

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2017-43

AN ORDINANCE TO AMEND THE *CODE OF CLAYTON COUNTY, GEORGIA*, AS AMENDED, *CHAPTER 22, ARTICLE V*; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED

Section 1. **The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by deleting Chapter 22, Article V by deleting the crossed through words and inserting the underlined words, as follows:**

ARTICLE V. – PAWNSHOPS, PAWNBROKERS, JUNK AND SECONDHAND DEALERS

DIVISION 1. - GENERALLY

Sec. 22-161. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accepted identification means an official document, most commonly in the form of a plastic coated/sealed card, government issued for purposes of identification, or valid driver's license. Such a document must be issued by one of the 50 states or a branch of the U.S. Military, i.e., Army, Navy, Air Force, Marines, Coast Guard, or be a current probation or parole card of the state and its counties. At a minimum, the identification must bear a true photograph of the person presenting it, date of birth, description of the person, and an address for the person. Should the address be other than a residence address, i.e., a post office box, a residence address must be provided and supported by documentation, including, but not being limited to, a lease, a utility bill, a property tax bill, or a mobile telephone bill.

Bailment means the placing of possession of personal property or title belonging to one person in another person who subsequently holds possession.

Deceptive business practice means:

(1) Possession or any use of a false weight or measurement, or any other device for falsely determining or recording any quality or quantity in connection with any scale or service;

(2) Any sale or offer to sell or delivery of less than the represented quality or quantity;

(3) Any attempt by a buyer or broker to take more than the represented quantity of any commodity, when it is this buyer or broker who furnishes the weight or measure;

(4) Any service which is of an unreasonably lesser quality than the service offered or represented;

(5) Any other practice designated as unlawful by O.C.G.A. § 10-1-390 et seq.; and

(6) Any other fraudulent business transaction which is made punishable by the laws of the state.

~~Antique dealer means any person who engages in the business or occupation which derives 75 percent of its gross receipts by the selling, bartering or exchanging of any painting, or furniture, china or other object painted or made more than 50 years prior to the date of sale, which is valuable primarily by reasons of age, scarcity, or the skill and craftsmanship of the artist or artisan.~~

~~Dealer in precious metals and gems means a person, whether known as a redemption center, gold and silver dealer, pawnshop, or any other name, either owner or manager, whose business involves receiving by buying or trading of, for, or in precious metals such as gold or silver or platinum, including coins and the receiving by buying or trading jewelry, gems or precious or semiprecious stones; however, it shall not include purchases from licensed wholesalers in the normal course of business, nor shall it include pawnbrokers who only take precious metals or gems on pawn or pledge.~~

~~Employee means any person employed or allowed to perform duties, whether or not such person receives a salary, wages or other compensation or consideration, but not including the person covered on the license or renewal application.~~

~~Flea market means any business which derives 25 percent or more of its gross receipts from the sale, trade or barter of used or previously owned personal property, other than operable motor vehicles, or used major office or major household furniture or major appliances, or used merchandise purchased by lot from bankruptcy sales, estate liquidation sales, and wholesale and retail liquidation sales from licensed dealers.~~

~~Flea market operator means any person who leases or rents premises or space to three or more flea market vendors or three or more individuals for the operation of a flea market at any one location.~~

~~Flea market vendor means any person who rents or leases space from a flea market operator on a permanent basis or for a period of more than 30 days, for the purpose of selling or offering for sale goods which constituted the operation of a flea market.~~

Good moral character means a person who has not been convicted of or pled guilty or nolo contendere to any felony or any crime involving theft, drugs, fraud or a crime against property in the past ten years. The ten-year period shall commence from the date of any such conviction.

Goods carries its normal meaning, should be construed in the broadest sense allowable, and includes all forms of personal property.

Itinerant dealer means any person who is engaged in any temporary or transient business conducted in a shop, room, site or other business rented for any duration less than 30 consecutive days or used on a temporary basis. "Itinerant dealers" includes but is not limited to persons selling handmade items, arts and crafts, salvaged goods, and used household accessories. Any person who is either a pawnbroker, flea market vendor or dealer in precious metals or gems shall not be eligible to be licensed as an itinerant dealer but shall pay the fee and abide by the regulations imposed upon either pawnbrokers, flea market vendors or dealers in precious metals and gems, as the case may be.

Minor means any person who has not attained the age of 18 years.

Occupation tax certificate means permission to operate a business evidenced by an occupation tax certificate issued pursuant to chapter 54, article V, pertaining to business occupation tax, licenses and regulation.

