

ORDINANCE 2023-05

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**ORDINANCE AMENDING CHAPTER 137 OF THE CODE OF THE BOROUGH
OF METUCHEN, ENTITLED, "PRECIOUS METALS AND GEMS" TO
ADD SECONDHAND GOODS AND TO REQUIRE ADDITIONAL
RECORDKEEPING AND REPORTING**

WHEREAS, at the recommendation of the Chief of Police, the Mayor and Council have determined that it is in the best interest of the residents of the Borough of Metuchen to assist law enforcement officials and victims of crime in recovering stolen precious metals, gems and other secondhand goods and to require minimum identification, reporting, maintenance and distribution criteria for dealers in these types goods.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Metuchen, County of Middlesex, that it hereby amends Chapter 137, entitled, "Precious Metals and Gems" of the Code of the Borough of Metuchen, to "Precious Metals, Gems and Secondhand Goods", to state as follows:

CHAPTER 137

PRECIOUS METALS, GEMS AND SECONDHAND GOODS

§ 137-1. Purpose and Intent

- A. The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals, gems and other secondhand goods by reporting minimum identification, reporting, maintenance and distribution criteria for dealers in these goods.
- B. No person shall use, exercise, or carry on the business, trade, or occupation of the buying and selling, or pawning of precious metals, gems or other secondhand goods without complying with the requirements of this Chapter in the exact manner described.

§ 137-2. Definitions

As used in this Chapter, the following terms shall have the meaning indicated:

ACCEPTABLE IDENTIFICATION

A current valid New Jersey driver's license or identification card, a current valid photo driver's license issued by another U.S. state, a valid United States passport, or other verifiable U.S. government-issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

DEALER

Any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this chapter, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

ITINERANT BUSINESS

A dealer who conducts business intermittently within the Borough or at varying locations.

PAWNBROKER

Any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses 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 warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

PRECIOUS METALS

Gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

PUBLIC

Individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

REPORTABLE TRANSACTION

Every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

SECONDHAND GOODS

Used goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, any tools, telephones, typewriters, word processors, GPS devices, computers, computer hardware and software, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, game cartridges, DVDs, CDs, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, furniture, clothing, and other valuable articles. For the purposes of this chapter, "secondhand goods" shall not include goods transacted in the following manner:

- A. Judicial sales or sales by executors or administrators;
- B. Occasional or auction sales of household goods sold from private homes;
- C. Auctions of real estate;
- D. The occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building 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.

SELLER

A member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.

TRANSIENT BUYER

A dealer, as defined herein, who has not been in a registered retail business continuously for at least six months at any address in the municipality where the dealer is required to register or who intends to close out or discontinue all retail business within six months

§ 137-3. Written record of reportable transactions.

Any person, partnership or corporation in the full- or part-time business of purchasing gold, silver, precious metals, gems and other secondhand goods in the Borough of Metuchen shall maintain a written record of all reportable transactions.

§ 137-4. Form of record.

Said record shall be contained in a book bound with stitching, glue or other type of permanent binding and shall not be contained in any loose-leaf, spiral, insert or other type of semipermanent or temporary binding. There shall be no spaces between entries, and each entry shall be numbered in sequence. Said record shall be legible and contain the following information:

- A. Date of sale.
- B. Name and address of seller.
- C. Detailed description of items purchased.
- D. Purchase price.

§ 137-5. Identification of Seller; Recordkeeping requirements.

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

A. Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in § 137-2.

B. Require each seller to execute a declaration of ownership, which shall contain the following certification: "My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of 18 years and the identification presented is valid and correct."

C. Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:

(1) The name, address, and telephone number of the purchaser, including the clerk or employee of the dealer making the purchase;

(2) The name, address, date of birth, and telephone number of the seller or sellers;

(3) A photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;

(4) A photographed recording of the seller's presented acceptable identification, as set forth in § 137-2, in a format acceptable by the Chief of Police;

(5) A photographed recording of all items sold in a format acceptable by the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable. Items should not be grouped together when photographing or imaging. Each item should have its own photograph;

(6) The receipt number;

(7) A detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security numbers engraved thereon, serial numbers, series numbers, or any other information, which sets apart the particular object from others of like kind;

(8) The price paid for the purchase or pawn of the item(s);

(9) If precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and

sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 51:6-1 et seq.;

(10) The time and date of the transaction.

§ 137-6. Reports to the Police Department.

The information contained in § 137-5 shall be electronically submitted to the Borough of Metuchen Police Department Detective Bureau within seventy-two (72) hours of the transaction in the form and as required and provided for by the Chief of Police.

§ 137-7. Availability of record.

The dealer shall make the records required by this Chapter available for inspection of any law enforcement officer, upon demand, without the need for advance notice. The records required by this Chapter shall be kept at the Dealer's business premises. In addition to all other reporting requirements, every dealer shall maintain for at least five years a written record of all purchases of precious metals, gems and other secondhand goods in the form prescribed in § 137-5(C).

§ 137-8. Retention and Inspections.

All secondhand goods purchased, received for pawn, or received for consignment as described above are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in § 137-6 except for precious metals and jewelry, which must be maintained for at least ten (10) business days or for the statutory period provided in N.J.S.A. 2C:21-36(d).

(1) All precious metal or other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.

§ 137-9. Prohibitions.

No dealer shall sell, melt, change the form or dispose of any articles purchased or received for a period of ten (10) days from the date the notification is made to the Chief of Police. All such items shall remain on the premises where the purchase was made until the expiration of the time period set forth herein.

§ 137-10. Violations and penalties.

Any person who shall violate any provision of §§ 137-1 through 137-9 of this chapter or shall fail to comply with any of the requirements thereof shall, upon conviction thereof, be punished as provided in Chapter 1, General Provisions, Article 1. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

BE IT FURTHER ORDAINED by the Mayor and Council that all prior ordinances, or sections of ordinances, inconsistent with the within ordinance are hereby repealed; and

BE IT FURTHER ORDAINED by the Mayor and Council that all remaining sections of the Code not amended or referenced herein shall not be affected thereby and shall remain in full force and effect; and

BE IT FURTHER ORDAINED by the Mayor and Council that if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Mayor and Council that this ordinance shall become effective immediately upon final passage and publication as provided by law.

Introduction: March 6, 2023

Date of Publication: March 9, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN	X			
DELIA	X				KANDEL	X			
HIRSCH	X				RASMUSSEN	X			
MOTION	DELIA				SECOND	RASMUSSEN			
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on March 6, 2023.


 Deborah Zupan, RMC
 Borough Clerk



Adopted: April 10, 2023
 Date of Publication: April 14, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN	X			
DELIA	X				KANDEL	X			
HIRSCH				X	RASMUSSEN	X			
MOTION	DELIA			SECOND		RASMUSSEN			
X - INDICATES VOTE			AB- ABSENT			NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on April 10, 2023.

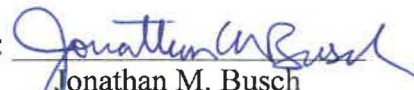

 Deborah Zupan, RMC
 Borough Clerk



ATTEST:

BOROUGH OF METUCHEN


 Deborah Zupan, RMC
 Borough Clerk

By: 
 Jonathan M. Busch
 Mayor