

NOTICE  
ORDINANCE NO. 15-52  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 23rd day of November, 2015, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Thursday, the 3rd day of December, 2015, at the Neptune Municipal Complex, Township Committee Meeting Room – 2<sup>nd</sup> Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 15-52

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XI OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 11-8 TO AUTHORIZE PARTICIPATION IN THE STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM (SLCHIP) FOR THE LOCAL INSPECTION OF HOTELS, MOTELS AND MULTIPLE DWELLINGS

WHEREAS, N.J.A.C. 10:1-1 et seq., allows the Department of Community Affairs, Bureau of Housing Inspection, or any local enforcing agency, to allow any municipality to participate in the enforcement of the Hotel and Multiple Dwelling Act within its corporate limits, subject to the supervision and control of the Commissioner of the Department of Community Affairs, Bureau of Housing Inspection, pursuant to the conditions and terms of the Bureau of Housing Inspection pursuant to N.J.A.C. 5:10-1.3; and

WHEREAS, participation in the aforesaid program requires qualified local inspectors to perform Cyclical Inspections and Compliance Inspections of hotels, motels and multiple dwellings, and earn compensation for the municipality in performing such duties; and

WHEREAS, such participation within the aforesaid program will allow for closer, more local inspections and enforcement previously undertaken by the State of New Jersey by allowing the Township to assume local inspection responsibilities for over 3,500 housing units located within the Township, while receiving compensation for such inspection services from the State of New Jersey; and

WHEREAS, the aforesaid participation will also provide compensation to employ part-time, licensed inspectors to perform inspections; thus, supplementing the present housing enforcement staff, while providing a greater ability to gain access to housing units and to have local oversight and gain local knowledge of conditions and occupancy within Neptune Township with regard to hotel, motel and multiple dwellings.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey that pursuant to the Rules and Regulations established by the State of New Jersey for the maintenance of hotels and multiple dwellings, the Township hereby amends Volume I, Chapter XI of the Code of the Township to add Section 11-8 as follows:

SECTION 1.

11-8 – STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM

11-8.1 Definitions.

- A. Act. Act shall mean the Hotel and Multiple Dwelling Law (P.L. 1967, C.76 as amended, N.J.A.C. 55:13A-1 et seq.
- B. Building. Building shall mean a multiple dwelling as defined by the N.J.S.A. 55:13A-3(k) or a hotel as defined by N.J.S.A. 55:13A-3(j) subject to the jurisdiction of the Bureau of Housing Inspection.
- C. Bureau. Bureau of Housing Inspection.
- D. Certificate of Inspection. Certificate of Inspection shall mean the certificate issued by the Bureau, pursuant to N.J.S.A. 55:13A-13, to the owners of the buildings that are found to be in compliance with the Regulations.
- E. Certificate of Registration. Certificate of Registration shall mean the certificate issued by the Bureau, pursuant to N.J.S.A. 55:13A-12, to the owners of buildings that have been properly registered.
- F. Commissioner. Commissioner shall mean the Commissioner of Community Affairs.
- G. Department. Department shall mean the Department of Community Affairs.
- H. Local Enforcing Agency (LEA). Local Enforcement Agency (LEA) shall mean a permanent municipal, county or interlocal agency maintained for the purpose of conducting inspections and enforcing building maintenance laws, ordinances, codes and rules, that is supervised by, and has all hotel and multiple dwelling inspections performed by persons licensed under N.J.A.C. 5:10-1 et seq.
- I. Municipality. Municipality shall mean Neptune Township, authorized by a letter transmitted together herewith to perform inspections on behalf of the Bureau.
- J. Owner. Owner shall mean the person who owns, purports to own, or exercises control of any hotel or multiple dwelling.
- K. Registration. Registration shall mean registration of a hotel or multiple dwelling in accordance with N.J.S.A. 55:13A-12.
- L. Regulations. Regulations shall mean the current Regulations for the Maintenance of Hotels and Multiple Dwellings (N.J.A.C. 5:10-1.1 et seq.) promulgated pursuant to N.J.S.A. 55:13A-7.
- M. RIMS. Registration-Inspection-Maintenance-System shall mean the electronic application used to manage registrations and inspections conducted by the Bureau of Housing Inspection and its local inspection SCHLIP staff. (State Local Cooperative Housing Inspection Program).

- N. Shall. Shall, as used in this Definition Section is always construed as mandatory.

