

JACKSON TOWNSHIP BOARD OF TRUSTEES, STARK COUNTY, OHIO

RESOLUTION

RESOLUTION NO. 03-144

ADOPTED: 10/15/03

SUBJECT: Used Goods Dealer Legislation

The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 15th day of October, 2003 with the following members present:

Steven M. Meeks
John E. Pizzino
William M. Burger

Trustee MEEKS moved for the adoption of the following resolution:

BE IT RESOLVED THAT, pursuant to Ohio Revised Code Sections 504.04 (A)(1) and (2), 504.05 and 504.06, we hereby adopt the attached Used Goods Dealer Legislation and citation form, effective 30 days from the enactment of this Resolution, and request that the Clerk publish the attached Notice of this Resolution.

Trustee PIZZINO seconded the motion and upon roll call the vote resulted as follows:

Mr. Meeks	<u>YES</u>
Mr. Pizzino	<u>YES</u>
Mr. Burger	<u>YES</u>

The foregoing is a true and correct counterpart of Resolution Number 03- 144, duly adopted on October 15, 2003 and filed with me as the Township Clerk on October 16, 2003.

Randy Gonzalez
Randy Gonzalez, Clerk

The foregoing resolution is approved as to form:

Neal Fitzgerald
Neal Fitzgerald, Law Director

USED GOODS DEALER LEGISLATION

Section 101: Definitions

- (A) "Used Goods Dealer" means any person, firm or corporation dealing in the purchase or sale of second-hand articles of whatever nature, or dealing in the purchase or sale of any second-hand electronic goods and articles, including but not limited to, gaming systems, compact discs, audio-video equipment and any other second-hand articles of whatever nature.

Section 102:

(A) Prohibited Customers and Business Practices

Any person, firm or corporation falling under the definition of a Used Goods Dealer shall not receive any articles from any minor, or from any person who is at the time intoxicated or under the influence of a controlled substance, or from any person who is known or believed by the person, firm or corporation to be a thief, or a receiver of stolen property.

(B) Records and Transactions

Any person, firm or corporation who is a Used Goods Dealer shall keep records in the ordinary course of their business regarding the articles purchased from its customers. The records of the transactions shall include the following:

- 1) the date and time of the transaction;
- 2) the name and residential address of the seller and the means of identification used to establish the seller's identity;
- 3) a physical description of the seller;
- 4) a complete and accurate description of the article, including any brand names, initials, serial numbers or other identifying marks, monograms or symbols on the article; and
- 5) the price paid for each article and the means of payment.

(C) Penalties

Whoever violates this section is subject to a fine of \$25.00 for the first violation and a fine of \$100.00 for the second and each subsequent violation.

RESOLUTION

The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 10th day of May, 1994 with the following members present:

Randy Gonzalez
Michael R. Puterbaugh
Craig C. Snee

Mr. Puterbaugh moved the adoption of the following resolution:

WHEREAS, ORC Section 4727.08 requires pawnbrokers to keep and use separate pawn forms and purchase forms to be approved by the superintendent of the division of consumer finance in the department of commerce, which shall disclose, at the time each purchase or loan is made, an accurate description of the goods, articles, or things deposited, the time of pledging or selling them, the amount of money loaned on them or paid for them, the rate of interest and charges to be paid on such loan, the time within which such pawn is to be redeemed, with the name, age, place of residence, driver's or commercial driver's license number, social security number, or other personal identification, and a short physical description of the person of the pledgor or seller. When any item is pledged or sold, he shall also write on such form the name of the maker, the serial and model numbers, or other identifying features; and where jewelry or gold or silver articles of any kind are pledged or sold, the licensee shall write on the form all identifying letters or marks inscribed thereon. One copy of the forms shall be kept at all times in numerical order in an active or inactive file, as appropriate, or bound books available for inspection by the division; all numbers shall be accountable. Such records and forms, at all times, shall be kept at the licensed location and open to the inspection of the chief of police, a police officer deputed or authorized by him. Upon demand of any of them, such person so licensed shall produce and show records, forms, and pledges or purchases which are in his possession.

WHEREAS, ORC Section 4727.09 provides that pawnbrokers shall every business day, make available to the chief of police or the head of the police department, on forms to be furnished by the police department, a description of all articles received by him by pledge or sale on the business day immediately preceding, together with the number of the ticket issued.

WHEREAS, ORC Section 4728.06 requires precious metals dealers licensed under ORC Chapter 4728 to keep and use books which shall disclose, at the time of each purchase, a full and accurate description including identifying letters or marks thereon of the articles purchased, with the name, age, place of residence, driver's or commercial driver's license number or other personal identification, and a short physical description of the person of the seller and the name of the maker. The licensee shall keep the books in numerical order at all times at the licensed location,

open to the inspection of the chief of the local police department, a police officer deputed by the chief of police, or the chief executive officer of the political subdivision thereof. Upon demand of any of these officials, the licensee shall produce and show an article thus listed and described which is in their possession.

WHEREAS, ORC Section 4728.07 provides that precious metal dealers shall every business day, make available to the chief of the local police department, on forms furnished by the police department, a description of all articles received by the licensee on the business day immediately preceding, together with the number of the receipt issued.

NOW THEREFORE, pursuant to ORC Sections 4727.08, 4727.09 4728.06, 4728.07 and 504.04, we hereby resolve to adopt the attached legislation which is incorporated herein to be effective June 10, 1994.

Mr. Gonzalez seconded the motion and upon roll call the vote resulted as follows:

Randy Gonzalez	<u>Yes</u>
Michael Puterbaugh	<u>Yes</u>
Craig Snee	<u>No</u>

Adopted: May 10, 1994

STATE OF OHIO)
) SS:
STARK COUNTY)

CERTIFICATE OF CLERK

I, Deborah Kerr, Assistant Clerk of the Board of Trustees of Jackson Township, Stark County, Ohio, in whose custody and control the files and records of said Board are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original resolution now on file, and that the foregoing has been compared by me with said original resolution, and that the same is a true and correct copy thereof.

WITNESS my signature this 11th day of May, 1994.

Deborah Kerr
ASSISTANT CLERK
BOARD OF TRUSTEES OF JACKSON
TOWNSHIP, STARK COUNTY, OHIO

SECONDHAND PRECIOUS METALS

Definitions

1. "Pawnbroker" means a person engaged in the business of lending money on deposit or pledges of personal property, other than securities or printed evidence of indebtedness, at a total charge, rate of interest, or discount or other remuneration in excess of eight per cent per annum.
2. "Precious metals dealer" means a person who is engaged in the business of purchasing articles made of or containing gold, silver, platinum, or other precious metals or jewels of any description if, in any manner, including any form of advertisement or solicitation of customers, the dealer holds their business out to the public as willing to purchase such articles.
3. "Secondhand" means that which has been used or which has been previously traded or sold by a retailer.

Requirements

A pawnbroker licensed under ORC Chapter 4727 or a precious metal dealer licensed under ORC Chapter 4728 is required to supply the Detective Bureau of the Jackson Township Police Department with a copy of the page(s) of the book required to be kept under attached ORC Sections 4727.08 and 4728.06 describing a purchase of secondhand articles made of or containing gold, silver, platinum or other precious metals or jewels of any description. The required documentation must be supplied three (3) business days after entry in the above described books.