

ORDINANCE 2015-06

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 64B OF THE TOWNSHIP GENERAL CODE, ENTITLED "SECONDHAND DEALERS"

NOW, THEREFORE BE IT ORDAINED BY the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that Chapter 64B of the General Code of the Township of Barnegat is hereby amended and supplemented as follows:

64B-2. Entitled "**Definitions**" is hereby amended as follows:

"SECONDHAND GOODS" means 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 ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions of real estate; iv) 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. Excluded from this definition shall be: garage sales; estate sales any sale held by any organization that is exempt from federal tax under the Federal Tax Code, persons; businesses which only occasionally engage in the purchase of used goods so long as this occasional business does not total more than \$5,0000 worth of merchandise in any one calendar year; used book stores; thrift stores; consignment stores; used toy (excluding those focused on gaming systems or electronic games), sporting goods or clothing stores; used automobiles or watercraft; farm equipment; records, CDs,; antique stores and malls;

64B-4. Entitled "**Application process for Dealers; approval or denial**" is hereby amended as follows:

- D) Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in

which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in 64B-5, the retention and inspection requirements of 64B-6, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Township Clerk shall issue or deny the license accordingly.

64B-5. Entitled "**Identification of seller; recordkeeping requirements for dealers**" is hereby amended as follows:

- 1) 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. Similar items may be grouped together when photographing or imaging. Each item should have its own photograph as deemed possible;

64B-6. Entitled "**Retention; revocation; other restrictions**" is hereby amended as follows:

- A) All precious metals and other secondhand goods purchased, received for pawn, 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 64B-5 except for jewelry, which must be maintained for at least ten (10) calendar days or for the statutory period provided in N.J.S.A. 2C:21-36(d). 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 ten-day retention period has expired.

64B-7. Entitled "**Bond**" is hereby deleted in its entirety.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and

independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. All other provisions of the Township Code, except as set forth herein, shall remain unchanged.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.


NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Barnegat Township Committee held on the 8th day of June 2015, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 20th day of July 2015 at 6:30 p.m., at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


Michele Rivers, RMC
Municipal Clerk

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Township Committee of Barnegat Township at a meeting held on the 20th day of July 2015.


Michele Rivers, RMC
Municipal Clerk