#### 11-8.2 Scope.

- A. This Ordinance shall apply to the inspection, repair, maintenance, occupancy and use of new and existing hotels, retreat lodging facilities and multiple dwellings in the Township of Neptune, State of New Jersey, as set forth in N.J.A.C. 5:10-1.4.

#### 11-8.3 Administration and Enforcement.

- A. Neptune Township shall comply with all provisions of the Act and regulations and with all directives of the Bureau issued pursuant thereto.
- B. The Bureau shall create a reservation for the purchase of inspection services from Neptune Township during each period from July 1 to the following December 31 and from January 1 to the following June 30, and shall give notice to Neptune Township of the amount of such reservation for each such period. Neptune Township may make requisitions against this reservation in amounts not to exceed credits earned up to the time of requisition. Said reservation may be decreased by the Bureau, if, in its sole discretion, it determines that the Township of Neptune cannot reasonably be expected to do enough work satisfactory to the Bureau to earn the full amount of the reservation before the end of the State's fiscal year.
- C. Neptune Township shall identify all unregistered buildings within its jurisdiction. A separate information form prescribed by the Bureau shall be completed and promptly forwarded to the Bureau for each such building.
- D. Neptune Township shall be obligated to keep the local registry accurate by promptly reporting to the Bureau all transfers of ownership, demolitions, alterations and construction of buildings within its jurisdiction and by reporting all errors that may appear.
- E. Neptune Township shall inspect, in each State fiscal year, all of the multiple dwellings and hotels and units of dwelling space therein which the Bureau determines to be subject to Cyclical Inspection in that fiscal year.
- F. Twenty-five (25%) percent of the inspections require to be performed pursuant to Section 3(E) above shall be completed prior to October 1 of each State fiscal year, Fifty percent (50%) prior to January 1 of each State fiscal year, Seventy-five percent (75%) prior to April 1 of each State Fiscal year and One Hundred percent (100%) on or before June 30 of each State fiscal year. In the event that any of these percentages cannot be met based on the number of Cyclical Inspections that are due during a portion of a year, this requirement shall be deemed satisfied if all buildings that can be scheduled for Cyclical Inspections are inspected.
- G. All buildings are to be inspected in accordance with the most recently promulgated State Regulations.
- H. Neptune Township, in addition to whatever local procedures it chooses to adopt by resolution, shall make an Inspection Report

concerning each inspected building upon forms prescribed by the Bureau.

#### 11-8.4 Inspection Reports.

- A. All Inspection and Reinspection Reports submitted to the Bureau shall be signed by the Director of Code and Construction or other designee designated by Neptune Township and approved by the Bureau.
- B. Such reports shall include the name of the inspector who performed the inspection, and shall be submitted to the Bureau not less frequently than once per month.
- C. In the event that an inspection of a building discloses a violation of the regulations constituting an imminent hazard to the health, safety or welfare of its occupants, Neptune Township shall, without delay, transmit its Inspection Report findings to the Bureau for appropriate action.
- D. All reports submitted to the Bureau which disclose violations shall be clearly segregated from reports which disclose no violations.

#### 11-8.5 Reinspections.

- A. When specifically requested by the Bureau, Neptune Township shall conduct, within one week of the request, reinspection of those buildings where violations were discovered at the time of the original inspection.
- B. Neptune Township shall make a Reinspection Report concerning such building upon forms prescribed by the Bureau and forward such reports to the Bureau upon completion thereof.
- C. No Reinspection Reports will be accepted for credit unless all original reported violations have been reinspected.
- D. The Bureau shall be responsible for notifying Neptune Township when such reinspections are to be conducted.
- E. Neptune Township shall be responsible for any other functions of the enforcement procedure, which can be undertaken on a local level.
- F. Extensions of time to complete abatement shall be granted only by the Bureau.

#### 11-8.6 Information to Bureau.

- A. Neptune Township shall provide the Department of Community Affairs with such information as may be necessary to determine the eligibility of Neptune Township for funds that may be requisitioned by it, including, without limitation, copies of past, current and projected operation budgets and tables of organization for the agency undertaking inspection and related duties.
- B. Neptune Township shall also supply the Bureau with a list of appropriate totals of those buildings within its boundaries which are not registered or inspected by the end of each State fiscal year.

#### 11-8.7 Compliance.

- A. Neptune Township shall be solely responsible for compliance with local, State and Federal laws pertaining to the dislocation and relocation

of individuals, families and businesses, provided, however, that Neptune Township may apply to the Department for relocation assistance as it may deem necessary.

