



Allegheny County Council

County of Allegheny
436 Grant Street
Pittsburgh, PA 15219
Phone (412) 350-6490
Fax (412) 350-6499

Legislation Text

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An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, to facilitate the reporting of transactions for dealers in precious metals in order to establish a registry of such transactions designed for the purpose of tracking and locating stolen items and prosecuting those trafficking in stolen items.

Whereas: The Precious Metal Sale Regulation Law, 73 P.S. § 1931, *et. seq.*, (hereinafter the Precious Metal Sale Regulation Law), directs the all licensed dealers in precious metals to report all transactions involving precious metals to the District Attorney of each County by the following business day; and

Whereas: The Precious Metal Sale Regulation Law authorizes the District Attorney to establish the means to report such transactions to the District Attorney or other law enforcement agencies; and

Whereas: The District Attorney has designated a web based data entry system to allow precious metal licensees to report precious metal transactions, which then permits all other law enforcement agencies immediate access to the registry of reported transactions; and

Whereas: The Pa. Code, Part VII, 501, § 501.7, specifically provides that the District Attorney or his designee shall have the discretion to make the records of precious metal transactions available to law enforcement officials, other governmental entities and persons who, in the opinion of the custodian of the dealer transaction record, should be permitted access, such as an insurance company, for the purpose of investigating stolen property.

Whereas: The precious Metal Sale Regulation Law specifically authorizes the adoption of local ordinances for the purpose of regulating dealers in precious metals provided that such ordinances meet the minimum requirements as set forth in the Act, and specifically states that the Law does not pre-empt local enactments,

The Council of the County of Allegheny hereby enacts as follows:

Section 1. Authorization and Scope.

Allegheny County hereby authorizes and approves the establishment of a registration fee from licensed dealers in precious metals for the purpose of maintaining the electronic data base of all precious metals transactions occurring in Allegheny County, as required by the Precious Metal Sale Regulation Law.

Section 2. Definitions.

“**Dealer in precious metals**” means any individual, partnership, association, corporation or business entity, who or which purchases precious metals from the general public for resale or refining or any individual who acts as agent for such individual, partnership, association, corporation, or other business organization or entity.

Excluded from this definition are financial institutions licensed under Federal or State banking laws, the manufacturers of jewelry or of other items composed, in whole or in part, of gold, silver or platinum and the purchaser of precious metals for his, her or its own use or ownership and not for resale or refining.

“**Precious metals**” means items containing or being of gold, silver or platinum, including, but not limited to, jewelry and silver services, but excluding coins, ingots, bullion or photographic film or any article containing less than 5% of gold, silver or platinum by weight.

Section 3. Established Fee.

Every licensed of dealer of precious metals doing business in Allegheny County shall be required to pay to the County Treasurer on an annual basis the sum of Two Hundred (\$200) dollars which will be used exclusively for the purpose of maintaining the electronic reporting system utilized by the District Attorney for the reporting of precious metals transactions occurring within the County.

Section 4. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

Section 5. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.