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ARTICLE X. - PAWNBROKERS AND PAWNSHOPS

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Sec. 26-306.- Purpose.

The purpose of this article is to regulate the conduct and activities of pawnshops, as defined herein, in order to reduce and curtail the criminal activities frequently engendered by such businesses, to aid the police department in detection and prevention, and to ensure fair dealing between the pawnbroker(s) and his or her customers. This article is enacted pursuant to O.C.G.A. section 44-12-130 et seq.

(Ord. No. O-09-014, § 1(exh. A), 3-16-09)

Sec. 26-307.- Definitions.

The following terms used in this article shall have the meanings indicated below:

Accepted identification: An official document, most commonly in the form of a plastic coated/sealed card, issued for purposes of identification or driver's license. These documents 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 current State of Georgia and counties of Georgia probation and parole cards. The identification must at a minimum bear a true photograph of the person presenting it, date of birth, description of the person, and an address for the person.

Deceptive business practice:

- (1) Any use or possession 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 of, offer to sell or delivery of less than the represented quality or quantity;
- (3) Any attempt to take more than the represented quantity of any commodity, when as buyer or broker, he 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. section 10-1-390 et seq.;
- (6) Any other fraudulent business transaction which is made punishable by the laws of the State of Georgia.

Good moral character: A person who has not been convicted of any felony or any crime involving theft, fraud or a crime against property in the past ten years.

Interest in a pawnshop. Exists if the person involved or any 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 part of the pawnshop; a stockholder in any corporation organized for pecuniary gain which owns all or any part of the pawnshop.

Minor: Any person who has not attained the age of 18 years.

New in box: Any unused item in the original unopened, factory sealed boxes.

Occupation tax certificate: Permission to operate a pawnshop pursuant to grant by the city council.

Pawn or pledge: A bailment, or personal property or title (including but not limited to a motor vehicle title) as security for any debt or engagement, redeemable upon certain terms and with the express or implied power of sale on default.

Pawnbroker: Any person engaged in whole or in part in the business of lending money on the security of pledged goods, personal property or titles, 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 in the business of purchasing tangible personal property or title from persons or sources other than the manufacturers or regulated dealers as a part of or in conjunction with the business activities described herein.

Pawnshop: Any business wherein a well-defined part thereof is to take or receive, by way of pledge, pawn or exchange, any goods, wares, merchandise, motor vehicles, or any kind of personal property or title whatsoever, as security for the repayment of money lent thereon.

Permit: Permission to be employed or work in a pawnshop regulated by the police department, or to be a pawnbroker.

Person: The term shall extend and be applied to associations, firms, partnerships and bodies politic and corporate, or any combination thereof, as well as to individuals.

Police department: The chief of police or his designee.

(Ord. No. 0-09-014, § 1(exh. A), 3-16-09)

Sec. 26-308.- Employee permit required.

All persons employed or working in a pawnshop as defined herein shall first file an application with the city for an employee permit to be employed or work in a pawnshop. Such a permit shall be obtained from the police department. The permit fee for each and every employee shall be \$50.00, renewable annually.

(Ord. No. 0-09-014, § 1(exh. A), 3-16-09)

Sec. 26-309.- Pawnshop employees.

- (a) *Qualifications.* Employees of a pawnshop, as defined herein, shall not be less than 18 years of age. Every employee must be of good moral character as defined by this article. Any employee who has been convicted of any felony or crime involving theft, fraud or against property shall not be permitted to work on the premises of a pawnshop for a period of ten years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term "on the premises" shall include all work done or services performed in the scope of employment elsewhere than on the regulated premises.
- (b) *Disclosure.* Every employee must disclose any ownership or interest in any other pawnshop, whether it is located locally or out-of-state and must disclose the nature of such ownership or interest. As used in

this article, an interest in a pawnshop shall be deemed to exist if the person involved or any member of his or her family is the sole 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.