- B. Neptune Township shall perform, within its jurisdiction, inspections of those buildings that are the subject of complaints received by the Bureau and/or Neptune Township.
- C. Such inspections shall be complete and performed in accordance with Section 3(G) above and included in the regular cycle of inspections.
- D. However, in the event that the building that is the subject of the complaint has been issued a valid Certificate of Inspection by the Bureau, the first inspection and reinspection shall be limited to the subject matter of the complaint.

#### 11-8.8 Inspections.

- A. All inspections performed pursuant hereto shall be performed by inspectors acceptable to the Bureau.
- B. Neptune Township shall provide to the Bureau resumes of all inspectors whom Neptune Township intends to assign to the performance of inspections pursuant hereto.
- C. No inspector disapproved by the Bureau shall perform any inspections pursuant hereto.
- D. Upon request of the Bureau, Neptune Township shall provide to the Bureau such further information concerning any inspector whom Neptune Township assigns or intends to assign to perform inspections pursuant hereto as the Bureau may require.
- E. In the event that the Bureau deems the quality of an inspector's work to be unsatisfactory and so advises Neptune Township, then Neptune Township shall immediately cease to assign inspections required to be performed pursuant hereto to the said inspector.
- F. All inspectors assigned by Neptune Township to perform inspections pursuant hereto shall attend, and shall be required by Neptune Township to attend training sessions scheduled by the Bureau when such attendance is required by the Bureau and any inspector is not specifically excused by the Bureau.

#### 11-8.9 Reports.

- A. The Bureau shall supply Neptune Township with a listing of all buildings within its jurisdiction registered or on file with the Bureau, and such other information regarding inspection and enforcement activities of Neptune Township and the Bureau as may reasonably be required.
- B. The Bureau shall furnish to Neptune Township all forms or documents which are or may become necessary to carry out the duties assumed hereunder.
- C. The Bureau, upon receipt of each Inspection Report disclosing a violation or violations, may initiate whatever enforcement or compliance proceedings as it deems fit and appropriate.

#### 11-8.10 Credits to Neptune Township.

- A. The Bureau shall credit Neptune Township in accordance with the following formulas.
1. Upon formal registration of each building not now registered, Neptune Township shall be credited with an amount of \$10.00.
  2. In the event of administrative hearings and/or court appearances, the Bureau shall credit Neptune Township with a maximum of \$25.00 per full day for each local witness required to appear. Without prior permission, local attendance at administrative hearings shall be limited to one person per day.
  3. Neptune Township shall be credited with \$10.00 for each transfer of ownership, or creating of a building when Neptune Township is responsible for such information reaching the Bureau in the first instance.
  4. The Bureau shall annually establish and distribute to Neptune Township a regular inspection payment schedule which shall set forth the payments to be made by the Bureau to Neptune Township for each unit inspected and reinspected and for inspection and reinspection of common areas. Maximum payments per building or per project may be established. The regular inspection payment schedule established each year shall be uniform for all counties and municipalities and notice of it shall be published annually in the New Jersey Register.
  5. Neptune Township shall be credited with an amount of \$10.00 for each first inspection and \$10.00 for each reinspection when the inspection is performed as a result of a complaint received by the Bureau, and when the building that is subject to the complaint has been issued a valid Certificate of Inspection by the Bureau. In the event that the building complained of has not been issued a Certificate of Inspection, Neptune Township will be credited in accordance with the regular inspection payment schedule.
  6. No credit shall be allowed for any work that is not satisfactory to the Bureau or for inspections by construction or subcode officials of newly constructed or altered buildings.

#### 11.8-11 Requisitions.

- A. Neptune Township may from time to time make requisitions against the reservation, as may be approved by the Bureau, up to but not in excess of the amount of credits outstanding in said account as of the date of the requisition. Said requisition shall be expressly limited to reimbursement to Neptune Township for existing or additional expenses incurred in carrying out the duties assumed by it hereunder, or to improve its Housing Inspection Program and to supplement the locally approved budget dedicated to Local Housing Inspection Program; provided, however, in the event Neptune Township shows to the satisfaction of the Bureau that such funds are not needed for the above, requisitions may request payment to the general surplus or other account designated by Neptune Township.

- B. Neptune Township shall submit such data as the Bureau shall from time to time require and shall from time to time make its books available for the Bureau's inspection at such times as the Bureau shall require.
- C. Neptune Township shall conscientiously enforce all local ordinances related to housing and shall proceed under such ordinances with respect to all cases referred by the Bureau for enforcement under such ordinances.
- D. The Bureau expressly reserves the right, at its option, to carry out inspection and enforcement activities within the boundaries of Neptune Township as it deems necessary to fulfill the duties imposed upon it by the Act, or to assure faithful discharge by Neptune Township of its duties and responsibilities.
- E. Neptune Township shall not utilize any funds received pursuant to this subsection to employ or otherwise compensate any employee of the Department of Community Affairs who has directly participated in the negotiation or approval of the authorization.

