

**COUNTY OF SARATOGA
LOCAL LAW NO. OF 2016**

**A LOCAL LAW REGULATING PAWNBROKERS, SECONDHAND DEALERS,
JEWELRY, PRECIOUS METALS AND COIN EXCHANGE DEALERS**

SECTION 1. Title. This local law shall be known as “Regulating Pawnbrokers, Secondhand Dealers, Jewelry, Precious Metals, and Coin Exchange Dealers.”

SECTION 2. Legislative Intent and Purpose. The Saratoga County Board of Supervisors hereby finds and determines that the creation of a uniform countywide electronic reporting program for tangible personal property acquired by precious metal exchange establishments, pawnshops and secondhand merchants will curtail distribution and facilitate the recovery of stolen property throughout Saratoga County.

Therefore, the purpose of this local law is to establish a uniform electronic reporting system for tracking the sales of precious metal exchanges, pawnshops, and secondhand merchants to assist the law enforcement community in tracking and recovering stolen property.

This local law is necessary for the protection of citizens of Saratoga County and feasible for such precious metal exchange establishments, pawnshops, and secondhand merchants.

SECTION 3. Definitions.

A. As used in this local law, the following terms shall have the meanings indicated:

1. “Antiques” – Such items of collectibles recognized as such by established dealer association within the industry.
2. “Antique Dealer” – Person engages exclusively in the business of purchasing and selling antique, collectibles, vintage, or estate articles whose value is determined by age, condition, and rarity.
3. “Bullion” – Any gold, silver, platinum, or other precious metals in the form of bars, ingots, or coins, where the value is primarily derived from the underlying value of the composite metals.
4. “Business Day” – Any calendar day except Sunday or a County, State or Federal holiday.
5. “Coin” – Any loose coin, token, or medal, including those manufactured of gold, silver, platinum, palladium, or copper whose numismatic or collector value exceeds its intrinsic value.

6. “Dealer” – For purposes of this local law “Dealer” shall be any party required to be licensed under this local law.
7. “Employee Permit” – A permit issued by the Saratoga County Sheriff to an employee of a Licensee who conducts business on behalf of a Licensee.
8. “Identification” – A valid New York State driver’s license, passport, or equivalent photo identification that contains the person’s name, physical description, and current address.
9. “Jewelry” – Articles composed (in whole or in part) of gold, silver, or other precious metals, gems or gemstones which, as constructed, are designed to be worn for personal adornment.
10. “Jewelry and Coin Exchange dealer” – Persons or business establishments engaged in the business of sale, purchase, or exchange of precious metals and/or jewelry for other objects of precious metal, jewelry, United States currency, bank drafts, other negotiable instruments as defined in the Uniform Commercial Code or any other object or thing of value.
11. “Licensee” – Any Person who has been licensed by the Saratoga County Sheriff as a Precious Metal Exchange Dealer, Precious Metal Exchange Establishment, Secondhand Dealer, and/or Secondhand Establishment.
12. “Licensing Agency” – Saratoga County Sheriff.
13. “Local Law Enforcement Agency” – Any law enforcement agency operating within Saratoga County, with jurisdiction over a jewelry and coin exchange dealer, secondhand dealer, and/or pawnbroker.
14. “Numismatic Coins” – Coins with a market value greater than that of their face value. This section is not intended to include bullion coins whose value is determined by the market value of their underlying precious metals content plus a mint mark-up.
15. “Operator” – Person responsible for the day-to-day operations of the business as indicated under this law.
16. “Pawnbroker” – Any person or business establishment who holds goods as collateral on short-term, high-interest loans or a person who qualifies as a “collateral loan broker” pursuant to §52 of the New York General Business Law.
17. “Person” – Includes one or more natural persons of either sex, corporations, associations, limited liability companies or other legal entity recognized by the State of New York.
18. “Precious Metals” – Includes, but is not limited to gold, silver, platinum, palladium, copper, or any combination thereof purchased and sold by weight and

any secondhand manufactured article composed wholly or in part of gold, silver, platinum, or palladium.