- (c) *Approval for employment.* Before any person may work on the regulated premises, he shall file a notice with the police department of his intended employment on forms setting out the information required in subsections (a) and (b) of this section; and each applicant must be fingerprinted by the police department. The city shall have 45 days to investigate the information submitted by the employee. If the employee is found to be of good moral character, the police department shall grant any approval of employment; and issue an annual personal identification card authorizing the person to be employed by a pawnshop. Upon approval the employee may begin working on the regulated premises. It shall be the duty of the pawnbroker to assure that the provisions of this section are complied with. The employee is required to notify the police department of any change in information or circumstances which has occurred since the original approval was granted. If approval is denied, the applicant may, within ten days apply in writing to the police department for reconsideration. The decision of the police department upon reconsideration may be appealed to the city council which shall issue such order as is required. An investigation fee of \$50.00 shall accompany the notice of intended employment, or a receipt of the permitting officer evidencing the payment of such fee at the time the notice is filed.
- (d) *Suspension, revocation of the occupation tax certificate or permit.* Conviction of violating the provisions of this article or any other ordinance of the city, rules or regulations of the city or conviction of any felony or any crime involving theft, drugs, fraud or a crime against property shall subject the employee to suspension or revocation of the employee permit, and in the case of an owner or pawnbroker shall subject the party to suspension of any permit authorized by this article and the occupation tax registration for the pawnshop.
- (e) *Independent contractors.* For the purpose of this article, independent contractors shall be considered as employees and shall be permitted as employees, regardless of the business relationship with the owner or occupation tax certificate holder of any pawnshop.

(Ord. No. 0-09-014, § 1(exh. A), 3-16-09)

Sec. 26-310.- Operation of an unregulated premises unlawful.

It is unlawful for any person to engage in, conduct or carry on within the city any pawnshop, as defined herein, without a pawnshop permit or a currently valid occupation tax certificate to do so. A proper application for renewal within the time required must be submitted and such occupation tax certificate shall not be under suspension or permanently or conditionally revoked.

(Ord. No. 0-09-014, § 1(exh. A), 3-16-09)

Sec. 26-311.- Renewal of permits.

Permits for pawnbroker businesses may be renewed on a calendar year basis provided that the applicants continue to meet the requirements set out in this article. The applicant must file a verified annual report showing the applicant's gross receipts and the amounts paid to the employees for the preceding calendar year and such shall be submitted with the renewal applications. The renewal fee for permits shall be \$25.00. Renewal applications shall be submitted by January 1 of the year for which such permit is requested.

(Ord. No. 0-09-014, § 1(exh. A), 3-16-09)

Sec. 26-312.- Permit nontransferable.

No pawnbroker permit or employee permit may be sold, transferred or assigned to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be null and void; provided and excepting, however, that if the permit 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 or partners without affecting a surrender or termination of such permit, and in such case, the permit upon notification to the city shall be placed in the name of the surviving partner.

(Ord. No. 0-09-014, § 1(exh. A), 3-16-09)

Sec. 26-313.- Unlawful operation declared nuisance.

Any pawnshop operated, conducted or maintained contrary to the provisions of this article shall be declared to be unlawful and a public nuisance. The city may, in addition to, or in lieu of prosecuting a criminal violation hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or enjoinder thereof, in the manner provided by law. It shall take such other steps and shall apply to such court

or 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 any related permit and occupation tax registration granted hereunder.

(Ord. No. O-09-014, § 1(exh. A), 3-16-09)

Sec. 26-314.- Receipt of goods from minors unlawful.

It is unlawful for any pawnbroker, his agents or employees, to receive in pawn, pledge or sale, goods of any character or description from a minor.

(Ord. No. O-09-014, § 1(exh. A), 3-16-09)

Sec. 26-315.- Receipt of new in box items unlawful.

It is unlawful for any pawnbroker, his agents or employees, to receive in pawn, pledge or sale, goods of any character or description any item which is a new in box item and unless a receipt or other proof of purchase is provided.

(Ord. No. O-09-014, § 1(exh. A), 3-16-09)

Sec. 26-316.- Application for permit; review by city council.