#### 11-8.12 Termination.

- A. The authorization may be terminated at any time by the Bureau for any of the following reasons:
  - 1. Failure for any reason of Neptune Township to fulfill in a timely and proper manner any of the conditions herein set forth.
  - 2. Submission of reports by Neptune Township to the Bureau that are incorrect or incomplete in any material respect.
  - 3. Improper use of funds provided pursuant hereto.
  - 4. Any conduct on the part of a local employee which would constitute a violation of the New Jersey Conflict of Interest Law, N.J.S.A. 52:13D-12 et seq., if that conduct were engaged in by a State employee.
- B. In the event of termination, Neptune Township shall deliver to the Bureau all Inspection Reports and registration information in its possession.
- C. Any authorization given by the Bureau shall be effective as of the date stated in the letter of authorization and shall continue in effect until revoked by the Bureau.
- D. Any authorization conferred pursuant to this subsection shall be deemed to be extended to the territory of one or more other local units of government upon submission by such other local units of government and proof of compliance with the requirements of the Interlocal Services Act (N.J.S.A. 40:8A-1 et seq.)

#### 11-8.13 Liability and Responsibility.

- A. Neptune Township, acting under an authorization granted by the Bureau pursuant to this subsection, shall be solely responsible for, and shall keep, save and hold the Department of Community Affairs, the Division of Codes and Standards and the Bureau of Housing Inspection, and their officers, directors, employees, agents and servants, harmless from all claims, loss, liability, expense, damage and judgments, including

all legal expenses incurred, resulting from any and all injury, and damage to agents or employees or anyone connected with performance pursuant to the authorization or to any other persons caused by any and all acts of Neptune Township or any of its officers, directors, employees, agents or any person or persons in connection with performance under this authorization, or from any and all injury and damage to any property caused by any and all acts of Neptune Township or any of its officers, directors, employees, agents and servants or any other person or persons in connection with performance pursuant to this authorization.

- B. The liability of Neptune Township pursuant hereto shall continue after the termination of the authorization with respect to any liability, claims, loss, expense, damage or judgements resulting from acts occurring prior to termination.
- C. Neptune Township shall be solely responsible to defend any and all suits that may be brought against the Department, the Division or the Bureau or any of its officers, directors, employees, agents or servants on account of any and all acts of Neptune Township, and shall make good to, and reimburse the Department for any expenditures that the Department may make by reason of such acts.

#### 11-8.14 Discontinuance of Inspections.

- A. Neptune Township shall not unilaterally discontinue performing inspections pursuant to the authorization except upon six months' notice to the Bureau.
- B. Neptune Township may not employ a person to perform inspections stated above unless that person is licensed pursuant to N.J.A.C. 5:10-B.
- C. Neptune Township, should it maintain a local enforcing agency for purposes of conducting inspections and other enforcement functions with Neptune Township pursuant to N.J.S.A. 55:13A-13a, shall do so as provided in these rules. The method of enforcement shall be set forth by amendment to this ordinance and shall designate a municipal agency to enforce the Act.

#### 11-8.15 Local Program Official and Agent of Bureau.

- A. The Director of Code and Construction in Neptune Township is hereby designated as the agent of the Bureau of Housing Inspection for the purposes of inspecting newly constructed or altered hotels and multiple dwellings in order to enforce the provisions of these regulations. Responsibility for inspection may be delegated to the appropriate subcode official(s).

#### 11-8.16 Payment Schedule.

- A. The payment schedule shall be as set forth and amended by the Department of Community Affairs, Bureau of Housing Inspection. Attached hereto as Exhibit "A" is the present payment schedule effective July 1, 2005, but this ordinance shall be subject automatically to any amendments thereto, which shall automatically be incorporated therein.



SECTION 2.

Should any terms, provisions or parts of this ordinance be found invalid, said provision shall not affect any other terms.

SECTION 3

This Ordinance shall take effect upon final adoption and publication of the notice of the adoption as required by law and any approval required by the Bureau of Housing Inspection; and

SECTION 4

All Ordinances or parts of Ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency.