19. "Precious Metal Exchange Dealer" – Persons engaged in the business of sale, purchase, or exchange of precious metals for other objects or precious metal, United States currency, bank drafts, other negotiable instruments as defined in the Uniform Commercial Code or any other object or thing of value.
20. "Precious Metal Exchange Establishment" – Any shop, store, residence, place, or premises from which a precious metal exchange business is conducted.
21. "Secondhand Article" – Any article or object, with the exception of clothing and books, that has previously been bought or sold at retail and/or which has been previously used and/or is not in a new condition. This shall include any "gift card" or other electronic payment device that is usable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo, is issued in a specific amount, and may or may not be increased in value or reloaded, or as otherwise defined in Article 26, §396-i, or Article 13, §1315, of the New York State General Business Law.
22. "Secondhand Dealer" – Any person or business establishment who deals in the purchase, sale, exchange or pledge as security for a sum of money any secondhand article. This shall not include providers of commercial mobile services as defined in 47 U.S.C. 332(d), and such providers' authorized agents and retailers that have contractual relationships with the provider to sell the providers' authorized products and services. A pawnbroker shall be considered a Secondhand Dealer for purposes of this local law.
23. "Secondhand Establishment" – Any shop, store, residence, place, or premises at which a business buying, selling, exchanging or pledging as security in return for a sum of money of Secondhand Articles is conducted. A pawnshop shall be considered a Secondhand Establishment for purposes of this local law.

SECTION 4. Prohibited Acts.

- A. Commencing _____ 1, 2017, it shall be unlawful for a pawnbroker, secondhand dealer, jewelry or coin exchange dealer, or precious metal exchange to transact any business in the County of Saratoga without first applying for and being granted the appropriate license from the Licensing Agency in accordance with and subject to the provisions of this local law.
- B. It shall be unlawful for a pawnbroker, secondhand dealer, jewelry or coin exchange dealer, or precious metals exchange to purchase, sell, exchange or pledge for a sum of money or any other object or thing of value from or to a person who:
 - i. appears intoxicated or of unsound mind;
 - ii. is under the age of 18;
 - iii. is unable to produce proper identification as required by this local law; or

- iv. presents merchandise which has had its serial number altered or obliterated or merchandise which has had its serial number removed.
- C. It shall be unlawful for any pawnbroker, secondhand dealer, jewelry, precious metals, or coin exchange dealer to sell, dispose of, destroy, alter or remove from such dealer's premises any articles, jewelry or precious metals until the expiration of 14 calendar days after the acquisition by such dealer of any such articles, jewelry or precious metals; unless otherwise exempted herein.
- D. When requested to do so by the appropriate local law enforcement agency in connection with a law enforcement investigation, it shall be unlawful for any pawnbroker, secondhand dealer, jewelry, precious metals and coin exchange dealer to sell, dispose of, destroy, alter or remove from such dealer's premises any articles, jewelry or precious metals requested to be held by the local law enforcement agency until the expiration of 30 calendar days from the date of the request. Upon the written request of the law enforcement agency, the property shall be held for up to two additional thirty-day periods.
- E. No dealer shall employ any person who has been convicted within three years of any felony related to the operation of a business or who has had a secondhand dealer's license revoked or denied within the past year.

SECTION 5. Licensing.