- (a) Any person, association, partnership, corporation, trust or joint venture desiring to obtain a permit to operate, engage in, conduct or carry on a pawnshop as required by this article shall make application to the finance director through its designated representative.
- (b) Each application for a pawnshop permit shall contain the following information:
 - (1) The owner(s)'s full true and legal name(s) and any other aliases or name changes used in the last five years.
 - (2) The present address and telephone number of the owner(s).
 - (3) Acceptable written proof that the owner(s) is at least 18 years of age.
 - (4) Business, occupation or employment history of the owner(s) for the five years immediately preceding the date of the application.
 - (5) The pawnshop permit history of the owner(s) and whether, in previous operations in this or any other city, state or territory, the owner(s) has had such permit revoked or suspended. If such permit has been revoked or suspended, the owner(s) must state the reason, and the business activity or occupation subsequent to such action of suspension or revocation.
 - (6) If the owner(s) is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with place and date of incorporation, and the names and addresses of each of its current officers and directors. If the owner(s) is a partnership, the applicant shall set forth the name, residence address and dates of birth of the partners. If the owner(s) is a limited partnership, it shall furnish a copy of its certificate filed with the county clerk or secretary of state. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The owner corporation(s) or partnership(s) shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required of an individual owner under this article, but only one application fee shall be charged.
 - (7) If any of the owners have been convicted of any crime involving moral character in the past ten years, the owner must provide a complete description of any such crime including date of violation, date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether the terms of the disposition have been fully completed.
 - (8) If the owner is a person doing business under a trade name, a copy of the trade name, properly recorded, must be provided. If owner is a corporation, a copy of authority to do business in Georgia, including articles of incorporation, trade name, affidavit, if any, and the last annual report, if any, must be provided.
 - (9) At least three character references from individuals who are in no way related to the owners and who are not or will not benefit financially in any way from the application if the permit is granted and who have not been convicted of any crime involving moral character. The finance department shall prepare forms, consistent with the provisions of this article, for the owner who shall submit all character references on such forms.
 - (10) Address of premises to be regulated.
 - (11) Payment for a survey to verify that the location is no closer than 2,500 feet to another pawnshop.
 - (12) Whether the premises are owned or rented.

- (13) Nature and character of the business to be conducted.
 - (14) Each application for a pawnshop occupation tax certificate shall be verified and acknowledged under oath to be true and correct by all owners.
 - (15) The owners must disclose any ownership interest in any other pawnshop, whether it is located locally or out-of-state and must disclose the nature of such ownership interest.
 - (16) The owner(s) must certify that there are no fees, taxes, fines, utilities or other charges due to the city.
 - (17) Any other information that may be required by the finance director or police department such as source of financing for the business operation.
- (c) The owners' representative shall personally appear at the city, and produce proof that the occupation tax has been paid and shall present the application containing the above-referenced information.
 - (d) The city shall have 45 days to investigate the application and background of the applicant.
 - (e) Upon completion of the review of the application by the finance department and the police department, the matter shall be placed on an agenda for mayor and council who may grant or deny the application consistent with this article. A denial of the application by mayor and council may be appealed to superior court.

(Ord. No. 0-09-014, § 1(exh. A), 3-16-09)

Sec. 26-317.- Denial of an application.

The finance director may reject, and the city council may deny an application which shows any of the following exist:

- (1) The required fees or taxes have not been paid.
- (2) The pawnshop will be located within 2,500 feet of another pawnshop.
- (3) Application does not conform to all the provisions required by the article.
- (4) The owner has failed to fully cooperate with the investigation required by this article.
- (5) Any owner has had any license or occupation tax certificate issued under the police powers of any county or other governmental subdivision suspended or revoked within the last ten years for the reason related to good moral character as defined herein.
- (6) The owner, as a previous holder of a license or occupation tax certificate to operate a pawnshop has violated any law, regulation or ordinance relating to the business, within a ten-year period immediately preceding the date of the application.
- (7) Any owner has been convicted in a court of competent jurisdiction within the last ten years of an offense involving any felony or any crime involving theft, fraud or against property or convicted in any state of any offense which if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses.
- (8) Any owner has engaged in any deceptive business practice as defined herein.
- (9) Any owner is less than 18 years of age.
- (10) Any owner is not to be good moral character as defined herein.
- (11) Any owner has failed to obtain any paper or document necessary in pursuance of this business or this application as may be required by any officer, agency or department of the city, county, state or United States under authority of any law, ordinance or resolution of the city, state or United States.

(Ord. No. 0-09-014, § 1(exh. A), 3-16-09)

Sec. 26-318.- Considerations in hearing of application.

In considering whether or not any permit applied for shall be granted, the following shall be considered by mayor and council in the public interest and welfare:

- (1) If any owner is a previous holder of a permit, the manner in which he or she conducted the business thereunder as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to the business.
- (2) The location for which the permit is sought as to traffic congestion, general character of the neighborhood and the effect such an establishment would have on the adjacent and surrounding property values.
- (3) The number of permits already granted for similar businesses in the city and the place for which the occupation tax certificate is sought.

(Ord. No. 0-09-014, § 1(exh. A), 3-16-09)

Sec. 26-319.- Change of location, name, or other information.

- (a) No pawnbroker shall move from the location specified on its permit until a change of location fee, established by city council, has been deposited with the city and approval has been obtained from the finance department for the city. Such approval shall not be given unless all requirements and regulations, as contained in the city's code, have been met.
- (b) No owner shall operate, conduct, manage, engage in, or carry on a pawnbroker business under any name other than his name and the name of the business as specified on the permit.
- (c) The owner shall notify the police department of any change in the information, material or data set out in the original application.

(Ord. No. 0-09-014, § 1(exh. A), 3-16-09)

Sec. 26-320.- Revocation and appeal of permit.

- (a) The city council shall be authorized to suspend, revoke or place on probation with or without conditions, any permit previously granted herein, upon hearing, with at least five days' written notice mailed to the owner at the permitted place or upon one or more the following: as
 - (1) An owner gave false or misleading information in the original application process;
 - (2) An owner commits a deceptive business practice as defined herein;
 - (3) An owner has knowingly allowed the continuous violation of an ordinance of the city or other law of the State of Georgia to occur on the premises;
 - (4) An owner has violated any provision of the pawnbroker ordinance;
 - (5) An owner has been convicted of any felony or any crime involving theft, fraud or against property, by the State of Georgia or the city regarding an offense which was committed on the premises or which would otherwise violate the provisions of this article;
 - (6) An owner fails to pay any fee, occupation tax, fine or other amount of money due to the city under this article or any other ordinance of the city;
 - (7) An owner has failed to obtain, or has suffered the expiration, suspension or revocation of any paper or document necessary in pursuance of its business as may be required by any officer, agency, authority, or department of the city, state, or United States under authority of any law, ordinance or resolutions of the city, state or the United States;
 - (8) An owner made any misrepresentation of fact, whether through advertisement or through any form of direct communication oral or written, which is intended to mislead the public or to mislead any party with whom the owner deals in pursuance of the regulated business. The term misrepresentation of fact as used herein shall embrace not only express misrepresentations but also misrepresentations arising by virtue of the owner's conduct, including acts and omissions;
 - (9) An owner has failed to make an entry of any material matter in his permanent record book; or falsified, obliterated, destroyed or removed from his place of business such permanent record book;
 - (10) An owner has failed to submit the daily report to the police department within the prescribed time; or has submitted an illegible, incomplete or improper daily report to the police department;
 - (11) An owner has refused to allow any duly authorized law enforcement officer to inspect his permanent record book, his daily report or any goods in his possession during the ordinary hours of business or at any reasonable time;
 - (12) An owner has failed to maintain a record of each pawn transaction, and fingerprints and photographs for at least four years;
 - (13) An owner has accepted a pledge or purchase of property from a person under the age of 18 years or who the owner knows is not the true owner of such property;
 - (14) An owner has made an agreement requiring the personal liability of the pledgor or seller or waiving any of the provisions of this part or providing for a maturity date less than one month after the date of the pawn transaction; or
 - (15) An owner has failed to return or replace the pledged goods to the pledgor or seller upon payment of the full amount due the owner unless the pledged goods have been taken into custody by a court or law enforcement officer or agency.
- (c) The decision of mayor and city council shall be final.