Owner means any person owning 25 percent or more of a business.

Pawn or pledge means a bailment, of personal property or title as security for any debt or engagement, redeemable upon certain terms and with the express or implied power of sale on default.

Pawnbroker means any person engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property or title on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or within this form of business purchasing tangible personal property or title from persons or sources other than manufacturers or regulated dealers as a part of or in conjunction with the business activities described herein means any person who shall in any manner lend or advance money or other things for profit on the pledge or possession of personal property, or other valuable things other than securities or written evidences of indebtedness or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Pawnshop means any business involving in any part the pledge, pawn, or exchange of any goods, wares, merchandise, or any kind of personal property or title as security for the repayment of money lent thereon. For purposes of this ordinance, the term pawnshop shall include junk and second-hand dealers.

Pawnshop permit means permission to operate a pawnshop regulated by the County police department.

Permit means permission to be employed or work in a pawnshop regulated by the county police department.

Secondhand dealer means any person or business which is not a pawnbroker, but does, exclusively or as incidental to or in connection with other business, purchases, sells or acquires in trade used or secondhand jewelry, flat silver, gold, and silver objects of every kind and

description, including watches and clocks, any of which is made in whole or in part of gold, silver, platinum, or other precious metals; diamonds, emeralds, rubies, or other precious stones; pistols or guns; musical instruments, bicycles or accessories. Any person or business which shall purchase any item of the kinds herein described from any person other than a bona fide dealer in those items shall, for the purpose of making the reports required herein, also be a secondhand dealer and subject to all the provisions of this article relating to those records and reports.

Sec. 22-162 - Penalties for violation.

Except as otherwise stated in this article, violations of this article shall be punished as provided in this ordinance.

Sec. 22-163 - Applicability.

(a) This article is intended to regulate the conduct and activities of pawnbrokers and pawnshops, as defined hereafter, in order to reduce and curtail the criminal activities frequently engendered by such businesses; to aid the County police department in detection and prevention of criminal conduct; and to ensure fair dealing between a pawnbroker and customers.

(b) This article is further intended to regulate specified conduct and activities of secondhand dealers. The provisions of this article are applicable to secondhand dealers.

Sec. 22-1624. - Construction of article.

This article is to be construed as consistent with state law. However, these provisions are to be applied in lieu of state law and state fee and registration requirements whenever possible. It is the intent of the board of commissioners that all duties delegated to the chief law enforcement officer of the county shall be exercised as provided in this article.

Sec. 22-1635. - Exclusions and exceptions.

Businesses which limit the purchase of used valuables to the acceptance of trade-ins for credit for new goods or the dispensing of refunds in regard to valuables previously purchased from such business shall not be regulated or covered under this article.

Sec. 22-164. - Employee permit.

~~Each person authorized or allowed to conduct any phase of business covered under this article shall be considered an employee and must have an approved employee permit, and this permit must be displayed along with the business license in accordance with license display requirements.~~

Sec. 22-165. - Character qualifications.

~~No license or employee permit shall be issued to or renewed for any person who conducts or is employed in a business in which such owner or employee has, within five years of issuance or renewal, been convicted of, or pled guilty or nolo contendere to, any felony involving any federal or state offense or any federal or state misdemeanor involving theft-related offenses. The~~

~~licensee will submit the identity of all owners and employees to the business license section on a continuing basis as changes occur. This information is to be forwarded to the county police department for the purpose of allowing a complete check in order that these character qualifications be fulfilled, prior to the issuance of or renewal of any license or permit issued under this article.~~

Sec. 22-166 - Location of businesses

~~All businesses licensed under this article shall be located in strict compliance with the county zoning ordinance and at a location with an identifiable street address, which shall be stated on the license or renewal application along with other required information. No business licensed under this article shall change its address without giving advance notice to the department of community development and the county police department, and receiving of an approval of the change, such approval being granted if the new location complies with this article and the county zoning ordinance. No business licensed under this article shall be operated in or from a motel or hotel.~~

Sec. 22-167 - Pawnshop employees

(a) All persons employed or working in a pawnshop as defined herein shall first obtain a permit from the County allowing the person to be employed or work in a pawnshop. Permit license fees for employees shall be set by resolution of the Board of Commissioners, and shall remain in effect from year to year, until modified or amended by subsequent resolution adopted by the Board of Commissioners.