- A. Every pawnbroker, secondhand dealer, jewelry and coin exchange dealer, or precious metal exchange operating within Saratoga County is required to be licensed according to this local law. The Saratoga County Sheriff shall be the licensing agency authorized to issue licenses for pawnbrokers, secondhand dealers, jewelry, precious metals, or coin exchange dealers.
- B. Licenses shall be valid for one year from date of issuance and shall expire one calendar year from the date of issuance.
- C. The Saratoga County Board of Supervisors shall establish the annual fee for the issuance of a license pursuant to this local law.
- D. Each application shall state the particular category of license sought. A Person may acquire a license that will include multiple categories. The categories of license are:
 - 1. Precious Metal Exchange Dealer,
 - 2. Precious Metal Exchange Establishment,
 - 3. Secondhand Dealer, and
 - 4. Secondhand Establishment.
- E. An application for a pawnbroker's, secondhand dealer's, jewelry, precious metals, or coin exchange dealer's license (hereinafter "dealer's license") shall be made on forms provided by and filed with the Saratoga County Sheriff. The application shall include the following requirements:

1. Names and residence(s) of the applicant(s) if an individual or partnership;
 2. If the applicant is a corporation, association, limited liability company or other legal entity recognized by the State of New York, the application shall contain the names and residences of the principal offices, directors, and/or members as the case may be. Additionally, the Licensing Agency may require such information about any other person with an ownership or managerial interest in the applicant;
 3. If the applicant is an individual or partnership, or if the applicant is a corporation, association, or other legal entity recognized by the State of New York, the principal officers, directors, managers and/or members, or other person with an ownership or managerial interest in the applicant upon request of the Licensing Agency, as the case may be, shall state whether they have ever been convicted of a felony or misdemeanor. If so convicted, the exact offense, the date of the offense, and the court of conviction shall be provided;
 4. Where the owner is not directly involved with the day-to-day operation of said business,
 - (1) the operator must also be included on the application; or
 - (2) if a partnership, corporation or other business entity is involved, the application must designate an individual as operator who is involved in the day-to-day operation of the business. In this situation, the secondhand dealer's license shall be issued to the operator; the names, addresses and phone numbers of the partners, officers or principals shall also be listed on the application. All addresses of persons involved shall be home addresses listing street and number;
 5. The location and street address where the Licensee will conduct business;
 6. Whether the applicant or any officer and operator has previously been involved in the purchase or sale of secondhand goods and, if so, the name of the business, its location and the dates of involvement;
 7. Whether the applicant either alone or together with others is currently or has been previously licensed;
 8. Employee names, dates of birth, and dates of employment, kept and made available for inspection by the Sheriff or his representatives for the duration of the license;
 9. any and all e-commerce websites, including Internet storefronts, third-party sales outlets, as well as any and all written or electronic classified advertisements. The application shall further include any seller names or otherwise identifying names used within those e-commerce sites.
- F. The application shall be signed and acknowledged before a notary public or other official authorized to administer oaths and shall include a clause stating that the information is true under penalty of perjury.

- G. There shall be no fee for the application.
- H. When an application is filed, the Licensing Agency shall cause an investigation to be made by the appropriate Local Law Enforcement Agency to ascertain whether the applicant or applicants is/are of good character and repute. The Local Law Enforcement Agency shall furnish to the Licensing Agency the information derived from the investigation together with a recommendation as to whether the license should be granted or refused.
- I. Before the issuance of a dealer's license, the Sheriff or his or her representative shall have the right to enter upon such premises during normal business hours for the purpose of making inspections. After a dealer's license has been issued, further inspections of the premises, to ensure compliance with the laws, ordinances and rules and regulations relating to secondhand dealers and establishments, may be made in areas open to the public or other areas with the consent of the Licensee or an employee of Licensee to whom an Employee Permit has been issued.
- J. Any change in the facts or information required on said application that occurs after the application has been filed shall be reported by the Licensee, in writing, to the Saratoga County Sheriff within 10 days of the change.
- K. All applications for dealer's licenses shall be issued or denied within 30 days after a fully completed application has been received by the Saratoga County Sheriff's Office. The applicant shall be notified, in writing, of any delay which is due to incomplete application, investigative delays, or other reasonable cause.
- L. Upon approval of the application by the Licensing Agency, which approval shall not be unreasonably withheld and any denial shall be upon good cause which shall be stated in any denial, and the filing of a bond as set forth in Section 7 herein, the Licensing Agency shall issue a license. All licenses shall be numbered sequentially in the order in which they are issued. Each license shall contain the name of the Licensee and, if a corporation, association, limited liability company or other legal entity recognized by the State of New York the principal officers, directors, managers, members or other person with an ownership interest as may be required by the Licensing Agency.
- M. Except as provided in Article 23-A of the New York State Corrections Law, the Sheriff reserves the right to deny a dealer's license to any person convicted of any crime related to the operation of a business. No person who stands convicted of a felony charge involving burglary, theft or robbery shall be eligible for a license pursuant to this law.
- N. No dealer's license shall be issued for a period of one year to any applicant that has been found guilty of operating a business without a secondhand dealer's license.
- O. The Saratoga County Sheriff's Office may deny or revoke any license granted herein in the following situation:
 - (1) Where the dealer has made a false statement in connection with its application; or

