

ORDINANCE O-19-11

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY ESTABLISHING A PRECIOUS METAL MERCHANTS' PURCHASE RESPONSIBILITIES AND REQUIREMENTS

BE IT *ORDAINED* by the Mayor and Committee of the Township of Franklin, in the County of Gloucester, and State of New Jersey as follows:

Section 1. The title of this chapter shall be: "**Precious Metal Merchants' Responsibilities and Requirements**".

Section 2. Definitions.

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

MERCHANT: One who purchases precious metals from the public and sells or otherwise exchanges or trades the precious metals to refiners or brokers or makes appraisals of the precious metals or otherwise conveys, melts down or alters said precious metals in any form.

PRECIOUS METALS: Gold, silver, platinum 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.

PURCHASE: not only the exchange of money for precious metals, but the exchange or trading of any other tangible or intangible property for precious metals.

Section 3. Merchants' Responsibilities and Requirements

Every merchant within the Township of Franklin shall, upon the purchase of any precious metals from the public, be required to do as follows:

A. Record on a numbered receipt the name, address and telephone number of the purchaser; the name, address and telephone number of the seller or sellers; the time and date of the transaction; the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams of the precious metals; fineness in terms of karats for gold, and sterling for coin or silver, in accordance with N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

B. Supply to the Chief of Police or the Officer in Charge for the Township of Franklin, within two days from the date of purchase, on a form approved by the Township of Franklin, the information contained in Subsection A above, plus the following:

- (1) A physical description of the seller.
- (2) The receipt number.
- (3) A full description of the item or items purchased, including but not limited to, marks, numbers, dates, sizes, shapes, initials and monograms.
- (4) The price paid for the item.
- (5) The form must be signed by the seller and initialed by the clerk who made the transaction.

C. The precious metals are to be made available for inspection by the Chief of Police or Officer in Charge of the Township of Franklin or his designated representative for a period of seven (7) days from the date the information required above is received by the Chief of Police or Officer in Charge on the approved form. The precious metals shall remain in the same condition as when purchased and shall not be changed, modified, melted or disposed of by the purchaser until the seven-day period has expired. During this seven-day period, the precious metals shall be placed in public view at the purchaser's place of business. If the property is such that it would create a hardship on the merchant by holding the precious metals for such period, the

merchant may present the property to the Officer in Charge or Chief of Police or his representative in order that it may be photographed and, if deemed necessary by the Officer in Charge or Chief of Police or his designated representative, an investigation be implemented. The Chief of Police, Officer in Charge or his designated representative has the authority to grant the merchant a waiver of the requirement under this section.

Section 4. Non-applicability.

This chapter shall not apply to purchases made by jewelers or other merchants from wholesalers or other suppliers, but shall only apply to those purchases made from the public or other retail purchases. The merchant shall keep records of all wholesale purchases for a period of six months from the date of such purchase, which records shall be open to investigation by the Township of Franklin Police Department.

Section 5. Purchases from Minors.

No merchant within the TOWNSHIP OF FRANKLIN shall purchase any precious metals from any person under the age of 18 years.

Section 6. Violations and Penalties.

Violation of any provision of this chapter shall, upon conviction thereof, be punished by a minimum fine of \$100 or a maximum of \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days. Each and every violation shall be considered a separate violation. Any person who is convicted of violating the provisions of this chapter within one year of the date of the previous violation and who was fined for the previous violation may be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

Section 7. Severability.

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST:

TOWNSHIP OF FRANKLIN

BY: _____

CAROLYN K. TOY, CLERK

PATRICK DOUGHERTY, MAYOR

CERTIFICATION

I, Carolyn K. Toy, Clerk of the Township of Franklin the County of Gloucester, do hereby certify that the foregoing to be a true and correct copy of an Ordinance introduced by the Township Committee of the Township of Franklin at a meeting held on Tuesday, November 22, 2011 with a subsequent second public reading to be held on Tuesday, December 28, 2011 at which time any person interested therein was given an opportunity to be heard.

Carolyn K. Toy, Clerk