(b) In order for a permit to be issued, the person must meet the following qualifications:

(1) Must be 18 years of age or older;

(2) Must be of good moral character as defined in section ----, to wit: must not have within the past ten years been convicted of, pled guilty or nolo contendere to any felony or any crime involving, theft, drugs, fraud or a crime against property;

(3) Must disclose ownership or interest in any other pawnshop, whether located in or out of the state. An interest shall be deemed to exist if the person or a member of his or her family is the outright owner of the pawnshop; a co-owner of the pawnshop; a partner in a partnership which owns all or any part of the pawnshop; or a stockholder in any corporation organized for pecuniary gain which owns all or any part of the pawnshop;

(4) Shall be fingerprinted and photographed by the County police department, and the County shall have ten days to investigate the information provided.

(c) Until a permit is issued, the person shall not work in the pawnshop.

(d) It shall be the duty of the pawnbroker to ensure that the provisions of this section are met.

(e) Should any information provided pursuant to this section change after original approval has been granted, the employee shall notify the County police department of such change and in any event provide the correct information prior to any renewal.

(f) Should a permit be denied, the prospective employee may, within ten days of the denial, apply to the County police department for a hearing. Any decision from such a hearing may be appealed to the County Manager or his designee, who shall issue such order as appropriate after a hearing.

(g) Conviction of violating any of the provisions of this article or any other ordinance of the County, rules or regulations of the County, or conviction of any felony or any crime involving theft, drugs, fraud or a crime against property within the past ten years shall automatically revoke any permit previously issued.

(h) So long as the person continues to meet the requirements of this article, the permit shall be renewed on a calendar year basis. The renewal fee for the permit shall be paid at the time the renewal application is filed by January 1 of the year for which the permit is requested. The renewal permit fee shall be set by resolution of the Board of Commissioners, and shall remain in effect from year to year, until modified or amended by subsequent resolution adopted by the Board of Commissioners.

Sec. 22-168. - Occupation tax certificate and pawnshop permit required

(a) It shall be unlawful for any person to engage, conduct or carry on within the County any pawnshop without a currently valid occupation tax certificate, pertaining to business and occupation taxes, and a currently valid pawnshop permit as required by this article.

(b) In addition to the occupation tax certificate, an application for a pawnshop permit authorizing the operation of a pawnshop regulated by the County police department shall be submitted along with payment of a nonrefundable application fee as set by resolution of the Board of Commissioners and which shall remain in effect from year to year, until modified or amended by subsequent resolution adopted by the Board of Commissioners. The renewal fee shall be paid at the time the renewal application is filed by January 1 of the year for which the permit is requested. The renewal permit fee shall be set by resolution of the Board of Commissioners, and shall remain in effect from year to year until modified or amended by subsequent resolution adopted by the Board of Commissioners.

(c) The County shall issue a maximum of eleven (11) permits for pawnbrokers. No additional permits shall be issued unless the population of unincorporated Clayton County reaches three hundred thousand (300,000) residents, at which time one (1) additional permit may be permitted for each twenty five thousand (25,000) residents of unincorporated Clayton County over the two hundred seventy-nine thousand (279,462) initial thresholds. No application for a permit to do business as a pawnbroker shall be considered or approved or a permit issued where the total number of pawnbroker permits issued and in effect at the time of such application numbers at least one for each twenty-five thousand (25,000) residents

according to the latest officially and finally published annual population estimates by the U.S. Census Bureau. For purposes of this section, non-conforming pawnbrokers and pawn shops shall be included for purposes of calculating the number of outstanding permits.

(d) Whenever it shall be recognized by the department of community development that the release of population projections by the U.S. Census Bureau results in the availability of one (1) or more additional permits, and it is determined by the department of community development that one (1) or more additional permits are available, the County shall publish a notice, one (1) time, advising the public of such, and that applications will be received for a period of forty-five (45) days subsequent to the publication.

(e) If, during this period, applications are received which exceed the number of newly available permits, there shall be held a lottery, administered by the department of community development, to determine the order in which applications shall be processed. Thereafter, the applications shall be processed in the order reflected in the results of the lottery. Once the proceeding of applications has resulted in the issuance of permits up to the limit contained in this chapter, the remaining applications shall be returned to the applicants, unprocessed.

(f) If no applications are received during the forty-five-day period after publication, applications shall thereafter be processed in the order in which they may thereafter be received.

(g) Occupation tax certificate and a pawnshop permit shall be personal to and nontransferable by an applicant, a holder thereof, or by operation of law; provided, however, that if the applicant or holder is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner without effecting a surrender or termination of the occupation tax certificate and pawnshop permit, and, in such case, upon notification to the County the occupation tax certificate and pawnshop permit shall be placed in the name of the surviving partner.

