

**Borough of Norwood
Ordinance No. 13:04**

**An Ordinance Adopting a New Chapter 176 of the Code of the Borough of
Norwood Regulating Precious Metals and Gems**

WHEREAS, the purpose of this ordinance is to amend the Code of the Borough of Norwood to require the licensing of businesses and persons dealing with second hand or pre-owned precious metals and gems, to advance the health, safety, and welfare of the residents and businesses in the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Norwood as follows:

Section 1: A new Chapter 176 titled "Precious Metals and Gems" is added to the Code of the Borough of Norwood to state as follows:

Chapter 176. Precious Metals and Gems.

§176-1. Purpose and Findings.

The purpose of this chapter is to regulate the trade in secondhand or pre-owned precious metals, gems, and jewelry to prevent or reduce trafficking in stolen goods, and to improve the likelihood that these items will be recovered when they have been stolen or otherwise taken from the rightful owner without permission.

§176-2. Definitions.

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

BOROUGH means the Borough of Norwood.

BUYER means any person or entity who through any means buys any jewelry as defined and regulated in this chapter.

BUSINESS ENTITY means any firm, corporation, partnership, limited liability company, or other business entity.

DEALER means any person or business entity engaging in a regulated business as defined in this chapter.

JEWELRY means objects composed of precious metals, gemstones, or both, including but not limited to rings, bracelets, necklaces, pins, flatware, tableware, chalices, or goblets.

MINOR means any person under the age of eighteen (18) years.

PRECIOUS METALS means materials commonly used in the fabrication of jewelry, including but not limited to gold, silver, and platinum.

PRECIOUS OR SEMIPRECIOUS GEMS means those stones commonly referred to as jewels, including but not limited to diamonds, rubies, pearls, sapphires, opals, emeralds, and similar items.

REGULATED BUSINESS means the selling, buying, or other trading in of jewelry that is used, secondhand, or pre-owned.

§176-3. Applicability.

This chapter does not regulate persons and business entities selling jewelry that was purchased from dealers, manufacturers, or wholesalers who are normally in the business of manufacturing and/or selling jewelry. This chapter regulates those persons or entities purchasing jewelry items from the general public for resale or use.

§176-4. License required.

- A. No person or business entity may conduct or operate a regulated business in the Borough without first having been granted a license complying with the regulations in this Chapter.
- B. Each location in the Borough in which a regulated business is conducted, and each business entity and person engaging in that business, must be licensed in accordance with the provisions of this chapter.

§176-5. License Fees.

Applicants for licenses required by this Chapter will pay a fee of two hundred fifty dollars (\$250.00) to obtain a license for a location where a regulated business is conducted, and a fee of fifty dollars (\$50.00) to obtain a license for each person employed by or associated with a regulated business. A license will be required for all persons engaging in the regulated business at a licensed location.

§176-6. License Expiration; Renewal.

Each license issued pursuant to this chapter will expire on the 31st day of December of each year and must be renewed annually in accordance with this chapter.

§176-7. Application for License.

Each person or business entity applying for a license for a location and each person who is associated with a person or business entity that conducts the regulated business will file with the Borough Clerk an application on a form supplied by the Borough Clerk. The application will be in duplicate, and will be sworn to by the applicant.

§176-8. Contents of Application.

Every application required under this chapter will contain the following information:

- A. The name under which the business is to be conducted.
- B. The name and address of the applicant. If a corporation, the names and addresses of the president and secretary of the corporation. If a partnership or limited liability company, the names and addresses of each of the partners or members.
- C. The nature of the business and the address where it is proposed to be conducted.
- D. The number of motor vehicles proposed to use. The identification number for each vehicle including the license plate number and registration will be provided.
- E. The residence and business addresses of any applicant during the past five (5) years.
- F. A statement that the applicant has never had a license to conduct a regulated business denied or revoked, except as noted.
- G. A statement that the applicant has never been convicted of any crimes, except as may be noted.
- H. The social security or tax identification number of every applicant.
- I. A statement that: (1) the applicant has authorized the appropriate Borough officers, employees, or officials to inspect the licensed premises when the business is open and in operation; (2) the applicant completed the answers to the application in order to induce the Borough to issue the license; and (3) the applicant agrees to comply with all of the Borough's applicable ordinances, rules, and regulations.

§176-9. Investigation; fingerprinting; approval or rejection; non-transferability.

Upon the filing of complete application accompanied by the required fees, the Borough Clerk will forward the application to the Chief of Police for review. If it appears that the applicant is properly identified along with all necessary parties as required by this chapter, including that confirmation of the statements made that may result from investigation by the Chief of Police, the license will be issued. No license will be issued or renewed to any applicant who has willfully violated this chapter. If it is determined that an applicant has been convicted of a crime involving dishonesty, fraud, deceit, misrepresentation, or moral turpitude, no license will issue. Licenses will not be transferable or assignable to any other person or business entity.

§176-10. Rules and Regulations.

- A. Licensees will have their licenses in their possession while engaged in the business licensed. The license for the location will be prominently displayed at all times. Licensees will produce their licenses at the request of any person solicited, any Borough police officer, or any other official of the Borough.
- B. Recordkeeping. Each licensee will maintain sequentially numbered records for not less than one (1) year containing the following information:
 - (1) The name and address of the person or persons from whom any jewelry, precious stones or precious metals are purchased from or sold to;
 - (2) The date of the transaction;
 - (3) A description of the objects purchased or sold;
 - (4) The fineness of the precious metals purchased or sold;
 - (5) The carat weigh of the precious stones purchased or sold;
 - (6) A detailed description of the objects involved in the transaction;
 - (7) The price paid for the object;
 - (8) The signature of the person from whom the object is obtained or to whom it is sold; and
 - (9) The driver's license number and social security number of the persons identified in Subsection B (8) above.
- C. No licensee may purchase any jewelry from any minor unless the minor is accompanied by a parent or guardian and the guardian consents in writing to the transaction and complies with the provisions of this chapter.

- D. No licensee will destroy, melt down, sell, transfer, or otherwise dispose of any jewelry until fourteen (14) days have elapsed after the date on which the item came into the possession of the licensee.

§176-11. Violations and penalties.

Anyone who violates any of the provisions of this chapter will, upon conviction thereof be subject to a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment in a county jail for a term not exceeding ninety (90) days, or both, in the discretion of the judge before whom the defendant has been convicted. A separate offense may be deemed committed on each day during or on which a violation occurs or continues.

Section 2: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

Section 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

Section 4: This ordinance will take effect upon final approval and publication, according to law.

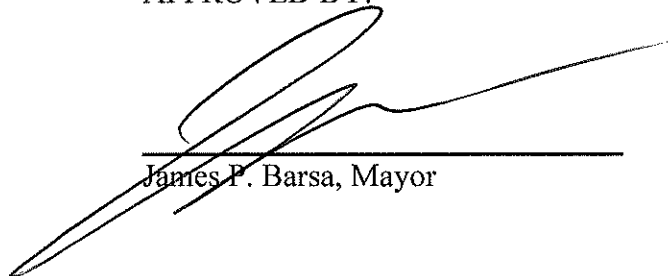
Introduced and passed first reading: April 10, 2013

Passed second reading: May 8, 2013

ATTEST:

APPROVED BY:


Lorraine L. McMackin, Borough Clerk


James P. Barsa, Mayor

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