

Any person, partnership, association or corporation lending money on deposit or pledge of personal property, other than chooses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehouseman and lending money on goods, wares, or merchandise pledged or deposited as collateral security. For purposes of this chapter, the term "pawnbroker" shall include any secondhand dealer who also operates as a pawnbroker or undertakes any action or conduct which includes the business of a pawnbroker as defined in the Pawnbroker Law.

PAWN BROKING LAW

The New Jersey statute and implementing regulations, N.J.S.A. 45:22-1, et seq. and N.J.A.C. 3:16-1.1, et seq., respectively, and any and all amendments thereto, which govern and regulate pawn shop businesses and pawnbrokers operating within the State of New Jersey.

PERSON

Any individual which is not a business entity. For purposes of this chapter, the term "person" shall also include an individual operating a business as a sole proprietorship.

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.

PLEDGE

An article or articles deposited with a pawnbroker in the course of business.

PLEDGOR

A person who delivers the pledge into the possession of a pawnbroker, unless such person discloses that he is or was acting for another, and in such an event "Pledgor" means the disclosed principal.

PURCHASE

Not only the exchange of money for precious metals, but the exchange or trading of any other tangible or intangible property for precious metals.

PURCHASE

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The exchange of money and the exchange, deposit, pledge, sale, conveyance or trade of any tangible or intangible article.

REPORTABLE TRANSACTION

Every transaction conducted by a Dealer in which precious metals, or other tangible property, are purchased or exchanged from or with the public.

SECONDHAND DEALER OR DEALER IN SECOND-HAND GOODS

As used in this chapter, any person, partnership, corporation, association, joint venture, trustee, court-appointed representative or agent thereof which operates a business for profit which buys, sells, possesses on consignment for sale or trades jewelry, stamps, coins or any precious metals which may have been previously owned by a consumer or which derives more than 35% of its gross receipts from the sale, consignment for sale, pledge or trade of any goods, wares or merchandise which have previously been owned by a consumer, including but not limited to furniture, appliances, consumer electronic goods, clothing, automobile accessories, books, magazines, athletic cards and memorabilia or precious metals, whether in bulk or manufactured state. The term "secondhand dealer" shall include businesses commonly known as "pawnbrokers," "trading posts," "swap shop operators," "stamp dealers," "coin dealers," "jewelers" and "auction houses" that purchase and resell items from persons other than dealers and suppliers. The fact that any business does any of the following acts shall be prima facie proof that said business is a secondhand dealership:

- 1.. Advertises in any fashion that it buys or sells secondhand or used items. Such advertisements shall include, but are not limited to, media advertisements, telephone listings, and signs, whether on the exterior or interior of the business.
2. Devotes a significant segment or section of the business premises to the purchase or sale of secondhand or used items.
3. Secondhand Goods. Goods which have been previously owned, worn or used by a consumer and/or that are not new. For purposes of this chapter, the term "secondhand goods" shall include "secondhand watches" except where the context clearly indicates to the contrary.
4. Secondhand Watches. A watch shall be deemed to be second-hand if:
 - a) It as a whole or the case thereof or the movement thereof has been previously sold to or acquired by any person who bought or acquired the same for his use or the use of another, but not for resale; provided, however, that a watch which has been so sold or acquired and is thereafter returned either through an exchange or for credit to the original individual, firm, partnership, association or corporation who sold or passed title to such watch, shall not be deemed to be a second hand watch for the purposes of this chapter if such

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vendor shall keep a written or printed record setting forth the name of the purchaser thereof, the date of the sale or transfer thereof, and the serial number (if any) on the case and the movement, and any other distinguishing numbers or identification marks, which said record shall be kept for at least five (5) years from the date of such sale or transfer and shall be open for inspection during all business hours by the Camden County Prosecutor or the prosecutor's duly appointed representative;

b) Its case, serial numbers or movement numbers or other distinguishing numbers or identification marks shall be erased, defaced, removed, altered or covered; or

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 or who intends to close out or discontinue all retail business in the Township of Lacey within six (6) months or as so defined in N.J.S.A. 51:6A-5 and NJ.AC. 13:47C-1.1.

