

Town of Babylon

200 East Sunrise Highway
Lindenhurst, NY 11757
Telephone (631) 957-3026
Fax (631) 957-7490

Application for License pursuant to Chapter 162 of the Town Code

Pawnbrokers/Dealers in Second Hand

APPLICATION

NAME OF APPLICANT: _____

ADDRESS OF APPLICANT: _____

Home Telephone #: _____ Cell Phone #: _____

Previous License Number and Expiration Date _____

Part I. Check one of the following:

____ A. This is an application for an **Individual**

1. Present driver's license
2. Provide 2 photographs and a set of fingerprints

____ B. This is an application for a **Partnership**

1. Present certified copy of partnership certificate filed with Suffolk County clerk
2. Provide 2 photos, government issued photo ID and fingerprints of each partner

____ C. This is an application for a **Domestic Corporation**

1. Present certified copy of the Articles of Incorporation, photocopy of FEIN # and an original resolution authorizing the application
2. Provide the agent for service of process (name, title and address)
3. Provide 2 photos, government issued photo ID and fingerprints of all officers and stockholder's (with 10% of stock or more)

___ D. This is an application for a **Foreign Corporation**

1. Present photocopy of application for authority to do business in NYS and a photocopy of FEIN # and an original resolution authorizing the application
2. Provide the agent for service of process (name, title and address)
3. Provide 2 photos, government issued photo ID and fingerprints of all officers and stockholder's (with 10% of stock or more)

Part II. Check one of the following:

___ A. This is an application for a **General License**

1. Provide a bond to the Town of Babylon in the sum of \$2,000 per business location
2. Annual fee of \$2,500.00
3. License expires on the 30th day of April next succeeding the date of its issuance unless sooner revoked by the Town Clerk

___ B. This is an application for a **Management License**

1. Provide a bond to the Town of Babylon in the sum of \$10,000
2. Annual fee of \$2,500.00
3. License expires on the 30 days after issuance unless sooner revoked by the Town Clerk

___ C. This is an application for an **Exposition License**

1. Fee of \$250.00
2. License expires 30 days after issuance unless sooner revoked by the Town Clerk

Part III. Premises Information:

Address of business (premises) _____

Name and Address of property owner (if different). _____

Nature of right of occupancy: _____

Applicable permits: _____

Description of exact type of business operation: _____

Part IV. Individual Applicant Information:

Date of Birth ___/___/_____ Age: _____ Height: ___' ___" Weight: _____ Eye Color: _____

Are you a U.S. Citizen:

- Native Born
- Naturalized: *Provide copy of certificate of naturalization*

Date of Naturalization: ___/___/_____ Court _____

Have you ever been convicted of a felony, misdemeanor or violation other than traffic violation?

- No
- Yes

If "Yes" list the date, court, ordinance violated and sentence of court _____

State of New York }
County of Suffolk } ss: _____ being duly sworn, deposes and says:

(Check one of the following)

___ Individual Verification

Deponent is _____; the applicant named in the above application; deponent has read the foregoing application and knows the contents thereof; the same is true to deponent's own knowledge, except as to the matters there stated to be alleged on information and belief, and as to those matters deponent believe to be true.

____ Corporate Verification

Deponent is the _____ of _____, a
_____ corporation; the applicant named in the above application;
deponent has read the foregoing application and knows the contents thereof; and the same is true to
deponent's own knowledge, except as to the matters therein stated to be alleged upon information and
belief, and as to those matter deponent believes it to be true. This verification is made by deponent
because applicant is a corporation and deponent is an officer thereof.

APPLICANT'S NAME _____

Signed by _____ Title _____

(Signature of Notary) Sworn to before me on _____, 20__

Chapter 162

PAWNBROKERS AND SECONDHAND DEALERS

GENERAL REFERENCES

General penalties — See Ch. 1, Art. II.

Junk dealers — See Ch. 143.

Memorial and Independence Day sales — See Ch. 149.

Peddlers, solicitors and canvassers — See Ch. 167.

§ 162-1. Definitions.

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

ANTIQUE — Any article or merchandise which is more than 50 years old.

DEALER IN SECONDHAND MERCHANDISE — Any person who in any way as principal, broker or agent:

PERSON — An individual, partnership, unincorporated association, corporation or other entity.