(h) A pawnshop permit is specific to the approved location and may not be transferred to another location.

(i) The occupation tax certificate number and pawnshop permit number shall be printed on the front window of the regulated premises in uniform letters not less than three inches in height and shall read: "Clayton County Pawnshop Certificate Number _____ and Clayton County Pawnshop Permit Number _____."

Sec. 22-1679. - Records to be kept

(a) A book shall be kept and shall have entered an accurate description of all property which is acquired by purchase or trade, and the name, address, estimated age, weight, and height of the person from whom purchased or acquired and the date and hour of purchase. These entries shall be made as soon as possible after the transaction, but in no case, more than one hour thereafter.

(b) Each entry in this book shall be numbered serially, and the property described in the entry shall have attached to it a tag bearing the same serial number.

(c) This book shall at all times be subject to inspection and examination by the County police department.

(d) A daily report shall be made electronically to the chief of police, in such format as may be prescribed by him, of all property purchased or acquired during the 24 hours ending at 12:00 midnight on the date of the report.

(e) All property purchased or acquired shall, at all times, be subject to examination and inspection by the County police department. If, upon any inspection, a police officer shall have reasonable cause to believe that any of the property is stolen, he shall segregate it. It shall thereafter be unlawful for the person in possession of the property to dispose of or damage the property in any manner, until 15 days have elapsed from the date of the inspection.

(f) All property purchased or acquired shall be held for not less than 15 days.

(g) It shall be unlawful to acquire by purchase, pawn, or trade any watch, clock, pistol, gun, automobile tire or battery, or any other item commonly branded with a serial number, upon which the number has been mutilated or altered.

(h) It shall be unlawful to buy or receive any property from any person less than 18 years of age, provided that any pawnbroker or secondhand dealer who obtains and retains a copy of accepted identification shall not be subject to this provision.

~~All pawnbrokers and dealers in precious metals and gems, and flea market operators shall, in addition to other records, keep books wherein shall be entered an accurate description of all property received by or pledged or sold to them. Such description shall include the brand name of the article, any identifying mark, number, initial, social security number or name of any person or company, and a statement of the kind of material of which it is made. In such books there shall be entered also the name, age, address, signature and identification number from a driver's license or similar identification of the person by whom same was delivered, deposited or sold, the name of the broker, agent or employee receiving the item, the time when such transaction occurred, the price paid for the goods purchased and the check number issued if applicable. These entries shall be made no later than one hour after the transaction. A permanent bound set of the pawn ticket shall constitute the book required by this article. All books and records required by this article and articles pledged or sold hereunder shall at all times be subject to inspection and examination by any law enforcement officer of the county, any incorporated municipality or the state. Any person engaged in any business licensed under this article who shall fail or refuse to keep the records as provided in this article, or who shall make false entries concerning the transaction, or who shall fail or refuse to permit an inspection by any law enforcement officer of the county, any incorporated municipality or the state of such records and of the property pledged with or sold to them shall be guilty of a violation of this article.~~

Sec. 22-16870. - Standard forms required.

All business licensed under this article, shall use a standard form for pawn and a standard form for purchase; and no ticket may be used for a dual purpose. Standard forms may differ only by the name of the business and business address. The design of this form shall be provided by the county police department, and the forms shall be numbered and chronologically used and sent to the county police department. Each number missing from the chronological sequence shall be considered a separate violation of this article.

~~Sec. 22-169. Daily report to county police.~~

~~Every business licensed under this article, except flea market operators and itinerant dealers, shall make a daily report in writing to the county police department of all property pledged or purchased during the 24-hour period ending at 10:00 p.m. on the date of the report. Such reports shall be legibly written or typed in English and shall show:~~

- ~~(1) The name and address of the business;~~
- ~~(2) Time of transaction;~~
- ~~(3) Sequel number of the pawn or purchase tickets;~~
- ~~(4) Amount paid or advanced;~~
- ~~(5) Full description of articles, including kind, style, material, color, design, kind and number of stones in jewelry and all identifying names, marks, numbers, initials, or social security numbers; and~~
- ~~(6) A description of the person selling or pawning such item, including name, address, color, weight, and height.~~

~~(Code 1973, § 2-16-78)~~

~~Sec. 22-170. Identification required.~~

~~All businesses licensed under this article shall, when receiving in pawn or in purchasing goods, require a proper identification, driver's license or military I.D. card or state-approved I.D. card or company employee I.D. card containing a picture showing positive identification of the person who is pawning, selling or bartering, and shall verify the identification.~~

~~(Code 1973, § 2-16-79)~~

~~Sec. 22-171. Fingerprint required.~~

~~All businesses licensed under this article, except flea market operators and itinerant dealers, shall require every person from whom it accepts goods on pawn or purchase to place the fingerprint of his right index finger (if right index finger is missing, the next finger in line will be used) in ink on the front of the copy of the pawn or purchase ticket, which print is to be sent to the county police department.~~

Sec. 22-171. - Additional requirements applicable to pawnshops and pawnbrokers.