C. Compliance with state and federal laws required.

Any licensee operating as a pawnshop or pawnbroker shall comply with all applicable state and federal laws and regulations that govern the same. Specifically, businesses dealing in the purchasing of precious metals will comply with the laws outlined in NJ.SA 51:6A-1.

§161-3 License Required

A. No person, either as owner, manager, lessee, officer or agent, or in any other business, within the Township of Lacey shall operate or permit to operate as a pawnbroker/secondhand dealership without first having obtained a license from the Township of Lacey to do so.

If an individual is deemed a pawnbroker or business deemed a pawn shop, then a license from the Commissioner of Banking and Insurance is required. [NJ.S.A. 45:22-21]

B. Exemptions. The following are exempt from the requirements of this chapter:

1. Garage Sales. As used in this section, a "garage sale" is defined in the above definitions pursuant to Lacey Township Code §191.
2. Sales conducted by governmental, civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least one year prior to the holding of the sale or which are incorporated as a not-for-profit corporation by the state.

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3. Sales or purchases which are regulated by the licensing laws of the state, including automobile dealers, used parts dealers and automotive parts recyclers.
- 4.
5. Antique dealers. As used in this section, an antique dealer is defined as one who derives 75% of his gross sales each year from the sale of antiques and/or primitives. As used in this section, an "antique" or "primitive" is defined as an old and valuable art object or article no longer in production that is at least 50 years old. As used in this section, the term "sale" does not include an exchange, trade, or swap of items.

C. Application. An application for a license required shall be made in writing to the Township of Lacey Municipal Clerk which shall minimally set forth the following:

1. The name of the individual, partnership, corporation or association applying for a license;
2. The residence, phone number, date of birth, driver's license number, and social security number or federal tax identification number of the applicant or partners or, if a corporation or association, the residence, phone number and driver's license number of the officers and all shareholders owning more than 5% of the outstanding shares of stock;
3. The location for which the license is requested;
4. Whether the applicant, its partners, officers or listed shareholders have been convicted of any criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction; and
5. Whether the applicant, its partners, officers or listed shareholders have held a license or had an interest in a license issued by this or any other jurisdiction regulating the purchase or sale of secondhand property revoked for cause and, if so, list the date of revocation and jurisdiction.
6. In the case of a pawnbroker, the applicant's name, address, fingerprints and written consent for a criminal history record must be forwarded to the Commissioner.

D. Fees.

1. Any pawnbroker or secondhand dealer shall, before engaging in business within the Township of Lacey, apply for and secure a license to engage in, conduct, and transact such a business, the fee for which license shall be the sum of (\$300.00) three hundred dollars, in addition to the standard business license fee. The applicant shall pay the Township of Lacey Clerk, prior to filing an application, a license fee of (\$250.00) Two Hundred and Fifty Dollars per Township fiscal year or part thereof.
2. The license shall be renewed each year. Application for renewal of License shall be made to the Township Clerk on or before January 31st of each

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year, and shall be submitted to the Township Council for approval. The annual renewal fee shall be (\$250.00) Two Hundred and Fifty Dollars. Should the license be denied, the license fee shall be refunded to the applicant.

3. Following the issuance of a license, the licensee shall secure the acceptable Database Software System. Any software licensing fee shall be paid by the licensee direct to the software provider, and shall not be part of and is in addition to the license fee required by the Township of Lacey.