SECONDHAND MERCHANDISE — Any item which shall have been previously used or purchased by a consumer, but shall not include:

Deals in the commercial purchase or sale of secondhand merchandise or coins for any purpose;

A.

Accepts or receives secondhand merchandise as returns of merchandise or in exchange for or for credit against the price of any other articles or merchandise; or

B.

Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

C.

Automobiles, pianos, books, magazines, rugs, tapestries, artists' burlaps, paintings, sculpture, drawings, etchings and engravings.

A.

B. The first purchase or sale in the United States of any imported used item.

The acceptance or receipt of merchandise in a new or used condition as a return or exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, or any resale of such merchandise as new merchandise, or the first subsequent nonretail sale or exchange of such merchandise as used merchandise.

C.

The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factoryrebuilt merchandise.

D.

Articles sold or acquired by a thrift shop, as defined to be so classified under the United States Internal Revenue Code and entitled to an exemption as an eleemosynary corporation or institution.

E.

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§ 162-2. License required.

It shall be unlawful for any person to act as a dealer in secondhand merchandise within the unincorporated areas of the Town of Babylon without first having obtained, and having then in force, a license therefor as hereinafter provided.

§ 162-3. Operation without license.

No pawnbroker or dealer in secondhand articles shall carry on business without a license, or during the period in which his license has been suspended or revoked, or after it shall have expired.

§ 162-4. Application for license.

Every person who desires to act as a dealer in secondhand merchandise within the unincorporated areas of the Town of Babylon shall file with the Town Clerk a written application upon forms to be furnished by the Town Clerk, verified under oath, stating:

Antiques having a value of less than \$250 and void of any serial numbers, monograms,

initials or distinct markings.

F.

G. Articles bought or sold by a junk dealer, pursuant to Chapter 143 of this Code. Stamps or coins bought and sold at wholesale by persons engaged in philately or numismatics and under control of and in compliance with the regulations of the National Association of Security Dealers or the United States Securities and Exchange Commission. Such persons shall file annually a statement with the Town Clerk certifying such compliance.

H.

The name and a description of the applicant, and if the person is:

An individual operating under a trade name, he must present a certified copy of the trade name or comparable certificate filed in the office of the Suffolk County Clerk.

(1)

A partnership conducting business, whether or not under a trade name, he must present a certified copy of the partnership certificate filed in the office of the Suffolk County Clerk.

(2)

A domestic corporation, it must furnish a photostatic copy of the filing receipt for the certificate of incorporation given by the New York State Secretary of State.

(3)

A foreign corporation, it must furnish a photostatic copy of its application for authority to do business in New York State which was submitted to the New York State Secretary of State.

(4)

A.

B. The address of the principal and local offices of the applicant.

C. That the applicant, if an individual, is at least 18 years of age.

That the applicant, if an individual, is a citizen of the United States or resident alien and whether citizenship was obtained by birth or naturalization. If by naturalization, the date and court where obtained must be included in the information, together with a copy of the naturalization certificate or a permanent Board of Elections personal registration card.

D.

§ 162-1 BABYLON CODE § 162-4

162:2

§ 162-5. Classification of licenses.

Whether or not the applicant has ever been convicted of any crime, misdemeanor or violation other than parking offenses. The statement should include:

(1) The nature of the offense and punishment or penalty assessed thereof.

Any other facts or evidence deemed necessary by the Town Clerk to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

(2)

E.

A description of the exact type of business operation which the applicant proposes to conduct.

F.

The name and address of the owner or owners of the land where such business or activity will be conducted, together with the nature of the right of occupancy held by the applicant for the use of such land, and that the applicable zoning of the land permits the type of business proposed by the applicant.

G.

Photographs and fingerprints.

At the discretion of the Town Clerk:

(a) Two photographs and a set of fingerprints of any individual applicant;

Two photographs and a set of fingerprints of each partner where the applicant is a partnership; or

(b)

A set of fingerprints of all officers, and stockholders of at least 10% of the stock, where the applicant is a corporation.

(c)

(1)

Any photograph required of the applicant shall be taken not more than 60 days prior to the date of the application and be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

(2)

H.

If the applicant is a corporation, it is to supply the name, New York address and the title of the officer of the corporation upon whom process or legal notice may be served.

I.

Whether the applicant seeks a general, management or exposition license as hereinafter defined.