Richard J. Cuttrell,  
Municipal Clerk

NOTICE  
ORDINANCE NO. 15-53  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 23rd day of November, 2015, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Thursday, the 3rd day of December, 2015, at the Neptune Municipal Complex, Township Committee Meeting Room – 2<sup>nd</sup> Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 15-53

AN ORDINANCE TO AMEND AND SUPPLEMENT VOLUME I,  
CHAPTER IV, SECTION 4-29 OF THE CODE OF THE TOWNSHIP  
OF NEPTUNE ENTITLED DEALERS OF PRECIOUS METALS AND  
JEWELRY

WHEREAS, the purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and stolen previous metals and jewelry by requiring minimum identification, reporting, maintenance and distribution criteria for licensed dealers in these goods; and,.

WHEREAS, no person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals and jewelry without complying with the requirements of this chapter in the exact manner described herein.

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune that Volume I, Chapter IV, Section 4-29 is retitled and amended in its entirety as follows:

#### 4-29 DEALERS OF PRECIOUS METALS AND JEWELRY

##### 4-29.1 Definitions

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

##### ACCEPTABLE IDENTIFICATION

A current valid New Jersey driver's license or identification card, a current valid photo driver's license issued by another U.S. state, a valid United States passport, or other verifiable U.S. government issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department or request.

##### DEALER

Any person, partnership, limited-liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals or jewelry as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this chapter, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

##### JEWELRY

Personal ornaments, such as, but not limited to, necklaces, rings or bracelets that are typically made from or contain jewels and precious metals.

##### ITINERANT BUSINESS

A dealer who conducts business intermittently within the municipality or at varying locations.

##### PAWNBROKER

Any person, partnership, association or corporation lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated

price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

### PRECIOUS METALS

Gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and 51:6-1 et seq.

### PUBLIC

Individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

### REPORTABLE TRANSACTION

Every transaction conducted between a dealer and a member of the public in which precious metals or jewelry, as defined herein are purchased or pawned.

### EXEMPTIONS

For the purposes of this chapter, goods subject to this ordinance 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.

### SELLER

A member of the public who sells or pawns used goods such as precious metal and/or jewelry to a dealer.

### TRANSIENT BUYER

A dealer, as defined herein, who has not been in a registered retail business continuously for at least six months at any address in the municipality where the dealer is required to register or who intends to close out or discontinue all retail business within six months.

#### 4-29.2 License requirement for dealers.

A. No person, partnership, limited-liability company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or jewelry, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefor from the Township Mercantile Officer, which license shall bear a number issued by the Township Mercantile Officer.

B. The application for a license to the Township Mercantile Officer shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly persons offense(s), or municipal ordinance violation(s), and the date(s) thereof.

C. Advertising in any print or electronic media or by sign that any of those articles referred to in Chapter 4-29.1 above are being bought in any location within the municipality shall constitute engaging in business as a dealer for purposes of this chapter. No person, partnership, limited-liability company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight-point in the lower-right-hand corner of the advertisement. In any advertisement in electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to the penalties established in Chapter 4-29.8.

D. Licensees may not operate at any location other than site specified in the license. Licensees operating at multiple locations must have each location separately licensed. Each location must be permanent. Itinerant businesses and transient buyers, as defined in Chapter 4-29.1 above, are not eligible for licensure and are prohibited from operating in the Township.

#### 4-29.3 Application process for dealers; approval or denial.

A. Upon receipt of an application completed pursuant to this chapter, the Township Mercantile Officer shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to, the following:

(1) The experience of the applicant in the business of purchase and sale of those articles or goods referred to in Chapter 4-29.1 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience.

(2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license.

(3) Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police shall, as part of the initial application process and annual renewals, require fingerprint criminal background checks through the Federal Bureau of Investigation, Criminal Justice Information Services Division, for the applicant and all owners and employees, which may require payment of additional fees by the applicant.

(4) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metal or jewelry, and other factors bearing on whether the licensed business will be of a fixed and permanent nature.

B. The Chief of Police shall complete any investigation pursuant to this chapter within 30 days of the submission of the application to the Township Mercantile Officer, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.

C. The Chief of Police shall, upon completion of the investigation, recommend "grant" or "denial" of the license to the Township Mercantile Officer, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Township Mercantile Officer accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified in writing within 10 days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.

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 as defined in Section 4-29.1. 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 Chapter 4-29.4, the retention and inspection requirements of Chapter 4-29.5, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Township Mercantile Officer shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by Chapter 4-29.6 of this chapter.

E. Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before the Police Director or other designated party by the governing body, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within 10 days of receiving written notice of denial of a license to act as a dealer of precious metals and/or jewelry.

F. No license shall be assignable by the dealer.

#### 4-29.4 Identification of seller; recordkeeping requirements for dealers.

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

A. Require of each person selling or pawning precious metals or jewelry acceptable identification as defined above in Chapter 4-29.1.

B. Require each seller to execute a "declaration of ownership," which shall contain the following certification: "My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct."

C. Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:

(1) The name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;

(2) The name, address, date of birth, and telephone number of the seller or sellers;

(3) A photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;

(4) A photographed recording of the seller's presented acceptable identification, as set forth in Chapter 4-29.1, in a format acceptable by the Chief of Police;

(5) 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. Items should not be grouped together when photographing or imaging. Each item should have its own photograph;

(6) The receipt number;

(7) A detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security numbers engraved thereon, serial numbers, series numbers, or any other information, which sets apart the particular object from others of like kind;

(8) The price paid for the purchase or pawn of the item(s);

(9) If precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1 and 51:6-1 et seq.;

(10) The time and date of the transaction.

D. The information outlined in Subsection C above must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of his or her duty as set forth in Subsection E below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in Subsection C above.

E. In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within 24 hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in Subsection C above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or

failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in Chapter 4-29.5.

F. It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the Police Department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of precious metals or jewelry, as well as the articles purchased or received and, where necessary, relinquish custody of those articles as provided in Chapter 4-29.5.

#### 4-29.5 Retention; revocation; other restrictions.

A. All precious metals and jewelry purchased, received for pawn, or received for consignment 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 15 calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in Chapter 4-29.4. All precious metals or jewelry 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 fifteen-day retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.

B. Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by Chapter 4-29.4B upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.

C. In addition to all other reporting requirements, every dealer shall maintain, for at least five years, a paper record of all purchases of precious metals and jewelry in the form prescribed in Chapter 4-29.4C.

D. No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.

E. Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate thereunder. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to Chapter 4-29.8 of this chapter.

(1) Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.

(2) Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Township Mercantile Officer, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to Subsection G. A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or jewelry in the municipality until reinstatement.

(3) Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Police Director to review the grounds for suspension, been cured, corrected, or appropriately rectified.

F. Revocation. A license issued under this chapter may be revoked by the Township Mercantile Officer upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under Chapter 4-29.8.

(1) Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.

(2) Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Township Mercantile Officer in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. The Police Director shall review the stated grounds for revocation and shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If it is determined that revocation is the appropriate disposition, the grounds therefor shall be set forth in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If determined that suspension is the appropriate disposition, the dealer shall be so notified in writing and shall be advised of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or jewelry within the municipality.

G. Appeal. Any applicant wishing to appeal a suspension or revocation shall be entitled to a hearing as provided in Chapter 4-29.3E. Any applicant exercising the right to appeal must file a written notice of appeal within 10 days of receiving written notice of revocation or suspension of license.

H. A dealer shall have the right to change the location of the licensed business, provided that he or she notifies the Township Mercantile Officer, in writing, of the street address of said new location.

#### 4-29.6 Bond.

Each dealer covered under this chapter shall deliver a bond to the Township Mercantile Officer executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Township Attorney, as defined in N.J.S.A. 40A:9-139, and shall be in the penal sum of \$10,000, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality 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 or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the Township of Neptune, be and remain for the benefit of any person who shall obtain a judgment against obligor as a result of damage sustained in operation pursuant to any license granted under this chapter." Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

#### 4-29.7 Fees; license term.

A. A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or jewelry, as covered under this chapter, is \$200. The annual renewal fee for a license is \$100. These fees are separate from and in addition to any fees the dealer must pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by Chapter 331-5D. Payments are to be made in the manner directed by the Township Mercantile Officer.

B. Licenses issued pursuant to this chapter are valid for one year, from January 1 through December 31. Initial applications and applications for renewal must be submitted no later than October 1.

#### 4-29.8 Violations and penalties.

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding 90 days in addition to a suspension or revocation of operating license as provided in Chapter 4-29.5E and F above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in Chapter 4-29.5F. 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.

#### 4-29.9 Implementation.

A. Effective March 1, 2016, no existing licensee may continue to operate without having been licensed pursuant to this chapter.

B. Nothing contained in this chapter is intended to replace any preexisting statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22-1 et seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21-36 et seq., or any other statutory provision regarding any subject matter discussed herein.

Richard J. Cuttrell,  
Municipal Clerk