- (2) Where the dealer revokes the consent to examine its records and items or refuses to allow inspection of its premises.
- P. The Licensee shall prominently display its license at the location of its business, and, if conducting business at a location other than those premises in accordance with the provision of this local law, shall display the license to those with whom the Licensee conducts business.
- Q. Each Licensee shall also provide the required information for any employee who conducts business on behalf of the Licensee and an Employee Permit shall be issued to the Licensee for such employees which shall be prominently displayed when the employee conducts business on behalf of the Licensee at a location other than those premises identified as the location of Licensee's business on Licensee's license.
- R. Dealer's licenses shall not be transferred. In the event of any change involving the owner or operator of the business or the business location, a new dealer's license shall be required. A dealer's license shall not be transferred to any person who holds power of attorney.
- S. If an application for a license is denied, or an existing license is revoked, any applicant or holder of the revoked license wishing to challenge such denial or revocation must, within 10 business days of notice of denial or revocation, request reconsideration by the Saratoga County Sheriff's Office by providing that office with any additional, relevant information. The Saratoga County Sheriff's Office shall, within 10 business days of receipt of the reconsideration materials, issue a final notice of denial or revocation setting forth the grounds upon which the license was either denied or revoked. Such final notice shall be transmitted by certified or registered mail.
- T. If any Licensee shall move his place of business from the place designated in the license, he shall notify the Licensing Agency within two (2) business days of such move.

SECTION 6. Licensing Exemptions.

- A. The following entities, transactions and events are exempt from the licensing requirements of this local law:
- (1) Any secondhand dealer that is exempt from taxation under §501(c)(3) or §501(c)(4) of the Internal Revenue Code; or
 - (2) Garage sales, basement sales, porch sales, yard sales, and estate sales and other such events at which a person desires to sell or trade his or her personal used items, household goods, furniture or equipment upon his or her non-commercial property, said property not being a regular place of business for purchase or sale of secondhand items, shall be exempted from the license requirement of this local law. No more than three such sales shall be conducted by the same person or persons upon the same premises within one calendar year, and each such sale shall not exceed three consecutive days.
 - (3) Secondhand clothing stores.