J.

A general license shall authorize the licensee to act as a dealer with respect to all secondhand merchandise within the unincorporated areas of the Town of Babylon during the license term specified in § 162-6A of this chapter.

A.

A management license shall authorize a licensee who is not a regular dealer in antiques to operate and manage an antiques exposition where such antiques are sold at any fair, show, exhibit or any place within the unincorporated areas of the Town of Babylon during the license term specified by § 162-6B of this chapter.

B.

An exposition license shall authorize a dealer in antiques who maintains no place of business within the unincorporated areas of the Town of Babylon to exhibit and sell such articles at any fair, show or exposition within the unincorporated areas of the Town of Babylon during the license term specified by § 162-6B of this chapter.

C.

§ 162-4 PAWNBROKERS AND SECONDHAND DEALERS § 162-5

162:3

§ 162-6. Term of licenses.

§ 162-7. Issuance of license.

Exemptions.

A bona fide religious, charitable, educational, service, veterans, fraternal or volunteer firemen's organization may sponsor an antique exposition without obtaining a license pursuant to this chapter, and any exhibitor in such exposition shall likewise be exempt from acquiring a license, provided that the organization and exhibitor comply with the provisions of this subsection, and provided also that the proceeds collected by the sponsoring organization are used only for the legitimate expenses of the exposition and for bona fide religious, charitable, service or educational purposes.

(1)

At least 48 hours prior to the opening of the exposition, the sponsoring organization shall file with the Town Clerk, the following information:

The name(s) and address(es) of any outside promoters or organizer(s) of the exhibition.

(a)

(b) The names and addresses of all exhibitors who will appear at the exposition.

(2)

During the exposition, all exhibitors shall comply with §§ 162-15 and 162-16 of this chapter.

(3)

D.

General licenses. Every general license issued hereunder shall expire on the 30th day of April next succeeding the date of its issuance unless sooner revoked by the Town Clerk.

A.

Every management or exposition license issued hereunder shall expire 30 days after its issuance unless sooner revoked by the Town Clerk as hereinafter provided.

B.

Upon receipt of the license application, payment of the prescribed fees and posting of the required bonds by the applicant, the Town Clerk shall grant, either with or without conditions, or deny the license.

A.

The Town Clerk shall keep a record of all licenses issued, as well as any other matters herein described.

B.

If a license is granted by the Town Clerk, he shall prepare and deliver the same to the licensee. The license issued by the Town Clerk shall state the name and address of the licensee, the date of its issuance, the classification of the license issued, pursuant to the provisions of § 162-5 of this chapter, and the expiration date of the license.

C.

No license shall be granted under this chapter to any dealer in secondhand merchandise: Who has been convicted of any offense which, under the laws of the State of New York, constitutes a crime involving larceny, fraud or sale or possession of stolen property.

(1)

Who has been found by any court of the state to have practiced any fraud, deceit or misrepresentation in the conduct of a secondhand-dealer business unless the Town Clerk, after Town Board approval, shall decide in any particular case upon the facts there presented that it is proper to issue the license applied for.

(2)

D.

§ 162-5 BABYLON CODE § 162-7

162:4

§ 162-8. Bond and fees required. [Amended 12-8-2010 by L.L. No. 37-2010]

§ 162-9. Maintenance of records.

Whose license under this chapter has been revoked at any time during the year prior to the time of the application for the license.

(3)

Whose license has been suspended under this chapter and the period of such suspension has not expired at the time of this application for the license.

(4)

General license. A person securing a general license shall be required to:

Furnish a bond to the Town of Babylon in the sum of \$20,000 per business location conditioned upon the due observance of the provisions of this chapter and file such bond with the Town Clerk; and

(1)

(2) Pay an annual license fee of \$2,500 to the Town Clerk

A.

Management license. A person securing a management license shall be required to: Furnish a bond to the Town of Babylon in the sum of \$30,000 conditioned upon the due observance of the provisions of this chapter by the licensee and any exhibitors at the exposition which the licensee is managing, and file such bond with the Town Clerk; and

(1)

(2) Pay the license fee of \$2,500 to the Town Clerk.

B.

Exposition license. A person securing an exposition license shall be required to pay a fee of \$250 to the Town Clerk.

C.