Notwithstanding other provisions of this article or other provisions of ordinances of the County, the following requirements shall be applicable:

- (1) Pawnbrokers shall comply with all provisions of O.C.G.A. title 44, ch. 12, art. 3, pt. 5 (O.C.G.A. § 44-12-130 et seq.), addressing and regulating pawnbrokers and their business operations in the state.

(2) A fingerprint of each person pawning, pledging or selling any article shall be obtained. It should be of the right hand index finger, unless this finger is missing, in which event the print of the next finger in existence on the right hand shall be obtained with a notation as to the exact finger printed. In the event the right hand is missing, the fingerprint should be of the left index finger, unless such finger is missing, then the print of the next finger in existence on the left hand shall be fingerprinted, and notation made of the exact finger. These prints shall be made on forms prescribed by the County police department and each form shall be completed in full as to each and every transaction regardless of whether the person may have previously pawned an article and thus been previously fingerprinted.

(3) A photograph of each person pawning, pledging or selling any article or articles shall be taken and retained by the pawnbroker.

(4) Further, acceptable identification shall be required from any person pawning, pledging, or selling an article, and the number of this identification document, along with any other information required, shall be copied and retained by the pawnbroker.

(5) The pawnshop broker and any employee shall have the affirmative duty to compare all pictures, physical descriptions and signatures on the identification presented and shall not transact any business with a person who appears to be presenting false or altered identification. If the identification presented is not a state-issued identification, the pawnshop broker and any employee will have the affirmative duty of providing the listed address from the identification as well as a current state address on the transaction paperwork. The pawnbroker is required to check the customer's identification for each transaction.

~~Sec. 22-172. -- Retention period for purchased articles.~~

~~Every business licensed under this article shall hold, on the premises designated in the license for doing business, every item required to be listed under section 22-167 for at least 15 days before disposing of same by sale, transfer or shipment. The provisions of this section shall not apply to purchases from licensed wholesalers in the normal course of business.~~

~~(Code 1973, § 2-16-81)~~

~~Sec. 22-173. -- Retention period for pawned articles.~~

~~Every business licensed under this article which takes goods on pawn shall hold such goods for at least 30 days unless redeemed by the owner or on authority of the owner before disposing of same by sale, transfer, shipment or otherwise.~~

~~Sec. 22-174. - Display of goods pledged or purchased~~

~~For a period of 15 days from the date of purchase and 30 days from the date of pledge (unless redeemed by or by authority of the person who pledged the goods) all goods purchased or pawned and required to be listed under section 22-167 shall be kept on the premises designated in the license for doing business. Every item required to be kept on the premises under this article shall have attached to it either a copy of the form required in section 22-168 or the number of such~~

form. Any person desiring to examine any merchandise shall first obtain a copy of a police department incident or stolen property report. Upon presentation of a copy of such report to any licensed dealer or employee and upon giving in writing to such dealer a full description of the stolen items sought, including all identifying characteristics, his name, address, signature, identification, and incident or stolen property report number and issuing department, such individual shall be allowed to examine any merchandise, of the type described on the premises. Such written information shall be kept in sequential, dated order in a permanent file or book. This record shall be kept in addition to all other records required in this article.

Sec. 22-175~~3~~. - Alteration.

Any item required to be kept or displayed under the provisions of this article 22-172, 22-173 and 22-174 shall be so kept in their original form as they existed when first purchased; and their physical characteristics shall not be altered in any material or immaterial manner.

Sec. 22-176~~4~~. - Erasures, obliterations, write-overs or typeovers prohibited.

No person licensed under this article shall erase, obliterate, typeover, write over or any way cause the original entry on the records required under this article to become illegible. All pawn or purchase tickets filled out in error shall be sent to the county police department in their numbered order along with daily reports and shall have the word VOID typed or written across the front, but such entry shall not be used to cause the original entry to be illegible. If an error is made and the ticket is still to be used, then a single line shall be drawn through the incorrect entry. This line shall not cause the original entry to be illegible, and the correct information entry shall be made on the next available area.