E. Application Process for Dealer; Approval or denial.

1. Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to, the following:
 - a. The experience of the applicant in the business of purchase and sale of those articles or goods referred to in this section above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
 - b. The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
 - c. Any criminal record of the applicant, including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.
 - d. 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 metal or other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address

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where transaction records required by this this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under this chapter;

2. The Chief of Police shall complete any investigation pursuant to this chapter within 30 days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
3. The Chief of Police shall, upon completion of the investigation, recommend "grant" or "denial" of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police 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 Municipal Clerk accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified, in writing, within 10 days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.
4. Grounds for recommending denial of license 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 a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in this chapter or the retention and inspection requirements of this chapter, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by this chapter.
5. Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within 10 days of receiving written notice of denial of a license to act as a dealer of secondhand goods.

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6. No license shall be assignable by the dealer.

F. Posting. Every license issued under the provisions of this chapter shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued.

G. Revocation.

1. Any license issued for a secondhand dealer may be revoked or suspended for a period not to exceed 30 days by the Mayor and Council if they shall find after hearing:
 - a. That the licensee, its officers, agents or employees have violated any of the provisions of this chapter, the laws of the state or ordinances of the Township of Lacey in the operation of the business; or
 - b. That the licensee, its partners, officers or shareholders have been convicted of any offense set forth in this chapter; or
 - c. That the licensee, partners, officers or shareholders have knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this chapter or any investigation into any application. The licensee shall be responsible for the acts of its agents, servants and employees in the operation of the business. Prior to holding a hearing concerning the question of whether a license shall be revoked or suspended, the Mayor shall give at least 10 days written notice to the licensee setting forth the alleged violation. The licensee may present evidence and cross-examine witnesses at such hearing.
2. Reinstatement. Upon service of the suspended period of time provided that the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected or appropriately rectified.

H. False or Misleading Application

1. In addition to being subject to penalty as hereinafter set forth, any person who obtains a license as herein provided by furnishing the Township of Lacey with a false or misleading application shall, upon the discovery thereof, suffer an immediate revocation of such license and forfeiture of all fees paid.

I. Transfer.

1. No License issued under this chapter may be transferred to any other person, partnership, corporation or association.

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- J. No licensee shall carry on any business required to be licensed under this chapter except at the location designated on the license. Should the licensee wish to change the location, application shall be made to the Township of Lacey Clerk for such change in writing.

§ 161-4 Operation.

A. Hours of operation.

1. No licensee shall purchase any goods, wares, articles or things, whatsoever, or lend any money to any person between the hours of 11:00 p.m. (2300) and 7:00 a.m. (0700) the next day.

B. Prohibited purchases. No licensee shall purchase or accept any goods, wares, articles, or things under any of the following circumstances:

1. Where the seller is less than the age of 18;
2. A pawnbroker may not accept a pledge from any person who is under the age of 16. [N.J.S.A. 45:22-31];
3. Where the seller is intoxicated, "Intoxicated" is defined as a seller whose mental or physical functioning is substantially impaired as a result of the use of alcohol or drugs.
4. Where the seller fails to present a valid New Jersey driver's license or at least two forms of identification of which at least one contains the seller's full legal name, date of birth, a photograph or full physical description, and an identification number.
5. Where the article to be purchased had an original manufacturer's serial number at the time it was new but no longer legibly exhibits said number.

C. Purchasing, selling, or displaying weapons prohibited.

1. No licensee shall deal in, buy or sell, or display in his shop any pistol, revolver, rifle, Bowie knife, dirk or other deadly weapon of like character, capable of being secreted upon the person, unless such licensee shall also possess valid and current licenses or permits as required by applicable federal, state, or local laws, ordinances, rules or regulations.

D. Pawnbrokers' and Secondhand Dealers' responsibilities and requirements. Each pawnbroker or secondhand dealer within the Township of Lacey shall, upon the purchase of any precious metals, or second hand goods from the public, be required to do as follows:

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1. Each pawnbroker or secondhand dealer shall operate and maintain a computer system with internet access and photographic or video capability sufficient for the electronic reporting requirements of this chapter. Any failure or malfunction of such equipment on the part of the licensee shall not exempt the licensee from the below reporting requirements. The licensee shall immediately notify the police department of any such failure or malfunction, and shall have such resolved as soon as practicable. Failure by the licensee to resolve any failure or malfunction of equipment in a reasonable amount of time will lead to license revocation.