Every dealer in secondhand merchandise shall keep a bound book of consecutively

numbered transactions, in a form prescribed by the appropriate police agency, in which shall be legibly written in English, at the time of every purchase or sale to or from a person other than another licensed dealer in secondhand merchandise, the following:

(1) A description of every article of secondhand merchandise purchased or sold;

Any serial number or numbers and any monograms, inscriptions or other marks of identification that may appear on such article;

(2)

A description of the articles or pieces comprising old gold, silver, platinum, other metals or coins, stamps or currency and any monogram, inscription or marks of identification thereon; and

(3)

The name, residence address and signature of the person from whom such purchase was made or to whom the merchandise was sold and the day and hour of the purchase or sale and the nature of the identifying document exhibited.

(4)

A.

Every dealer in secondhand merchandise who receives secondhand merchandise on consignment shall keep a record in the above-described book, describing the merchandise and the name and description of the person or dealer who consigned such merchandise.

B.

Transactions between dealers in secondhand merchandise shall also be recorded in the above-described book in the same manner as heretofore described.

C.

§ 162-7 PAWNBROKERS AND SECONDHAND DEALERS § 162-9

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§ 162-10. Information required for records.

In the case of a purchase, sale or redemption of a pawnbroker ticket or other evidence of a pledged article there shall be recorded in the book to be kept by the licensee, at the time of such purchase, sale or redemption:

§ 162-11. Availability of records for inspection.

The books required herein shall be at all reasonable times opened to the inspection of any police officer or any inspector of licenses or any person duly authorized in writing for such purpose by the Town Board.

§ 162-12. Furnishing police with copies of records.

Every dealer in secondhand articles, upon being served with a written notice so to do by a member of the Police Department, shall furnish to the Police Chief, on blank forms to be furnished by the Police Department, a copy of the records required to be kept under §§ 162-9

The above-described book shall be kept on the business premises of the licensee or at the place designated on the license at all times during normal business hours. Such book shall be open to the inspection by:

(1) Any police officer of the appropriate police agency;

The chief administrative officer of the appropriate police agency or a person duly authorized in writing by such appropriate police agency to inspect such book; or

(2)

(3) Any inspector of licenses duly appointed by the Town.

D.

Every dealer in secondhand merchandise who purchases antiques in bulk shall keep a record of such purchases in the above-described book.

E.

Every licensed dealer of secondhand merchandise shall permit representatives of the appropriate police agency or inspector of licenses appointed by the Town Clerk to inspect all rooms and merchandise on the premises designated on the license of the dealer during regular business hours when such inspection is requested by such representative of the appropriate police agency or inspector of licenses.

F.

The name and address of the person or corporation who issued the said ticket or other

evidence.

A.

B. The pledge number of said pawn ticket or other evidence.

C. The name and address of the pledgor as it appears on said pawn ticket or other evidence.

D. The amount loaned or advanced as it appears on said pawn ticket or other evidence.

E. The day and hour of such purchase or sale as the case may be.

F. The sum paid or received for such pawn ticket or other evidence.

Such description of a pledged article as appeared on said pawn ticket or other evidence and an accurate description of every redeemed pledged article.

G.

§ 162-9 BABYLON CODE § 162-12

162:6

and 162-10 of all goods, articles or things or any part thereof purchased, received or sold in the course of business of the secondhand dealer during the days specified in such notice.

§ 162-13. Restrictions on licenses.

Restrictions on licenses held by secondhand dealer. No dealer in secondhand articles, while licensed as such, shall be licensed as a pawnbroker or as a junk dealer.

A.

Location of secondhand dealer's business. No person shall engage in or conduct a business as a dealer in secondhand articles in the Town except in a business or industrial zone.

B.

Address on license nontransferable. No dealer licensed hereunder shall carry on his business at any place other than the place designated in his license.

C.

Hours of operation. No dealer in secondhand articles shall purchase or sell any secondhand articles, goods or things whatsoever between the hours of 8:00 p.m. in the evening and 7:00 a.m. following.

D.

Dealing with minors. No licensee hereunder shall collect or purchase any metal or secondhand materials or articles of any kind from any person who is actually or apparently under the age of 21 years.

E.

Holding articles prior to disposal.