- (4) Any dealer in secondhand or used motor vehicles.
- (5) Any sale conducted pursuant to statute or by order of any court.
- (6) The sale of antiques by an antique dealer, or his/her employee or associate, provided the antique dealer:
 - i. Has an established antique shop advertised and promoted as such; or
 - ii. Exhibits at least twice a year at established advertised and/or promoted antique shows; or
 - iii. Is a private dealer working from home and/or nonretail location and has applied for and has been granted a New York State resale number for collection and submission of sales tax.
- (7) Consignment Shops.
- (8) The sale of secondhand articles at antique shows or trade shows, where such shows are advertised and/or promoted as such.
- (9) The sale of any item for less than \$15.
- (10) This chapter shall not apply to the return of secondhand items for credit, exchange or refund to the person from whom said items were originally obtained, provided that the items were not secondhand items when originally obtained.
- (11) Trade shows, coin shows, antique shows, sporting memorabilia shows, guns shows and the like and the dealers at such shows which are for a limited duration and whose primary purpose is the exhibition of collectible items which may involve the sale or trading of such items and does not involve the purchase of Precious Metals for meltdown value.
- (12) The purchase, sale or exchange of Precious Metal between two or more Precious Metal Exchange Dealers shall be exempt from the provisions of this local law.
- (13) Estate Sales held on commercial property, provided the seller is a licensed retailer whose permanent place of business is on such commercial property.
- (14) Dealer to dealer or dealer to government transactions.
- (15) Numismatic coin transactions.
- (16) Transactions primarily involving the exchange of bullion. The value of the bullion must exceed 90% of the dollar value of the entire transaction to qualify for this exemption.

SECTION 7. Bond.

Every applicant whose license application is approved shall post a bond in the amount of Five Thousand Dollars (\$5,000.00) prior to the issuance of the license and shall renew such bond so long as the license remains in effect. This bond shall be for the purpose of guaranteeing payments up to the face amount of the bond for bank drafts or other negotiable instruments issued by the Licensee in exchange for Precious Metals and/or Secondhand Articles. All bonds must be conditioned that the Licensees will observe this local law and conduct business in accordance with this local law.

SECTION 8. General Operation.

- A. Dealers shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of business and occupation, use and maintenance of the premises

and shall ensure that all of their employees and agents do so as well. Where the dealer is also a pawn broker, the dealer shall comply with Article 5 of the New York State General Business Law entitled “Collateral Loan Brokers Law.”

- B. All dealers covered under this local law shall cause the dealer’s license and business permit to be posted in a conspicuous place immediately visible upon entering the business establishment.
- C. If the dealer or employee of any establishment covered by this local law has reason to believe from the circumstances presented that an item has been stolen or acquired by dishonest means, it shall be his or her duty to immediately report same to the Sheriff or his or her representatives.
- D. Any law enforcement agency that confiscates property from a business covered under this chapter, as evidence or for safekeeping in an investigation or to return to an owner, shall issue a receipt to the business. The receipt shall contain a crime report number which references the investigation.
- E. Any dealer covered under this chapter shall release to a law enforcement agency any item in the dealer’s possession when:
 - 1. The item is established to be stolen; and
 - 2. The owner of the item or the victim of a theft has positively identified the item and provided an affidavit of ownership and has made a report of the theft to a law enforcement agency; and
 - 3. The stolen property report describes the item by one or more of the following: date, initials, an insurance record, a photograph, a sales receipt, a serial number, specific damage, or a statement of facts that show the item is one of a kind or a unique engraving; and
 - 4. The dealer is given a receipt from the law enforcement agency for the item released.
- F. Any dealer covered by this local law, who is required to relinquish an item pursuant to this provision, is not entitled to demand or condition the release upon any reimbursement from the law enforcement agency, the owner of the item, or the victim of the theft. A dealer who is himself or herself a victim of a crime may seek restitution or reparation in accordance with the New York State Penal Law.
- G. Any party either implicitly or explicitly exempted from licensing pursuant to this local law shall not be subject to any other provision herein.

SECTION 9. Identification and Documentation Required.

- A. It shall be the duty of every dealer and dealer’s employees to verify the identity of every person from whom a purchase is made through acceptable photographic identification (as detailed below) and to make and to keep a written record of the nature of the evidence submitted by such person to prove identity. The signature of the dealer or dealer’s employee shall be included in the recording of each transaction.

