

BOROUGH OF RIVERDALE

ORDINANCE NO. 9-2008

ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND ESTABLISHING REGULATIONS FOR SECONDHAND PRECIOUS METALS, GEMS AND JEWELRY DEALERS

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Riverdale, in the County of Morris and State of New Jersey, as follows:

Section 1. The Revised General Ordinances of the Borough of Riverdale shall be amended by the inclusion of new Chapter 128 which shall be entitled "Precious Metals, Gems and Jewelry Dealers," and which shall read in its entirety as follows:

Chapter 128

PRECIOUS METALS, GEMS AND JEWELRY DEALERS

§ 128-1. Definitions.

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

DEALER — Any person, partnership, corporation or other entity, whether permanent or itinerant, who on one or more occasions (through any means) buys or sells secondhand gold, silver, precious metals, gems or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

ITINERANT BUSINESS — Any business conducted intermittently within the Borough of Riverdale or at varying locations.

MINOR — Any person under the age of 18 years.

PERMANENT-BASED BUSINESS — Any business conducted on a year-round basis and housed in a single structure, such as a store or residence.

§ 128-2. Issuance of license.

Each dealer conducting business within the jurisdiction of the Borough of Riverdale shall first register with the Chief of Police, who shall fingerprint the applicant and institute such an investigation of the applicant's moral character and business responsibility, as he deems necessary for the protection of the public welfare. In the event that the dealer is a business entity other than a sole proprietorship, the officers in a corporation or the partners in a partnership (or limited partnership) shall be deemed to be the applicant (s) who shall be fingerprinted and investigated in accordance with this section. Upon completion of the investigation, the Chief of Police shall either issue or deny the license based upon the results of his investigation. Upon the issuance of the license, the applicant shall be given a copy of Chapter 128.

§ 128-3. License fees; no transferability.

- A. Upon issuance of license, the fee shall be based as provided in Chapter 79.
- B. A license issued under the provisions of this chapter shall not be transferable and shall terminate on December 31st of the year in which said license is issued.

§ 128-4. Records to be maintained.

Each dealer shall maintain a complete record of each purchase and sale, including the amount paid, description of the item and any identifying numbers or engravings. The dealer shall also obtain the name, address, and date of birth, driver's license number and state of issuance for the person from whom the items were purchased, received or sold. This information is to be documented on the "Secondhand Jewelry Transaction Receipt" form supplied by the Riverdale Police Department. These records shall be subject to the inspection of any authorized police officer of the Borough of Riverdale. The records required to be maintained shall be kept confidential by the dealer and shall be released only to appropriate law enforcement personnel.

§ 128-5. Description to be delivered to Chief of Police.

Each dealer doing business in the Borough of Riverdale shall deliver to the Chief of Police the description of all items purchased, received or sold within 48 hours of the completion of the transaction on the "Secondhand Jewelry Transaction Receipt" forms prescribed by the Chief of Police.

§ 128-6. Disposal within 45 days of purchase prohibited.

No dealer shall sell, melt or change the form of or dispose of any articles purchased or received within 45 days of the date of said purchase, and all such items shall be made available for at least 45 days to any authorized police officer requesting such items.

§ 128-7. Restrictions on transactions.

Each dealer must require identification of the person with whom he is transacting business, and no transaction may be made with any minor, as herein defined, nor with any individual who is in an intoxicated state and/or is under the influence of intoxicating liquor, narcotics or hallucinogenic or habit-producing drugs.

§ 128-8. Revocation of license.

Licenses issued under the provisions of this chapter may be revoked by the Chief of Police, after a hearing, upon notice to the applicant for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on the business of purchasing secondhand precious metals, gems and jewelry.
- (3) Any violation of this chapter.
- (4) Conviction of any crime or disorderly persons offense involving moral turpitude.
- (5) Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

§ 128-9. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction, be subject to one or more of the following: a fine not exceeding \$1,000; imprisonment for a term not exceeding 90 days; or a period of community service not exceeding 90 days. If the violation is of a continuing nature, each day during which it continues shall constitute a separate and distinct offense.

Section 2. The Revised General Ordinances of the Borough of Riverdale, Chapter 95, shall be amended by the inclusion of new Section 95-16, which shall read in its entirety as follows:

§ 95-16. Fees for a precious metal, gems and jewelry dealer license.

The fee for a precious metal, gems and jewelry license shall be two hundred (\$200.00) dollars per calendar year.

Section 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Adopted this ____ day of

_____, 2008.

Carol Talerico, Borough Clerk

William Budesheim, Mayor

CLERK'S CERTIFICATION

NOTICE is hereby given that the above Ordinance was introduced and passed first reading by title at a regular meeting of the Mayor and Council of the Borough of Riverdale, held on July 21, 2008 and it will be considered for final passage at a regular meeting of said Mayor and Council to be held on August 18, 2008 at 7:30 p.m. or as soon thereafter same can be considered, in the Municipal Building, 91 Newark Pompton Turnpike, Riverdale, New Jersey, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning same. During the week prior and up to the time of public hearing, copies of said Ordinance will be available to the members of the general public who request same, in the Borough Clerk's Office between the hours of 9:00 a.m. and 4:30 p.m.

Carol J. Talerico, R.M.C.
Municipal Clerk