(RECOMMENDED) ORDINANCE NO: \_\_\_\_\_\_\_\_\_\_

AN ORDINANCE OF THE TOWNSHIP OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, MONROE COUNTY, PENNSYLVANIA REGULATING SECONDHAND GOODS DEALERS/PAWN SHOP BROKERS AND SCRAP METAL DEALERS WITHIN THE TOWNSHIP OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, ESTABLISHING RULES AND REGULATIONS FOR SECOND HAND GOODS BUSINESSES, PERMITTING REQUIREMENTS, APPLICATION FEES AND PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Township of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Monroe County, Pennsylvania, is a \_\_\_\_\_\_\_\_\_ Class Township existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to the \_\_\_\_\_\_\_\_\_\_ Class Township Code, the Board of Supervisors desires to regulate Secondhand Goods Dealers, within the Township in order to protect the health, safety and general welfare of the citizens of the Township of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

NOW THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby ENACTED and ORDAINED by the Board of Supervisors of the Township of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as follows:

**SECTION 1: DEFINITIONS**

**Scrap Metal Dealer** – is defined as a person, association, corporation or partnership, or other entity, who primarily engages in or operates the business of buying, acquiring and/or selling scrap metal as mentioned in Section 2(below).

**Secondhand Goods Dealer/Pawn Shop Broker** -is defined as a person, association, corporation or partnership, or other entity, who primarily engages in or operates the business of buying, acquiring and/or selling any used goods or articles as mentioned in Section 2(below).

SECTION **2**: SECONDHAND GOODS DEALERS/PAWN SHOP BROKERS, SCRAP METAL DEALERS

(A) Permit Required.

No person shall use, exercise or carry on the primary business, trade or occupation of buying or selling scrap gold, old gold, silver jewelry; home electronics/audio and visual equipment, including musical instruments, telephones and telephonic equipment, cell phones, scales, computers, computer hardware and software, sporting goods of all kinds, antiques, silver, platinum, copper and all other precious metals, tools of all kinds, televisions, VCR/DVR, camcorders, digital recorders, car stereos, firearms or other valuable articles, hereinafter referred to as 'Secondhand Goods or Articles" or, being a secondhand dealer within the Township of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_without having first obtained a permit from the Township as hereinafter provided.

*Any business required by state law under chapter 501 Purchase/Sale of Precious Metals 37 SS 501.1 Part VII. Precious Metals will still be required to obtain a permit through the Monroe County Sheriff’s Department.*

(B) Application and Fee.

Persons applying for a permit shall apply to the Township of \_\_\_\_\_\_\_\_\_\_\_\_\_. The applicant applying for said permit shall pay an annual fee of One Hundred ($100.00) Dollars to the Township. The Township will then forward the approved application to the Monroe County District Attorney’s Office.

The permit so granted shall only be valid for one place of business.

(C) Business on Licensed Premises Only.

No person permitted as a secondhand dealer and/or pawn shop broker in the Township shall, by virtue of one license, keep more than one place of business for receiving or taking goods in pawn; nor shall be, at any time, take goods at any other place than the place for which the permit was issued.

SECTION **3**: RULES AND REGULATIONS.

All permitted persons/businesses shall conduct their business in conformity with the following procedures:

(A) Each and every person permitted shall carry said permit on their person/business for inspection by any law enforcement officer or other officials designated by the Monroe County District Attorney’s Office. The permitted person/business shall also keep a log in which shall be legibly written in the English language the name of the person, his/her address, date of birth, a valid driver's license, valid state identification card, valid passport or a valid military identification. The permitted person/business shall have a description of the article purchased (which will include any serial numbers and/or service tag number), the date and time purchased, the amount of money paid therefore and the signature of the seller. The log shall be available for review by any law enforcement officer and/or Township Zoning Officer/Codes Enforcement Officer.

(B) All permitted persons/businesses shall fill out at the time of transaction a receipt of purchase approved by the Monroe County District Attorney’s Office and the dealer will maintain a copy of the original receipt at the business for a minimum of 1 year (these receipts must be available for inspection by any law enforcement personnel or Township Zoning Officer/Codes Enforcement Officer upon request).   All transactions must be reported within 24 hours of purchase to a representative of the Monroe County District Attorney’s Office in a manner prescribed by the District Attorney.

(C) All goods purchased by permitted person/business under this ordinance must be retained in the possession of the licensee for thirty (30) days and must remain in the county of Monroe during the waiting period.

(D) No permitted person/business shall purchase such secondhand goods or articles or other article of value from any person under eighteen (18) years of age, or from any intoxicated person or any person known to be a thief or associate of thieves, or receiver of stolen property, or any person whom the permitted person/business has reason to suspect or believes to be such.

SECTION **4**: VIOLATIONS AND PENALTIES.

(A) Any permitted person/business failing, neglecting or refusing to comply with any of the above provisions of this ordinance shall, upon summary conviction thereof in a summary proceeding before a district justice of Monroe County, be fined a sum of not more than Three Hundred ($300.00) Dollars for the first offense, plus costs, and shall have his/her license suspended for a period of ten (10) days. This suspension shall be mandatory. In default of payment of such fines and costs, such person shall be imprisoned for a period not exceeding thirty (30) days. Such fines to be collected as like fines are collected in Townships of the Second Class in Pennsylvania

(B) Every day that a violation continues shall be a separate violation. Each violation shall result in an additional ten (10) day suspension. A person or entity that violates the provisions of this ordinance four (4) times in a three hundred sixty-five (365) day period shall have his/her permit revoked for one (1) year.

SECTION **5**: SEVERABILITY.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION **6**: REPEALER.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

SECTION **7**: EFFECTIVE DATE.

**APPROVED AND ADOPTED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 20\_\_\_ by the:**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ TOWNSHIP SUPERVISORS**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Supervisor**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Supervisor**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Supervisor**

**ATTEST:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **, Secretary**