(Ord. No. 0-09-014, § 1(exh. A), 3-16-09)

Sec. 26-321.- Permit number.

Each owner hereunder shall have printed on the front window of the regulated premises the inscription, "City of Douglasville Pawnshop Permit Number _____" in uniform letters not less than three inches in height.

(Ord. No. 0-09-014, § 1(exh. A), 3-16-09)

Sec. 26-322.- Records and information to be maintained; display of pawnshop transaction number; identification; digital photographs; fingerprints; records storage.

- (a) All pawnbrokers shall maintain records documenting accurate descriptions of all property pledged, traded, pawned, exchanged, or sold to the pawnbroker. Such description shall include, to the extent possible, the manufacturer, model, serial number, style, material, kind, color, design, number of stones if jewelry, and all other identifying names, marks, and numbers. The pawnbroker shall assign a pawnshop transaction number documenting each transaction, and ensure each item received is tagged with the pawnshop transaction number.
- (b) The tag bearing the pawnshop transaction number must remain attached to the item until the property is disposed of by sale, trade, or other lawful means. This paragraph does not apply to the purchase of property from licensed wholesale or distributor businesses for the purpose of retail sales; however the pawnbroker shall be required to maintain all purchasing records for property exempted from this paragraph.
- (c) The pawnbroker shall require all persons pledging, trading, pawning, exchanging, or selling property to show proper identification prior to conducting a pawnshop transaction. Proper identification is defined as a government-issued photo identification card such as a driver's license, military identification card, state identification card, or passport.
- (d) The pawnbroker shall also document the name, address, telephone number, race, sex, height, weight, driver's license number, date of birth, and social security number of the person pledging, trading, pawning, exchanging, or selling the property, along with the date and time of transaction. This documentation shall be made at the time of the transaction.
- (e) The pawnbroker shall photograph, with a digital camera, the person pledging, trading, pawning, exchanging, or selling the property. The photograph shall clearly show a frontal view of the subject's face along with the pawnbroker's ticket transaction number. Digital images shall be labeled and stored in such a manner that they are safe from corruption, readily identifiable, and readily available for review.
- (f) The pawnbroker shall obtain from each person pledging, trading, pawning, exchanging, or selling any property, the fingerprint of the right hand index finger, unless such 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. The electronic digital fingerprint scanner will be the primary method of entry required. The fingerprint shall be imprinted onto the pawn transaction form in the designated area along with the signature of the person pawning, trading, pledging, exchanging, or selling the property. The fingerprint must be clear and legible. In the event that more than one pawn transaction form is required, a fingerprint and signature should be obtained for each form. Fingerprints and the information required herein shall be obtained each time such person pledges, trades, pawns, exchanges, or sells any property.
- (g) Items of property that appear to be new, unused, and in their original packaging cannot be accepted by the pawnbroker unless the customer can supply a copy of the original sales receipt, or other proof of purchase from the place of purchase, to the pawnbroker who shall retain the receipt or proof of purchase on file.
- (h) The pawnbroker shall store the above records, digital images, and fingerprints for a period of four years and make them available to law enforcement personnel upon request.
- (i) Every pawnshop shall enter each transaction as it occurs into the electronic automated reporting system via the internet to the administrator of the electronic automated reporting system. The administrator of the electronic automated reporting system will electronically transmit all transactions to the city police department.

