

**Township of Lawrence
County of Mercer**

Ordinance No. 2204-14

**AN ORDINANCE AMENDING CHAPTER 12 OF THE
LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED 'LICENSES'**

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Chapter 12 of the Lawrence Township Administrative Code entitled 'Licenses' be and is hereby amended by addition of the following new section:

Section 1.

Article IV. Business Engaged in Purchasing Previously Owned Property

Section 12-23 License Required for a Business Engaged in Purchasing of Precious Metals, Gems and all Forms of Previously Owned Jewelry

Sec. 12-23.1 – License required; term of license.

No person shall engage in the business of the purchase of precious metals, gems and/or all forms of previously owned jewelry without first obtaining a license from the municipal clerk. Licenses shall be issued for a period of one year commencing May 1 and ending April 30 of the succeeding year.

Sec. 12-23.2 – Application for license, issuance or denial of license.

Upon receipt of an application for a license under this section, the municipal clerk shall refer such application to the division of police and the division of code enforcement for review and recommendation as to whether a license should be issued or denied. The review and the recommendation shall take no more than twenty days. The division of police shall institute such investigation of the applicant's moral character and business responsibility as it deems necessary for the protection of the public welfare. The division of code enforcement shall cause to be investigated weight and measure devices. Upon completion of the investigation, the division of police and the division of code enforcement shall return the application or a copy thereof to the municipal clerk, accompanied by a recommendation as to whether the license should be issued or denied. If the recommendation of the division of police and the division of code enforcement is to deny the license, the grounds for such recommendation shall be stated. Grounds for recommending denial of a license may include information indicating that the applicant is not of good moral character or is of questionable business responsibility and/or practices. A recommendation of denial shall be given if the applicant has been convicted of any crime involving dishonesty, fraud, deceit or misrepresentation. Upon receipt of the recommendation of the division of police and the division of code enforcement, the municipal clerk shall issue or deny the license accordingly. Any person aggrieved by such denial may appeal to the Township Council, who may confirm or reverse the denial as deemed advisable.

Section 12-24 Identification Required at Time of Sale

All licensees under this chapter shall require of each person offering an item for sale to produce a valid state or federal government issued photo identification. Once proof of identity is obtained, the person must sign a receipt for the item, acknowledging the sale.

Section 12-25 Records of Sales and Retention of Property

Each licensee under this chapter shall maintain records for each sale, for a minimum of five years, which shall contain a descriptive list or photograph of the item(s) purchased, any identifying numbers and a copy of the signed receipt that clearly states the name and address of the selling person and the date of transaction. These records shall be delivered to the division of police each [week] day through an electronic reporting system company LeadsOnline. LeadsOnline (www.leadsonline.com) is a browser-based system that submits records encrypted to the database to protect personal information. A representative from LeadsOnline will set up each licensee at no cost. All precious metals and gems which are purchased or traded for shall be kept separate by transaction and shall be held for no less than ten days from the date of transaction or three business days from the date that the records are delivered to the division of police, whichever time period is greater.

Section 12-26 Bond

Each licensee under this chapter shall deliver a bond to the municipal clerk, executed by the applicant as principal, with a surety company authorized to do business under the laws of the state as surety. The bond, to be approved by the township attorney, shall be in the penal sum of \$5,000.00, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the Township 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 who shall have received judgment against any person licensed under this chapter by reason of any damage sustained by any such person as a result of having made a sale to such licensee, due to dishonesty, fraud or deceit practiced in effecting purchase.

Section 12-27 License Fee

The fee for initial application for a license under this chapter shall be \$250.00. Each annual renewal fee shall be \$50.00. If on the effective date of this chapter a person has been in business pursuant to Section 12-23 for a period not less than five years, the fee for initial application shall be \$50.00, and investigation pursuant to Section 12-23.2 may be waived by the municipal clerk.

Section 12-28 Suspension or Revocation of License

- A. Any license issued under this chapter may be revoked or suspended for violation of any provision of this chapter.**
- B. The Township shall institute proceedings for any license suspension or revocation by service of an appropriate notice at least five days prior to the effective date of the license suspension or revocation, and a reasonable opportunity for hearing before the Township Council shall be afforded to the licensee prior to the effective date.**

Section 12-29 Violation; Fine

Any person who violates Section 12-23.1 of this ordinance shall be subject to a fine of Five Hundred Dollars (\$500.00) for the first offense and subject to a fine of Seven Hundred Fifty Dollars (\$750.00) for each subsequent offense.

Section 12-30 Disposition of Penalties Recovered

The civil penalty shall be collected pursuant to the 'Penalty Enforcement Law of 1999' P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the Lawrence Township Municipal Court.

A penalty recovered under the provisions of this ordinance shall be recovered by and in the name of the Township. The penalty shall be paid into the treasury of the Township of Lawrence for the general uses of the municipality.

Section 2. Repealer

All ordinances or parts of same inconsistent with any provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of said ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Effective Date

This ordinance shall take effect twenty (20) days after adoption thereof.

Adopted: December 17, 2014

Additions are underlined ____ (except for Section headings)

Deletions are bracketed []

RECORD OF VOTE

| COUNCIL | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|---------------------|------------|------------|----------------|---------------|----------------|-------------|---------------|
| Mr. Brame | | | | | | | |
| Mr. Kownacki | | | | | | | |
| Dr. Maffei | | | | | | | |
| Mr. Powers | | | | | | | |
| Mayor Lewis | | | | | | | |