- B. Only the following shall be deemed acceptable evidence of identity: any official document (except a social security account number card) issued by the United States government, any state, county, municipality or subdivision thereof, any public agency or department thereof, or any public or private employer, which requires and bears the signature and picture of the person to whom issued.
- C. It shall be the duty of every dealer and dealer's employees to require that every person from whom any article, jewelry or precious metal is purchased sign his/her name in the presence of the dealer or employee, and to compare the signature on the identifying document, if any, and retain on said premises the person's signature together with the number and description of the identifying document, if any.
- D. If the individual is acting as an agent for a principal, proof of the principal's true name, date of birth and residence address.
- E. It shall further be the duty of every dealer and employee of dealer, to take, and maintain, a copy or digital photo of the identification required by Section 9(B) of this law.
- F. It shall further be the duty of every dealer and employee of dealer to take, and maintain, a digital photograph of each article, jewelry or precious metal purchased. The photograph must include the serial number and model number or product key if the item(s) contain those features.

SECTION 10. Required Records of Transactions.

- A. Each Licensee shall keep an Electronic Record in the English language on an electronic file on the Licensee's computer available for printout. All entries required by this local law shall be made at the time of each transaction and shall include the computer transaction number issued from the Electronic Reporting System. The record of each transaction shall include:
 - 1. An accurate description of every article of precious metal purchased, sold, exchanged, or pledged and the number(s), monograms, inscriptions and/or any other marks of identification that may appear on the article.
 - 2. A general physical description of the person who purchased, sold, exchanged or pledged the article or precious metal together with their name, residence and date of birth. The report shall also include the type of identification produced and the signature of the person so identified.
 - 3. The time, date and hour of such transaction.
 - 4. The amount paid or the object exchanged as payment.
- B. In the case of the purchase or sale of a pawnbroker ticket or other evidence of a pledged article or the redemption or sale of a pledged article, there shall be recorded in the Electronic File the following additional information:
 - 1. The name of the Licensee or employee who issued such ticket;
 - 2. The pledge number on such ticket or other evidence of such pledge;

3. The name and address of the pledger as appears on such ticket or other evidence; and
 4. The amount loaned or advanced as it appears on such pawn ticket or other evidence.
- C. The records of transactions shall be maintained for a period of at least three (3) years.
- D. A written receipt containing the serial number of the transaction shall be issued for each transaction.
- E. Every Electronic Record shall be available for inspection at all reasonable times by any Local Law Enforcement officer, the Licensing Agency, or any other person authorized by the Licensing Agency for such purpose.

SECTION 11. Required Electronic Reports.

- A. Every Licensee shall make a daily report to the Saratoga County Sheriff through the Electronic Reporting System listing each transaction on a form approved by the Saratoga County Sheriff. Such daily report shall be made within two business days of the date the transactions reported thereon occurred.
- B. Every Licensee shall keep an electronic file containing an electronic copy of the reports transmitted through the Electronic Reporting System.
- C. The daily report shall include every transaction from that business day and shall, for each transaction, include the name of the Licensee and, if applicable, the name of the employee conducting the transaction, the name and address of the person selling, exchanging, or pledging the precious metal or article, the form of identification provided, and a digital photo of the item sold, exchanged, or pledged.
- D. The Electronic Reporting System will assign a transaction number which shall be transmitted to the Licensee and recorded next to the transaction information in the Electronic Record.
- E. If there is any power failure or other interruption in the Electronic Reporting System which prevents filing the daily report within two business days, the daily report shall be made as soon as practicable but no later than 12:00 PM on the next business day after the Electronic Reporting System is operational.
- F. Any suspicious seller or article, including any article that possesses an altered or obliterated serial number or any article which has had its serial number removed shall be immediately reported to the appropriate local law enforcement agency.

SECTION 12. Required Holding Period.

- A. It shall be a violation of this local law for any Licensee to sell, dispose, or alter any precious metal or article covered by this local law until the expiration of fourteen calendar (14) days after the acquisition of such precious metal or article by the Licensee.