(Ord. No. O-09-014, § 1(exh. A), 3-16-09; Ord. No. O-09-024, § 1(exh. A), 6-15-09)

Sec. 26-323.- Daily report to police; required format.

Every pawnbroker shall make a daily report in such form as may be prescribed by the chief of police, of all pawnshop transactions that occurred during 24 hours ending at 9:00 p.m. on the date of the report.

- (1) Daily reports shall list all property pledged, traded, pawned, exchanged, or sold, the pawn transaction number for each transaction, and a description of the property including, to the extent possible, the manufacturer, model, serial number, style, material, kind, color, design, number of stones if jewelry, and any other identifying names, marks, and numbers. The daily report shall also list the name, address, race, sex, height, weight, driver's license number, date of birth, and social security number of the person pledging, trading, pawning, exchanging, or selling the property, along with the date and time of the transaction.
- (2) Every pawnshop shall enter each transaction as it occurs into the electronic automated reporting system via the internet to the administrator of the electronic automated reporting system. The administrator of the electronic automated reporting system will electronically transmit all transactions to the city police department.
- (3)

In the event that the electronic automated reporting system becomes temporarily or permanently disabled, pawnshops and pawnbrokers will be notified as soon as possible. Pawnshops that incur electronic system failures or other events that would cause partial or complete loss of electronic reporting should notify the police department forthwith with the reason of the failure. In this event, the pawnbrokers will be required to make records of transactions on paper forms. A digital camera will be used to collect the required pictures and transferred to a CD for submittal. The paper forms must include information as enumerated in section 26-322. Pawnbrokers shall maintain a minimum three-day supply of these paper forms. On a daily basis, all transactions not reported in electronic automated reporting system, will be delivered to the police department by the pawnshop within two hours of the end of the business day for every day until the event has been corrected.

- (4) The chief of police or his designee shall designate the required automated reporting system and required equipment needed. There will be a regulatory fee assessed to each pawnshop for each reported transaction: said fee shall be an amount set by the chief of police equal to that charged by the administrator. This fee will be invoiced to the pawnbroker and collected by the chief of police or his designee, which may be a third party administrator of the automated reporting system.

(Ord. No. O-09-014, § 1(exh. A), 3-16-09; Ord. No. O-09-024, § 1(exh. A), 6-15-09)

Sec. 26-324.- Reserved.

Editor's note— Section 2 of Ord. No. O-09-024, adopted June 15, 2009, repealed § 26-324, which pertained to the requirement of fingerprints and identification and derived from Ord. No. O-09-014, adopted March 16, 2009.

Sec. 26-325.- Conflict of interest of city employees.

- (a) No employee of the city who has any interest in a pawnshop, as defined herein, shall be assigned to work in an area or division of the city which regulates the business of pawnshops.
- (b) No employee of the city with regulating authority may own, work in or be employed (paid or unpaid) by a pawnshop inside the city limits of the city. Regulating authority, for purposes of this article, is defined as any person involved in or assigned to the inspection of the premises, approval of the occupation tax certificate applications or pawnbroker permits; and granting or denying of such applications or permits, or enforcement of this article and its provisions such as law enforcement or police officers.
- (c) No employee of the city with regulating authority as defined herein, may regulate a pawnshop where such is owned or operated by any person related to the employee of the city within a third degree of kinship. The term third degree of kinship shall include, for purposes of this article, children, grandchildren, mother, father, brothers and sisters, aunts and uncles, first cousins and in-laws.
- (d) The definition of employees does not include elected officials of the city.
- (e) All persons already engaging in the operation of or employment by a pawnshop prior to the effective date of this article shall be exempt from the provisions of this section, and shall be allowed to continue such operation or employment, provided they meet all the other conditions imposed by this article.

(Ord. No. O-09-014, § 1(exh. A), 3-16-09)

Sec. 26-326.- Additional merchandise.