Generally, no articles or things except household furniture, curtains, carpets, stoves, kitchen utensils, office furniture, automobiles, motor and other vehicles, machinery, belting, building materials and barrels or other articles or things which have already been kept by a secondhand dealer or pawnbroker for a period of time, in accordance with the provisions of law or this chapter, or which have been received from persons known to be jewelers, dealers, banking institutions, executors or administrators shall be sold or disposed of by any dealer in secondhand articles until the expiration of 15 days after such purchase or redemption.

(1)

Articles purchased for melting or refining. All secondhand articles or things purchased for the purpose of melting or refining by persons principally engaged in such business from persons not jewelers or dealers shall not be sold, refined, melted or disposed of until the expiration of 48 hours after said purchase.

(2)

F.

Receipt of goods as security by melters or refiners. No dealer engaged principally in the business of melting or refining shall receive any article by way of pledge or pawn, nor employ any subterfuge for receiving goods as security for the advancement of money.

G.

Signs of secondhand dealers. No sign or other device of subterfuge shall be displayed, used or employed by any dealer in secondhand articles in or about the premises where such business is conducted which in anywise resembles the emblem or sign commonly used by pawnbrokers or which is intended to give the appearance that the business conducted on

such premises is or is connected with the business of a pawnbroker and calculated to so mislead; nor shall there be any sign displayed which is calculated to deceive.

H.

Business not to be conducted in open air. No business required to be licensed under this chapter may be conducted in the open air, outside or on any premises on which a structure has been erected having no walls or enclosures. All such business must be conducted within a permanent structure, store or building. Satisfactory proof of compliance with this section I.

§ 162-12 PAWNBROKERS AND SECONDHAND DEALERS § 162-13

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§ 162-14. Renewal of license.

§ 162-15. Revocation of license.

§ 162-16. Penalties for offenses.

shall be made by the applicant to the Building Inspector prior to the issuance of a license hereunder.

Sidewalk displays prohibited. No licensee hereunder shall permit any of his goods, wares or merchandise to be displayed on the sidewalk in front of the place where he conducts his business.

J.

Any general license issued by the Town Clerk may be renewed annually, for additional periods of one year each from the date of expiration, upon the filing, at least 30 days prior to the expiration date of the current license, of an application containing all the information required by the provisions of this chapter for original applications and the payment of the annual license fee.

A.

A management or exposition license may be renewed, for no more than two additional thirty-day periods each, upon the filing of an application containing all the information required by this chapter for original applications and the payment of the applicable license fee.

B.

Any license issued hereunder may be suspended or revoked, for a period to be determined by the Town Clerk, if he finds:

The licensee made any misrepresentation or false statement in his application for the license;

(1)

(2) The licensee has violated any of the provisions of this chapter;

The licensee has been convicted of any crime involving larceny, fraud or possession or sale of stolen property; or

(3)

The licensee is conducting the activity as a dealer in secondhand merchandise in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(4)

A.

The Town Board may, for any other cause, revoke any such license after a hearing at which the licensee shall be afforded an opportunity to be heard. The foregoing penalties shall be in addition to the penalties in §§ 1-15 through 1-17 which may be imposed for violations of this Code.

B.

Any person who violates the provisions of § 162-10 of this chapter shall be guilty of a Class A misdemeanor, punishable by a fine not exceeding \$2,500 or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment.

A.

Any person who violates the provisions of any other section of this chapter shall be guilty of a violation, punishable by a fine not exceeding \$1,000 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment. Each day's violation shall

constitute a separate and distinct offense against this chapter.

B.

§ 162-13 BABYLON CODE § 162-16

162:8

§ 162-17. Compliance required.

Each license hereunder shall be issued subject to compliance by the licensee with all statutes now existing or which may hereafter be enacted affecting such business or the conduct thereof; subject also to compliance by the licensee with all rules, regulations or orders now existing or which may hereafter be made by the Town, respecting such business or the conduct thereof; and subject also to compliance with the requirements of this chapter.

In addition to the penalties provided above, any offense against the provisions of this chapter shall subject the person committing the offense to a civil penalty in the amount of \$1,000 for each day that the offense shall continue, collectible by and in the name of the Town of Babylon.

C.

A conviction against a licensed dealer for any offense against the provisions of this chapter shall constitute and effect an immediate forfeiture of his license.

D.

§ 162-16 PAWNBROKERS AND SECONDHAND DEALERS § 162-17

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