

BOROUGH OF BELLEVUE

ORDINANCE NO. 16-03

AN ORDINANCE OF THE BOROUGH OF BELLEVUE, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING RESTRICTIONS AND REGULATIONS ON THE OPERATION OF A PAWNSHOP OR SECONDHANDSHOP WITHIN THE BOROUGH OF BELLEVUE.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Bellevue, in the County of Allegheny and Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same, in accordance with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania, as follows:

SECTION I: License required

No person shall engage in the operation of a pawnshop or secondhand shop without first obtaining a license from the Borough of Bellevue.

SECTION II: Definitions

As used in this chapter, the following terms shall have the meanings indicated: PAWNSHOP or SECONDHAND DEALER - A person who either wholly or partly engages in or operates in the trade or business of buying and selling used goods, including but not limited to precious stones, precious metals, jewelry, tools, electrical devices, fixtures, appliances, automobile accessories, tires, household goods, firearms, coins, trading cards and all other used items that are purchased, salvaged, traded or received from any person.

SECTION III: Transaction record book required

Every pawnshop operator or dealer or secondhand dealer shall keep a book legibly written in the English language at the time of acquiring articles in the course of business, which book shall contain the following information:

- A. An accurate description and/or photograph of the article purchased.
- B. The name and address of the person selling the article or leaving the article for a loan. The identity of the person selling the article shall be verified by the production of a Pennsylvania photo driver's license, Pennsylvania photo identification card or other similar photo identification card.
- C. The name and address of the person buying the article.
- D. The type of identification used to identify the individual in Subsection B.
- E. No pawnshop operator or secondhand dealer shall accept for sale or hold for loan any item from any individual not possessing the type of photo identification as set forth in Subsection B.
- F. Items purchased must be photographed and stored electronically in a format available for viewing (i.e. JPEG, GIF, PNG, TIF, etc.). The serial number of any item must be photographed and visible within the photograph.
- G. Items suspected of being stolen or having an obliterated or obscured serial number must be reported immediately to the Bellevue Police Department.

SECTION IV: Reports to the Bellevue Borough Police Department.

The pawnshop operator, dealer or secondhand dealer shall provide copies of all sales transactions and loan transactions to the Bellevue Police Department Chief of Police. Copies of all sales transactions and loan transactions shall be provided to the Chief of Police or their designate officer on a weekly basis.

- A. The Bellevue Police Department reserves the right to inspect items purchased by a dealer, inspect written and electronic log books and inspect storage areas of the business to inspect items during operational hours to ensure compliance with this ordinance and/or recover stolen property.

SECTION V: Time limit for possession of articles before sale.

No dealer under this chapter shall sell or dispose of, in any way, until (5) five days after purchase, any of the following secondhand articles or goods: precious stones, coins, jewelry, watches, gold, silver, platinum or other precious metals or similar articles and firearms. No dealer shall sell or dispose of in any way any other secondhand articles or goods until (15) fifteen days after purchase of the same.

- A. Computers and other electronic storage devices (including cellular phones) must be held for 30 days and may not be altered, deleted or wiped until the 30 day time period has expired.
- B. *Precious metal dealers in Allegheny County are required to upload transactions to the <http://www.papreciousmetals.com> website. This includes jewelry stores or those operating as pawn shops, secondhand stores or anyone who makes a business of purchasing precious metals. EFFECTIVE MARCH 31, 2015*
- C. *Any dealer who is required to report to Pa Precious Metals shall not be required to report to Bellevue Borough or pay the fee for compliance of this ordinance.*

SECTION VI: Prohibited transactions

No dealer under this chapter shall purchase any article from any person under 18 years of age without a parent or guardian present and who authorizes the purchase by signature and provides photo identification.

SECTION VII: Revocation of license

If any dealer is convicted of robbery, burglary, larceny, receiving stolen property and any other crime involving the unlawful obtaining of personal property, the license mentioned herein shall be revoked.

SECTION VIII: License fee

The fee for issuance of a license under this chapter shall be \$100 due on or before January 1 of each year.

SECTION IX: Supersession of state or federal regulations; violations and penalties

- A. This chapter shall in no way supersede any state or federal regulations governing these same items.
- B. Any person, association, partnership or corporation who violates any provision of this chapter is guilty of a misdemeanor and on conviction shall be subject to a fine not exceeding \$1,000 or a jail sentence up to three days.