A pawnbroker selling goods other than those pledged may add new merchandise to his stock of the same type as that on which loans are made, up to a value of \$1,000.00 per month, without having to pay an additional occupation tax as would otherwise be imposed according to the terms of the business taxes of the city. The pawnbroker must maintain all records, invoices, and bills of sale on such merchandise which shall be subject to inspection and review by any duly authorized law enforcement. No article(s) shall be maintained on the premises for sale on a consignment basis for any citizen, employee or pawnbroker.

(Ord. No. O-09-014, § 1(exh. A), 3-16-09)

Sec. 26-327.- Disposition of articles or goods.

Any pawnbroker who takes goods on pawn or buys goods, taking full title thereto, the words goods being here used in the broadest sense and including all kinds of personal property, shall hold those goods so taken in pawn or purchased for at least 30 days or longer if directed by the police department before disposing of same by sale, transfer, shipment or otherwise. All property and/or titles taken in pawn or purchased must be kept on the premises where such items were pawned or purchased. These articles/titles will be maintained in an area not accessed by customers. Failure to comply with this section shall constitute a misdemeanor, as defined herein.

(Ord. No. O-09-014, § 1(exh. A), 3-16-09)

Sec. 26-328.- Restrictions regarding sale or pledge of building glass or plumbing material.

- (a) *Generally.* It is unlawful for pawnbrokers to purchase, advance money on, or take in pawn, glass taken from buildings, such as mantel mirrors, art glass and the like, or copper wire, copper linings of bathtubs, lead pipes or any kind of plumbing materials sold as junk, where same is offered for sale or pawned by other than persons of known good character.
- (b) *Duties of pawnbroker.* In all cases where goods are purchased or money advanced, pawnbrokers shall keep a record of the purchases or advances, showing the names of the person from whom received, their residence, the goods so taken and the amount of money paid or advanced, and this shall be at all times open for inspection to members of the police department. It is unlawful for pawnbrokers or employees thereof to purchase any goods, or to advance any money thereon, where their appearance indicates they have been tampered with, or there is an effort to conceal identity, or same are mutilated, or otherwise show an effort to destroy evidence of the former location of the property.
- (c) *Inspection.* While the goods are being kept for 30 days before being disposed of, they shall be so arranged that they can be inspected by members of the police department on demand and the article location(s) shall be annotated in records readily available for inspection by the police department. Failure to comply with this section shall constitute an offense.

(Ord. No. O-09-014, § 1(exh. A), 3-16-09)

Sec. 26-329.- Redemption; lost or damaged goods.

Any person properly identifying himself/herself and presenting a pawn ticket to the pawnbroker shall be presumed to be the pledgor or seller and shall be entitled to redeem the pledged goods described in such ticket. In the event such pledged 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 and proof of replacement shall be a defense to prosecution. For the purposes of this subsection, lost includes destroyed or having disappeared because of any cause, whether known or unknown, that results in the pledged goods being unavailable for return to pledgor.

(Ord. No. O-09-014, § 1(exh. A), 3-16-09)

Sec. 26-330.- Penalties for violation.

Any person violating the provisions of this article shall be guilty of a misdemeanor punishable pursuant to section 1-3. In addition to such fine or imprisonment, any person dialing to comply with any provision of this article, or other laws, ordinances or regulations as may be passed by city council in regulating the conduct of the business of a pawnbroker, shall be grounds for immediate suspension or revocation of the occupation tax certificate hereunder.

(Ord. No. O-09-014, § 1(exh. A), 3-16-09)

Sec. 26-331.- Business existing on date of adoption of this article.

All persons already engaging in the business of operating a pawnshop prior to the effective date of this article shall file an application in accordance with the terms of this article by January 1 for the first year in which such permit is requested, and each year thereafter, on January 1 of the year for which such occupation tax certificate is requested in accordance with the renewal provisions set forth in this article. If the city council shall determine that the application filed pursuant to this subsection should be denied the applicant may continue to operate his or her business until the conclusion of the year in which they have a permit to operate.

(Ord. No. O-09-014, § 1(exh. A), 3-16-09)

Secs. 26-332—26-399.- Reserved.