2. Record on a numbered receipt the name, address and telephone number of the purchaser; 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; and 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. This information is to be documented through the use of an electronic database software system as designated by the Chief of Police. These records shall be subject to the inspection of any authorized police officer of the Township of Lacey.

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 forty-eight (48) hours from the date of purchase. The information contained in Subsection B above, plus the following:
 - i. A physical description of the seller.
 - ii. The receipt number.
 - iii. A full description of the item or items purchased, including but not limited to marks, numbers, dates, sizes, shapes, initials and monograms.
 - iv. The price paid for the item.
 - v. The price paid for the item.

4. The precious metals are to be made available for inspection by the Chief of Police of Township or his designated representative for a period often days from the date the information required above is received by the Chief of Police or his designated representative, on the approved form. The precious metals shall remain in the same condition as when purchased and shall not be changed, modified, melted or disposed of by the purchaser until the ten-day period has expired. During this ten-day period, the precious metals shall be placed in public view at the purchaser's place of business. If the property is such that it would create a hardship on the pawnbroker by holding the

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precious metals for such period, the pawnbroker may present the property to the Chief of Police or his representative in order that it may be photographed and, if deemed necessary by the Chief of Police or his designated representative, an investigation be implemented. The Chief of Police or his designated representative has the authority to grant the pawnbroker a waiver of the requirement under this section.

5. In addition to the information required to be reported above, each pawnbroker or secondhand dealer doing business in the Township of Lacey shall obtain a photographic image of a photo ID card of the seller, sufficiently clear to allow the information on the ID to be read. The photo ID must be currently valid (not expired) card issued by a government entity of the United States, and must include the pawn/seller's first and last name, current address, date of birth and physical descriptors. In the event the card is valid but does not contain the seller's current address, the licensee must separately record and report the current address.
6. Any property exchanged in a transaction shall be digitally photographed and reported as required by the Chief of Police, unless such property bears a valid and unique serial number that is permanently inscribed on the property. It is unlawful to do business with persons failing to supply required information.
7. It is unlawful to receive or purchase in any manner any goods or articles or make any advance or loan whatever on the same if the person or persons pawning, pledging, depositing or selling the same shall refuse to make known his, her, or their names, to submit to a general description, or shall refuse to make known the name or names of the person or persons for whom the same were pawned, pledged, deposited or sold, or knowingly make any false entry of any matter or thing required to be made in said book or cause or permit the same to be made.
8. Dealer payment to sellers in cash shall be limited to two (2) transactions during a seven (7) day period for the same seller. The seven (7) day period will commence on the day of the first transaction and end seven days after the transaction, i.e. if transaction #1 occurs on Monday the seven (7) day period ends on Sunday. Furthermore, no cash payments shall be made to the same sellers who make more than five (5) transactions in any given thirty (30) day period. Sellers making transactions over the number of proscribed weekly and monthly periods will be paid by the Dealer by means of a bank check drawn from the Dealer's business account.
9. 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 Lacey Township Police Department to examine any database, book, ledger, or any other record on the premises relating to the purchase of precious metals from the public, as well as the articles purchased or received, and to take possession of any article known by the 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.

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- E. **Non-Applicability.** This chapter shall not apply to purchases made by jewelers or other pawnbrokers from wholesalers or other suppliers, but shall only apply to those purchases made from the public or other retail purchases. The pawnbroker 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 Lacey Township Police Department.
- F. **Inspection of premises; seizures.** Every licensee and every person employed by the licensee in the conduct of business shall admit to any and every part of the premises designated in the license, during normal business hours, any law enforcement officer to examine any goods, articles, things, pledges, pawns, or books or other records on the premises dealing with purchase or sale of used property and to search for and to take into possession without compensation to the licensee any article known or for which such officer has reasonable grounds to believe to have been stolen. Such law enforcement officer may make any such search or seizure as is provided for in this section and property so seized shall be receipted for by such officer, who shall fully describe the seized property and sign the receipt.

