

AN ORDINANCE TO REGULATE THE PURCHASE AND SALE OF PRECIOUS METALS OR GEMS IN MIDDLESEX COUNTY.

Article I.

Dealer, Precious Metals and Gems defined:

- A. Dealer-Any person, firm, partnership or corporation either as a itinerant or permanent resident of this County, who shall engage in, do or transact any business on a temporary, itinerant or permanent basis in Middlesex County, in the purchase of precious metals or gems as hereinafter defined, and who for the purpose of carrying on such business shall hire, lease, use, or occupy any building or structure, motor vehicle, tent, car, boat, or public room, or any part thereof, including rooms in hotels, lodging houses, or homes of private entertainment, or in any street, alley, public, or private road for any period of time for the purchase and sale of precious metals and gems as defined herein. As used herein “dealer” includes employers and principals on whose behalf the purchase or sale was made and all employees and agents who personally made such purchases or sales. When any act is required of a corporation, it shall be performed by its president. Retail merchants permanently located within the County shall be exempt insofar as they make purchases directly from manufacturers or wholesalers of precious metals or gems for their inventories. Furthermore, banking institutions or public auctions located or held in Middlesex County are excluded from the operation of this Ordinance.
- B. Precious Metals-Any item containing as part of its composition in any degree gold, silver, platinum, or pewter.
- C. Gems-Any item containing or having any precious stones customarily used in jewelry or ornamentation.

Article II.

License Requirements; Expiration Date:

No person, firm, or corporation shall engage in the business of purchaser or seller as defined herein, and not specifically excluded by this Ordinance, without first obtaining a specific license to do so from the Commissioner of Revenue of Middlesex County. Said license shall be granted upon payment of a \$25.00 application fee and satisfaction of the requirements herein. Any applicant shall produce to the Sheriff evidence of his or her good character to carry on such business; however, such person shall first appear before the Sheriff's Department of Middlesex County where he or she shall be photographed, finger printed, and checked against the FBI records as well as the records of the State Police or Sheriff's Department in this area for the following information: prior convictions, aliases, address, age, race, sex, name, address, and phone number of

employer, location of County site to purchase gold and silver, etc., its phone number, address, applicants motor vehicle, its make and license number, and the signature of the applicant. No license issued hereunder shall be valid for more than thirty (30) days from the date of issuance, except for a dealer doing business on a permanent basis in Middlesex County, which license shall be valid for one (1) year from the date of issuance, after which a new license may be obtained in the same manner in which the first was obtained. Any number of such license, may be thereafter obtained in the same manner for the same period of time.

Article III.

Place and Hours of Business; Sheriff's Consent To Alter Precious Metals:

The place at which such dealer, as defined in Article I above, may purchase or sell such precious metals and gems, or articles made thereof, shall be stated in the license which shall be placed or posted as to be visible to the public at the principal entrance to the place of business. No purchase or sale of said items or articles shall be made by any person, firm, corporation, or by any person acting by, through or under them, except between the hours of 9:00 a.m. and 9:00 p.m., and such business shall be open at all times to inspection by any revenue or police officer of the Federal, State or County governments. The dealer shall retain within the County, all precious metals or gems purchased for a minimum of five (5) days from date of purchase. During said period, no articles consisting of such precious metals or gems shall be melted down, defaced or changed in composition until same has been inspected by the County Sheriff's Department.

Article IV.

Records, Copies, of Bills of Sales Required:

Every dealer so licensed shall maintain adequate records to reflect the following information to appear on bills of sales, one copy of which is to be retained by the person so licensed. The required information is as follows:

1. The documented name, address, social security number, vehicle operator's license number, and phone number of the seller or the purchaser as applicable, and their employer if applicable.
2. A complete description of the articles, precious metals or stones purchased or sold by the licensee, including name and initials thereon;
3. The make, model number and license number of the motor vehicle owned or used by the seller or purchaser as applicable, and their employer if applicable.

Article V.

Sales of Precious Metals Limited to Owners, Minors Under Certain Conditions-Penalties:

No purchase or sale of any article made of precious metals or gems may be made in this County to or from any person under the age of eighteen (18) years unless such person be accompanied by his or her parent or legal guardian, and no such purchase may be made from anyone other than the owner of such article unless the seller has written authority from the owner permitting and directing said sale, duly authenticated. The violation of any provision or provisions of this Ordinance shall be misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or a jail term of not more than twelve (12) months, or both, and each days violation shall constitute a separate offense.

Article VI.

Severability:

If any section of this Ordinance or portion thereof is declared invalid or unconstitutional by a Court, it shall be regarded as severed and the remaining sections and portions shall continue in full force and effect.

Article VII.

Every dealer so licensed shall at the time of license and before the same shall be operative, enter with either one corporate or two personal sufficient sureties into a joint and several recognizance to the County of Middlesex, in the penal sum of five thousand dollars conditioned upon due observance of the terms of this article.

Article VIII.

If any person shall be aggrieved by the misconduct of any licensee and shall recover against him therefor, such person may, after the return unsatisfied, either in whole or in part, of any execution upon such judgement, maintain actions in his own name upon the bond.

Upon completion of the hearing, the Board voted unanimously to adopt the ordinance as proposed. Motion by Mr. Gill, seconded by Mr. Crittenden.