Sec. 22-177~~5~~. - Records maintained for four years.

The record of each pawn or purchase transaction regulated by this article shall be maintained for a period of not less than four years from date of transaction.

Sec. 22-178~~6~~. - Hours of operation.

All businesses licensed under this article shall close their establishment and cease transacting any business no later than 10:00 p.m. each day and begin their operation and commence transacting business at no time before 7:00 a.m. each day.

~~Sec. 22-179. - Dealing with minors.~~

~~It shall be unlawful for any person licensed under this article to receive in pawn or in purchase any goods of any character or of any description from any person who has not attained the age of 17 years.~~

~~Sec. 22-180. - Location of transactions.~~

~~No business transactions by any business licensed under this article shall be conducted outside the building designated as the normal place to conduct transactions unless such business does not have a building. "Business transaction" means any part of business, including inspection or appraisal of any goods when it is possible for such goods to be taken inside the building where transactions normally are made ("possible" being here used in the broadest sense). No person other than those possessing a licensee or employee permit shall be allowed to conduct any form~~

of business transactions either inside the establishment or on any part of outside land area covered under address of the license.

~~Sec. 22-181. — Altering, tampering with serial numbers.~~

~~No business licensed under this article shall accept any articles which have had the serial number altered, obliterated or removed from such article or which the person who is making the business transaction knows should have a serial number upon it unless such person immediately notifies the police department~~

~~Sec. 22-182. — No article will be accepted unless the provisions of sections 22-167 and 22-168 are followed.~~

~~No business licensed under this article shall take any item in pawn or purchase, taking full or possession title thereto, without entering each transaction of such goods on his books and on the standard forms as provided in sections 22-167 and 22-168.~~

~~Sec. 22-183. — Penalties.~~

~~Any person licensed under this article who shall:~~

- ~~(1) Fail to make any entry of any required item in this permanent record book;~~
- ~~(2) Make any false entry therein;~~
- ~~(3) Falsify, obliterate, record so that information is illegible, destroy or remove from his place of business, such permanent record book;~~
- ~~(4) Refuse to allow any duly authorized law enforcement officer to inspect such permanent record book, or any goods in his possession, during the ordinary hours of business or any reasonable time, or refuse to allow any member of the general public to inspect goods in his possession being held under pawn or purchase (within the 15-day purchase and 30-day pawn dates), pursuant to section 22-174, during ordinary hours of business;~~
- ~~(5) Fail to maintain a record of each pawn or purchase transaction for at least four years;~~
- ~~(6) Violate any other provisions of this article;~~

~~shall be guilty of a misdemeanor as defined by state law. Operation of any business under this article in violation of any provision of this article shall constitute a separate offense for each day of operation.~~

~~Sec. 22-18477. - Inspection.~~

~~As a condition of the granting of the license under this article, every licensee agrees to allow any duly authorized law enforcement officer, pursuant to his official duties, to be and remain on or about his premises without the formality of a warrant, provided such officer does not unduly interfere in the licensee's operation.~~

~~Sec. 22-18578. - Nonformed precious metals.~~

It shall be unlawful for any person licensed under this article to purchase precious metals in a melted, smelted or nonformed state unless the purchase is from a registered dealer in precious metals.

Sec. 22-18679. - Stolen items.

Every person licensed under this article shall, immediately upon request, turn over to the county police department every item believed by the police department to be a stolen item. The police department shall furnish a property receipt, including a case number of recovery, to the dealer surrendering such items. The item shall be returned to the licensee only after it has been determined that such item is not stolen. If it is determined that such item is stolen, it shall be returned to its lawful owner.

~~Sec. 22-187. - Separate business establishment.~~

~~No business licensed under this article shall be designed or operated so as to allow access to such business immediately from any other business without first exiting the other business into a common or open area to which the public at large has access.~~

Sec. 22-180. - Avoidance by County employees of conflict of interest.

(a) No employee of the County or its contracted agents shall have any interest in a pawnshop within the County.

(b) No employee of the County or its contracted agents may own, work in or be employed (paid or unpaid) by a pawnshop.

(c) The provisions in section 26-192 shall further apply to any employee of the County who is related to any person by consanguinity.

Sec. 22-181. - Restrictions of sale or pledge of plumbing materials, and building materials.