Should the officer determine the property not to be stolen, the officer shall promptly return same to the licensee and obtain a receipt therefore, as aforesaid. In the case of property obtained in the case of a domestic theft, the victim shall make restitution for the amount paid to obtain said property. Other restitution will be made by way of criminal complaints against the seller of said items.

§161-5 Secondhand Watches

A. **Secondhand watches to be clearly marked.**

1. Any person or business entity engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell or exchange, or offer for sale or exchange, expose for sale or exchange, possess with the intent to sell or exchange, or display with the intent to sell or exchange any secondhand watch, shall affix and keep affixed to the same a tag with the words "second-hand" clearly and legibly written or printed thereon, and the said tag shall be so placed that the words "second-hand" shall be in plain sight at all times.

B. **Special invoice for secondhand watches.**

1. Any person or business entity engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell a secondhand watch or in any other way pass title thereto shall deliver to the vendee a written invoice bearing the words "secondhand watch" in bold letters, larger than any of the other written matter upon said invoice, which invoice shall also set forth the following:
 - a. The name and address of the vendor;
 - b. The name and address of the vendee;

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- c. The date of the sale;
- d. The name of the watch or its makers;
- e. The serial numbers, if any; and
- f. Any other distinguishing numbers or identification marks upon its case and movement; or, if the serial numbers or other distinguishing numbers or identification marks shall have been erased, defaced, removed, altered or covered, the invoice shall so state.

2. The vendor shall keep on file a duplicate of said invoice for at least five (5) years from the date of the sale thereof, which shall be open to inspection during all business hours by the Camden County Prosecutor or his duly authorized representative.

C. Advertising second hand watches.

1. Any pawnbroker, secondhand dealer or other person or business entity or any agent thereof, who may advertise or display in any manner a second hand watch for sale or exchange shall state clearly in such advertisement or display that said watch is a second hand watch.

§161-6 Bond.

- A. Each dealer covered under this chapter shall deliver a bond to the Municipal Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Municipal Attorney, as defined in N.J.S.A. 40A:9-139, and shall be in the penal sum of \$10,000, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality 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 dealer licensed 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 [party municipality], be and remain for the benefit of any person who shall obtain a judgment against obligor as a result of damage sustained in operation pursuant to any license granted under this chapter." Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

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§161-7 Violations and penalties.

- A. Violation of any provision of this chapter shall, upon conviction thereof, be punished by a minimum fine of \$100 or a maximum of \$1,000, or by imprisonment for a term not exceeding 90 days, or by a period of community service not exceeding 90 days. Each and every violation shall be considered a separate violation. Every day that a violation continues shall be a separate violation. Each violation shall result in an additional ten (10) day suspension. Any person who is convicted of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the Court to an additional fee as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter. For a third or subsequent violation under this chapter, the mercantile license of said business may be revoked upon notification by Mayor and Council.

§161-7 Time Limit for conformance; repealer; severability.

- A. Any person, partnership, limited liability company, corporation, or other entity engaging in the business of a pawnbroker, or a dealer in precious metals or other secondhand goods shall conform to the provisions of this chapter within 90 days following the effective date of this chapter.
- B. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- C. Nothing contained in this chapter is intended to replace any preexisting statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22-1 et seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21-36 et seq., or any other statutory provision regarding any subject matter discussed herein.
- D. If any section, subsection, sentence, clause, phrase, or portion of this chapter 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.

SECTION 2. That should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

SECTION 3. That all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

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SECTION 4. That this ordinance shall be in full force and take effect twenty (20) days after final passage and publication, as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Lacey on first reading at a meeting held on the 25th day of January, 2024. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 8th day of February, 2024 at 6:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 818 Lacey Road, Forked River, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.



AMY MCGUCKIN,
Municipal Clerk, Township of Lacey

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