

TOWNSHIP OF ROCHELLE PARK

ORDINANCE NO. 1085 - 15

**AN ORDINANCE TO AMEND THE CODE
OF THE TOWNSHIP OF ROCHELLE
PARK TO ADD AN ORDINANCE
REGULATING SECOND HAND
DEALERS**

WHEREAS, the Police Chief of the Township of Rochelle Park has recommended, to the Township Committee, that an ordinance be enacted which regulates second hand dealers of certain goods; and

WHEREAS, this has become necessary due to recent incidents in other Municipalities; and

WHEREAS, the Township Committee has determined that it would be in the best interest of the Municipality to adopt such an ordinance.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Rochelle Park, County of Bergen and State of New Jersey as follows:

SECTION ONE: Definitions.

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

DEALER

Any person, partnership or corporation, who or which through any means buys or sells secondhand gold, silver, precious metals or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

MINOR

Any person under the age of 18 years.

License required; fee.

A. No dealer shall conduct business within the Township until said dealer has secured a license from the Township Clerk authorizing said dealer to conduct business within the Township. Applicants for a dealer license shall file an application with the Township Clerk containing the following information:

(1) Name and address of the applicant. If the applicant is operating under a trade name said applicant shall provide a certified copy of a filed trade name certificate. If the applicant is a partnership, the applicant shall supply a copy of the partnership certificate and the general partners of the partnership shall comply with all individual disclosure requirements and criminal background information and checks required by this section. If the applicant is a corporation, the applicant shall provide a copy of the certificate of incorporation for the corporation and all directors, shareholders and officers of the corporation shall comply with all individual disclosure requirements and criminal background information and checks required by this section.

(2) A statement that the applicant is over the age of 18, is a citizen or legal resident of the United States, and proof of citizenship or residency status.

(3) A statement as to whether the applicant has ever been convicted of a crime, disorderly persons offense or violation of a municipal ordinance, including a description of any such violations that have occurred.

(4) Two photographs of the applicant taken not more than 60 days prior to the filing of the application.

B. Each applicant shall submit to a criminal background search, including fingerprinting, conducted by the Township Police Department.

C. Each applicant shall pay an annual fee of \$100 for a license and a fee of \$100 covering the fee for the criminal background check.

D. No license shall be granted to any applicant in the following cases:

(1) To an applicant who has been convicted of any crime, disorderly persons offense involving moral turpitude, dishonesty or which reflects adversely upon the applicant's ability to operate his business in an honest manner.

(2) To an applicant found by any court to have engaged in fraud, deceit, misrepresentation or similar activity.

(3) To an applicant whose license under this chapter has at any time been revoked or suspended.

3. Records to be kept by dealer; inspections.

A. Each dealer shall keep a bound record book in which every purchase and sale shall be legibly written in English, including the following information:

- (1) A description of each item involved in the sale.
- (2) The number or numbers of any identification appearing on each item, including monograms, if any.
- (3) The name, address and general description of the person from whom the purchase was made or to whom the sale was made.
- (4) The date and time of the purchase or sale.
- (5) Copies of two forms of identification from the person making the purchase or sale, at least one of which must be a photo identification.

B. The above records shall be subject to the inspection of any authorized police officer of the Township of Paramus at any time.

4. Description of transactions.

Each dealer doing business in the Township of Paramus shall deliver to the Chief of Police the description of all items purchased, received or sold within 72 hours of the completion of the transaction, on forms prescribed by the Chief of Police.

5. Unlawful acts.

No dealer shall sell, melt, change the form of or dispose of any articles purchased or received within five days from the date the notification is made to the Chief of Police, and all such items shall remain on the premises where the purchase was made for at least five days.

6. Transaction restrictions.

Each dealer must require identification of the person with whom it is transacting business, and no transaction may be made with any minor, as hereinabove defined.

7. Violations and penalties.

Any person, as defined above, who violates any provision of this chapter shall, upon conviction, be subject to the penalties under the general penalty provisions of this Code. A separate offense shall be deemed committed in each day during or on which a violation occurs or continues.

SECTION TWO: Repealer:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION THREE: Severability:

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION FOUR: Effective Date:

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

ELIZABETH KROLL,
Municipal Clerk