

**RESOLUTION NO. 1006 -2011, ADOPTING LOCAL LAW  
NO. 2 -2012, A LOCAL LAW TO CLARIFY THE REGULATION  
OF SECONDHAND DEALERS AND PRECIOUS METALS  
DEALERS IN THE COUNTY OF SUFFOLK**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on October 11, 2011, a proposed local law entitled, "**A LOCAL LAW TO CLARIFY THE REGULATION OF SECONDHAND DEALERS AND PRECIOUS METALS DEALERS IN THE COUNTY OF SUFFOLK;**" now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 2 -2012, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO CLARIFY THE REGULATION OF SECOND-  
HAND DEALERS AND PRECIOUS METALS DEALERS IN THE  
COUNTY OF SUFFOLK**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the County of Suffolk regulates the businesses of dealers in secondhand articles and precious metal and gem exchanges to monitor for stolen personal property that may be sold by criminals.

This Legislature further finds and determines that the County does not regulate businesses which make short-term loans to individuals based on the value of personal property used as collateral, commonly known as pawn brokers.

This Legislature finds that failure to require pawn brokers creates a loophole criminals can use to sell the fruits of their crimes.

This Legislature determines that Chapter 345 of the SUFFOLK COUNTY CODE should be amended to explicitly include pawn brokers as businesses which must comply with the County's requirements for precious metals and gem exchanges and dealers in secondhand articles.

Therefore, the purpose of this law is to amend Chapter 345 of the SUFFOLK COUNTY CODE to include collateral loan brokers within the definitions of precious metal and gem exchange and dealer in secondhand articles.

**Section 2. Amendments.**

Chapter 345 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 345, LICENSED OCCUPATIONS**

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## **ARTICLE IV, Precious Metal and Gem Exchanges**

### **§ 345-35. Definitions.**

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PRECIOUS METAL AND GEM EXCHANGE – Persons engaged in the business of a “Collateral Loan Broker”, as defined in Article 5 of the New York General Business Law or, in the business of sale, purchase, or exchange of precious metals and/or gems for other objects of precious metals or gems, for United States currency, bank drafts or other negotiable instruments as defined in the Uniform Commercial Code.

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## **ARTICLE V, Dealers in Secondhand Articles**

### **§ 345-47. Definitions.**

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#### **DEALER IN SECONDHAND ARTICLES:**

- A. Any person corporation, partnership, Collateral Loan Broker, as defined in Article 5 of the New York General Business Law, or other entity and its employees that, as a business, transacts more than five deals in the purchase of, sale of, or transaction for a collateral loan against any of the following articles within a twelve month period:

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### **Section 3. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

### **Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

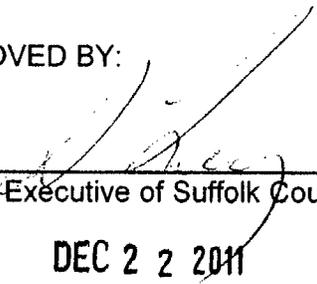
**Section 6. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

\_\_\_ Underlining denotes addition of new language

DATED: December 6, 2011

APPROVED BY:

  
\_\_\_\_\_  
County Executive of Suffolk County

Date: **DEC 22 2011**

After a public hearing duly held on December 21, 2011  
Filed with the Secretary of State on February 17, 2012

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on December 6, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.*

*In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.*

*Tim Laube*

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Clerk of the Legislature

Intro. Res. 1896

Res. No. 1006

December 6, 2011

**Motion:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Sarah S. ANKER					
7	Jack EDDINGTON					
9	Ricardo MONTANO				/	
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		17	—	1	—	

**MOTION**

Approve  
 \_\_\_ Table: \_\_\_\_\_  
 \_\_\_ Send To Committee  
 \_\_\_ Table Subject To Call  
 \_\_\_ Lay On The Table  
 \_\_\_ Discharge  
 \_\_\_ Take Out of Order  
 \_\_\_ Reconsider  
 \_\_\_ Waive Rule \_\_\_  
 \_\_\_ Override Veto  
 \_\_\_ Close  
 \_\_\_ Recess

APPROVED       FAILED \_\_\_  
 No Motion \_\_\_      No Second \_\_\_

**RESOLUTION DECLARED**

ADOPTED  
 \_\_\_ NOT ADOPTED

*Tim Laube*

Roll Call \_\_\_ Voice Vote