It is unlawful for pawnbrokers to purchase, advance money on, or take in pawn copper wire, copper linings of bathtubs, lead pipes or any kind of plumbing materials sold as junk, or other types of unused building materials where the same is offered for sale or pawned by other than persons of known good character.

Sec. 22-182. - Lost or damaged goods.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Lost means destroyed or having disappeared due to any cause, known or unknown, that results in the pledged goods being unavailable for return to the pledgor.

(b) Any person presenting a pawn ticket to the pawnbroker along with acceptable identification shall be presumed to be the pledgor or seller and shall be entitled to redeem the pledged goods described in the ticket. In the event the described goods are lost or damaged while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with like kinds of merchandise or settle upon a cash price. Proof of replacement shall be a defense to prosecution.

Sec. 22-183. - Failure of pawnshop compliance

Any pawnshop operated, conducted or maintained contrary to any of the provisions of this article and the provisions of the laws of the state addressing and regulating pawnbrokers and their business operations shall be declared to be unlawful and a public nuisance. The County may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or injunction thereof, in the manner provided by law and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such pawnshop and restrain and enjoin any person from operating, conducting or maintaining a pawnshop contrary to the provisions of this chapter. In addition, violation of the provisions of this article shall be, per se, grounds for suspension or revocation of an occupation tax certificate.

Secs. 22-1883—22-200. - Reserved.

DIVISION 2. - LICENSE

Sec. 22-201. - License required.

Every person doing business in any unincorporated area of the county as a pawnbroker or secondhand dealer, prior to commencing business, shall make proper application for and receive the appropriate business license.

(Code 1973, § 2-16-69; Ord. No. 2010-54, § 1, 2-16-10)

Sec. 22-202. - Application.

(a) Applicants for a license or permit under this article shall file a written, sworn application on a form provided by the department of community development, signed by the applicant if an individual, by the partner making application if a partnership and by the president if a corporation, with the department of community development showing:

- (1) The name or names of the principals, agents and employees of the applicant's business during the time that it is proposed that it will be carried on in the county; the local address or addresses of such person while engaged in such business; the permanent

address of such person; the capacity in which such person will act (as proprietor, agent, employee or otherwise); the name and the address of the person for whose account the business will be carried on, if any; and if a corporation, under the laws of what state it is incorporated;

- (2) ~~Except in the case of an application for an itinerant dealer's license,~~ The fingerprints of the principals, agents or employees of the applicant's business, and other evidence which establishes to the satisfaction of the business license official, or other authorized person, the good character of such persons to carry on the business;
 - (3) The place in the county where it is proposed to carry on the applicant's business, the zoning district at such place, and the length of time during which it is proposed that such business shall be conducted;
 - (4) The place or places, other than the permanent place of business of the applicant, where the applicant within the six months next preceding the date of such application conducted business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;
 - (5) A brief statement of the nature and the character of the advertising done or proposed to be done in order to attract customers;
 - (6) Whether or not the person having the management or supervision of the applicant's business has been convicted of a crime, misdemeanor, or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;
 - (7) Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as such representative; and
 - (8) Such other information as to the identity or character of the person having the management or supervision of the applicant's business or the method or plan of doing such business as the business license official or other authorized person may deem proper to fulfill the purpose of this article in the protection of the public good.
- (b) Every applicant for a license ~~except itinerant dealers, flea market operators and flea market vendors~~ shall post with the department of community development a surety bond in favor of the board of commissioners in the amount of \$8,000.00, which bond shall not be accepted unless it be with a corporate surety licensed to do business in the state and unless it is conditioned that the applicant shall comply fully with all applicable provisions of federal, state and local laws, rules and regulations concerning the activity for which the applicant is to be licensed, and that the property purchased is guaranteed to be in accordance with the specifications, standards and conditions represented to the purchaser by the applicant. A blanket bond otherwise meeting the requirements of this section shall be accepted.
- (c) If any person shall be aggrieved by the conduct of any such licensee, and shall recover judgment against him therefor, such person may, after the return unsatisfied, either in whole or in part, of any execution issued upon such judgment, maintain an action in his own name upon the bond or letter of credit of such licensee in any court having jurisdiction of this amount of such judgment remaining unsatisfied. In lieu of posting such bond, the licensee may post cash or a letter of credit from a recognized state financial institution, the terms of which are satisfactory to the board of commissioners. The application shall state thereon that "It is unlawful for any person to make a false statement on this application." Any false

statement made on the application form shall be cause to revoke the license issued thereunder and also shall constitute a violation of this article.