- B. If any items composed wholly or in part of articles, jewelry or precious metals shall be advertised in any newspaper printed in the County of Saratoga as having been lost or stolen, and if any items matching such advertised description or any part thereof shall be in or come into possession of any pawnbroker, secondhand dealer or jewelry and coin exchange dealer upon receiving actual written or oral notice of the similarity of description of such articles, such pawnbroker, secondhand dealer or jewelry and coin exchange dealer shall immediately give all information relating thereto to the appropriate Local Law Enforcement Agency. No disposition of such items shall be effected until authorization to do so is given to such dealer by the appropriate local law enforcement agency.
- C. All precious metals and other articles subject to this holding period shall be available for inspection by the appropriate Local Law Enforcement Agency or the Licensing Agency or their designee.

SECTION 13. Local Law Enforcement Order to Hold Property.

Whenever a Local Law Enforcement Agency notifies a Licensee not to sell an item due to an investigation, the item shall not be removed from the Licensee's premises. This investigative hold shall be confirmed in writing within forty-eight hours and shall remain in effect for fifteen days from the initial hold or until the investigative hold order is cancelled, whichever shall occur first.

Whenever the top official of any Local law Enforcement Agency notifies a Licensee not to sell an item, the item shall not be removed from the Licensee's premises for ninety (90) days from the date of the original hold or until the hold order is cancelled, whichever comes first.

Whenever an item is placed on hold, the person doing so shall provide proper identification and provide the Licensee with the name and phone number of the Local Law Enforcement Agency requesting the hold, the identification of a contact person regarding the investigation, and the case number related to the hold.

The hold order may only be cancelled in writing.

SECTION 14. Release of Stolen Property.

- A. A dealer shall release to the Saratoga County Sheriff's Office any item in the dealer's possession if:
 - 1. The item is established to be stolen; and
 - 2. The owner of the item or the victim of the theft has positively identified the item and provided an affidavit of ownership and made a report of the theft to a law enforcement agency; and
 - 3. The stolen property report describes the item by one or more of the following: date, initials, an insurance record, a photograph, a sales receipt, a serial number, specific damage, a statement of facts that show the item is one of a kind or a unique engraving; and
 - 4. The dealer is given a receipt for the item released.

- B. When the Saratoga County Sheriff's Office no longer needs an item for evidence, it shall be returned to the rightful owner.

SECTION 15. Penalties for Offenses; Enforcement.

- A. Any violation of the provisions of this local law shall constitute an offense and shall be punished as follows:
 - 1. Any Person violating the provisions of this local law shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed Two Hundred Fifty (\$250.00) Dollars for the first offense, One Thousand (\$1,000.00) Dollars for the second offense, and Three Thousand (\$3,000) Dollars for each subsequent offense. Any violation subsequent to the fifth violation shall upon conviction result in a fine of Three Thousand (\$3,000) Dollars and loss of license. Any loss of license under this section shall prevent the offender from reapplying for a license for a period of one year from the date of loss.
 - 2. This local law shall be enforced by any Local Law Enforcement Agency having jurisdiction.
- B. No provision of this law is intended to alter or interfere with any party's right of self-incrimination.

SECTION 16. Applicability.

- A. For purposes of this local law, any licenses granted under any town, village or city ordinance of the same matter which is already in effect prior to the enactment of this local law, shall be considered a valid dealer's license.
- B. This local law shall not supersede any similar legislation enacted by a local jurisdiction within the County.

SECTION 17. Due Process.

Nothing in this law shall infringe upon the due process rights of the parties involved. After following proper procedure as set forth in this local law any unresolved issues may be appealed to any court of competent jurisdiction.

SECTION 18. Severability.

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

SECTION 19. Effective Date.

This local law shall be effective ninety (90) days subsequent to filing in the Office of the Secretary of State and shall apply to all transactions occurring on or after the effective date of this local law.

SECTION 20. Incorporation Into Code of Saratoga County.

Upon its effective date as provided in Section 19 herein, this Local Law shall be incorporated into the Code of Saratoga County and made a part thereof.

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