SECTION X: Exemption; exception

No exemptions exist for this ordinance.

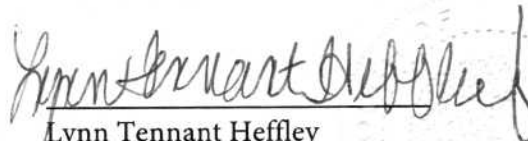
SECTION XI: EFFECTIVE DATE

This Ordinance shall become effective five (5) days from the enactment of this Ordinance. ORDAINED and ENACTED by the Borough Council of the Borough of Bellevue in lawful session duly assembled this
July 26, 2016.


Attest:



Ronald L. Borczyk
Borough Secretary



Lynn Tennant Heffley
President - Bellevue Town Council



Examined and approved this 26th July, 2016



Paul A. Cusick
Mayor

ATTACHMENT: Pa Precious Metals Licensee requirement

Responsibilities of a Licensee

EFFECTIVE MARCH 31, 2015

A fee of \$50.00 for a 12 month license is required and must accompany the application. A money order or cashier's check must be made out to the respective County Sheriff office.

A compliance fee will be required prior to access to the PA Precious Metals database by all licensees. Payments can be made on line at www.papreciousmetals.com. Payment shall be made in the form of Master Card, Visa Card. OR, a cashier's check made out to PA Precious Metals

Customer Transactions will be electronically filed utilizing the Southwest Pennsylvania precious metals database found at www.papreciousmetals.com

1. Electronic Filing Requirement's

Effective March 31, 2015, all precious metals transactions will be filed electronically using the following website www.papreciousmetals.com

- A. Valid driver's license or passport photograph AND Driver's License number with issuing entity;
- B. Name, age, address of seller, A detailed and accurate description of property purchased, to include Brand Name and make;
- C. A Copy of each record to the District Attorney shall be uploaded into the electronic filing system found at ;
- D. Each piece of merchandise will be photographed separately and uploaded into the electronic form; however, if an item is part of a set such as ear rings or cuff links, they can be photographed together and electronically filed
- E. A photograph of the seller OR seller government issued Drivers License or Passport shall be electronically filed and uploaded into the appropriate data field.

1. Dealers Retention of Precious Metals and Availability for Inspection

- B. Records to be maintained by dealer for one (1) year and be available for inspection;
- C. Precious Metals to be retained for full working days after report;
- D. Out of State/County dealers are required to keep purchased items in the county for the required period and will be required to use the electronic filing system. ALL transactions will be required to use the approved electronic filing system found at ;
- E. Precious Metals to be available for inspection by law enforcement officials of the Federal Government, the commonwealth or any of its municipalities. No search warrant required.
- F. Law enforcement to give notice when they believe item was stolen;
- G. Each item of precious metal shall be retained within the county where purchased.

1. Purchases from Minors

- B. Dealer shall require any minor to produce written authority of a parent, guardian, or person in loco parentis; a copy of the written authority of a parent or guardian shall be electronically filed using the "upload Drivers License / Passport" data field;
- C. Minors to wait three (3) full working days for payment

1. Posting of Prices
- B. Pricing for the purchase of precious metals shall be posted by the dealer in compliance with rules and regulations promulgated by the Department of Agriculture;
 - C. Prices shall be clearly visible to the public

1. Scales & Weighing Devices
- B. Scales and other weighing or measuring devices used by dealers in precious metals shall be in accordance with rules and regulations promulgated by the Department of Agriculture;
 - C. Scales shall be certified on an annual basis. The Department of Agriculture Region 4 can be reached by calling 724-443-1585;
 - D. If your application does not include a copy of the certification, it will not be processed until it is received by the Sheriff's office.

1. Inspection by Licensee
- B. The acceptance of a license by a dealer implies consent to inspections of his, her or its premises by authorized law enforcement.

1. Penalties
- B. Any violation of this act shall be a third degree misdemeanor;
- C. Conviction on any violation of this act shall result in revocation of said dealers license;
- D. Dealer shall be ineligible to reapply for a period of five (5) years.

All questions regarding electronic filing can be directed to help@papreciousmetals.com or by contacting:

Customer Support @ 724-371-0042

Monday through Friday, 9:00 AM-5:00 PM; except Government Holidays