- (d) ~~Notwithstanding any other provision in this article, a flea market operator shall be authorized to act for the business official for the issuance of permits to an itinerant dealer if such dealer is doing business at the place of business of the flea market operator. Such permits may be issued by a flea market operator only between the hours of 7:00 a.m. on Friday and 7:00 p.m. on the following Sunday. An itinerant dealer may be issued a permit valid for no more than 60 hours after application; and in no event shall a permit issued by a flea market operator be valid beyond the hours set in this subsection. If a flea market operator is submitted an application from an itinerant dealer during the above hours, the flea market operator shall examine such application to ensure that it is in compliance with this article, and if so, shall issue a permit as provided in section 22-203 and collect the requisite fee therefor. Such permits and fee shall be delivered to the department of community development the next regular business day.~~
- (e) ~~If any flea market operator shall knowingly or recklessly issue a license under this section in violation of this article, the department of community development may, after opportunity for a hearing, remove the privilege of such flea market operator of issuing licenses during the above hours.~~

~~Sec. 22-203. Business license and permit fee.~~

- (a) ~~All businesses licensed under this division shall pay the following designated license and permit fee:~~
- ~~(1) *Pawnshops.* A fee of \$1,500.00 per calendar year, or such fee based upon the total gross receipts of the business as determined pursuant to sections 22-27 through 22-54, whichever fee is greater. This fee shall include the initial registration of a named applicant.~~
 - ~~(2) *Dealers in precious metals and gems.* A fee of \$300.00 per calendar year, or such fee based upon the total gross receipts of the business as determined pursuant to sections 22-27 through 22-54, whichever fee is greater. This fee shall include the initial registration of a named applicant.~~
 - ~~(3) *Flea market operator/vendors.* A fee of \$100.00 per calendar year, or such fee based upon the total gross receipts of the business as determined pursuant to sections 22-27 through 22-54, whichever fee is greater. This fee shall include the initial registration of the named applicant.~~
 - ~~(4) *Employee permits.* A fee of \$50.00 per calendar year per application.~~
 - ~~(5) *Itinerant dealer/flea market vendor.* A fee of \$15.00 for each 30-day period or \$1.00 per day, whichever shall be less.~~
- (b) ~~Any co-owner, agent, employee or any other persons authorized to transact business other than the licensee shall be required to have the above employee permit for each license he operates or transacts business hereunder. There shall be no proration or refund of any license fee. The license and permit issued under this division shall be a personal privilege and shall not be transferable, except that employee permits may be transferred from one licensed business to another.~~

Sec. 22-204~~3~~. - Revocation.

Any license or employee permit issued under this article shall be subject to suspension or revocation pursuant to section 22-34.

(Code 1973, § 2-16-93; Ord. No. 2004-102, § 1, 6-15-04)

Secs. 22-205~~4~~—22-399. - Reserved.

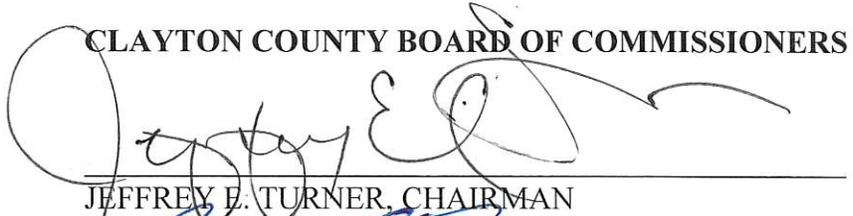
Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed

Section 3. If any part of this Ordinance shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 4. This Ordinance shall become effective on immediately upon its approval by the Board of Commissioners.

SO ORDAINED, this the 30th day of May, 2017.

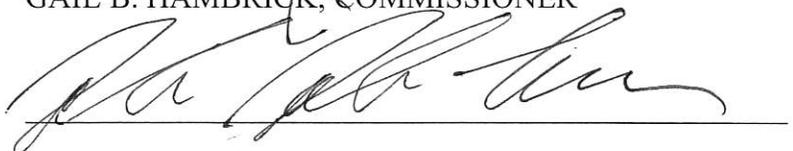
CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN


MICHAEL EDMONDSON, VICE CHAIRMAN


SONNA GREGORY, COMMISSIONER


GAIL B. HAMBRICK, COMMISSIONER



FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:



A handwritten signature in black ink, appearing to read 'Sandra T. Davis', is written over a horizontal line. The signature is cursive and somewhat stylized.

SANDRA T. DAVIS, CLERK