

Douglasville, Georgia, Code of Ordinances >> PART II - CODE >> **Chapter 26 - BUSINESSES** >>  
**ARTICLE XII. - SECONDHAND DEALERS** >>

**ARTICLE XII. - SECONDHAND DEALERS** <sup>[34]</sup>

Sec. 26-500. - Definitions.

Sec. 26-501. - Annual permit required; other violations.

Sec. 26-502. - Exemptions.

Sec. 26-503. - Fixed physical location.

Sec. 26-504. - Secondhand dealer and employee permits.

Sec. 26-505. - Operation of an unregulated premises unlawful.

Sec. 26-506. - Renewal of permits.

Sec. 26-507. - Permit nontransferable.

Sec. 26-508. - Unlawful operation declared nuisance.

Sec. 26-509. - Reserved.

Sec. 26-510. - Application for permit; approval by city council.

Sec. 26-511. - Denial of an application.

Sec. 26-512. - Considerations in hearing of application.

Sec. 26-513. - Change of location, name, or other information.

Sec. 26-514. - Revocation and appeal of permit.

Sec. 26-515. - Permit number.

Sec. 26-516. - Records and information to be maintained: display of secondhand dealership transaction number; identification; digital photographs; fingerprints; records storage.

Sec. 26-517. - Daily report to police; required format.

Sec. 26-518. - Disposition of articles or goods.

Sec. 26-519. - Restrictions regarding sale or pledge of building glass or plumbing material.

Sec. 26-520. - Additional registration and restrictions for dealers in precious metals and gems.

Sec. 26-521. - Penalties for violation.

Sec. 26-522. - Business existing on date of adoption of this article.

**Sec. 26-500.- 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, 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.

*Acquire* means buying, exchanging, transferring, collecting, or otherwise receiving physical possession of regulated secondhand items from another person or entity not a secondhand dealer, for resale, exchange, or transfer by the purchaser.

*Bulk metal* means all solid nonprecious metal goods weighing three pounds or more for the entire quantity received from one supplier in any one calendar day.

*Consigned goods* means goods or items accepted by the dealer for resale where ownership of the goods or items is retained by the supplier, or where payment to the supplier by the dealer is contingent on resale by the dealer.

*Dealer in precious metals and gems* means:

(1)

Any person engaged in the business of purchasing precious metals or gems or goods made from precious metals or gems from persons or sources other than manufacturers, manufacturers' representatives, or other dealers in precious metals or gems; or

- (2) A person engaged in any other business if, in conjunction with such business, precious metals or gems or goods made from precious metals or gems are purchased from persons or sources other than manufacturers, manufacturers' representatives, or other dealers in precious metals or gems where such purchase is for resale in its original form or as changed by remounting, melting, re-forming, remolding, or recasting or for resale as scrap or in bulk.

*Deceptive business practice* means:

- (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. § 10-1-300 et seq.;
- (6) Any other fraudulent business transaction which is made punishable by the laws of the State of Georgia.

*Electronic media* means all non-blank video games, compact discs and CD's, video discs and DVD's, computer software, VHS, SIM cards, flash drives, vinyl records, 8-track tapes, cassette tapes, audio and/or video tapes, and like media. Electronic media does not include playing systems such as game boxes, stereos, computer hardware, phones, and the like.

*Employee* means any person who works for a secondhand dealer, whether on a part-time or full-time basis, regardless of whether remuneration is received or not.

*Good moral character* means 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 secondhand dealership* means any full or part ownership if the person involved, or any member of his or her family, is the outright owner of the secondhand dealership; a co-owner of the secondhand dealership; a partner in a partnership which owns all or part of the secondhand dealership; a stockholder in any corporation organized for pecuniary gain which owns all or any part of the secondhand dealership.

*Licensed supplier* means a wholesaler, retailer, or distributor which sells only new items and possesses a current business license in the State of Georgia.

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

*Nonregulated secondhand items* means real property, visual fine art other than jewelry, motor vehicles, motorcycles, motorized water craft, waste paper, tires, lumber or raw wood products, industrial machinery, and any fungible goods other than bulk metal held for mass recycling.

*Occupation tax certificate* means permission to operate a business pursuant to ordinances of the city.

*Permit* means permission to be a secondhand dealer, or to be employed or work in a secondhand dealership and to receive regulated secondhand goods from a seller on behalf of a secondhand dealer.

*Person* means an association, firm, partnership and body politic and corporate, or any combination thereof, as well as an individual.

*Police department* means the chief of police or his designee.

*Regulated secondhand items* means new or used goods sold or acquired for resale by a secondhand dealer which are:

- (1) Precious metal or gems as defined by OCGA § 43-37-1 et seq., bulk metal, or electronic media; or
- (2) All other nonexempt goods of any kind other than non-regulated secondhand items defined in this section, and includes but is not limited to the following: hand tools, power tools, sporting equipment, electronic equipment, watches, jewelry, precious stones, precious metals, scrap gold, numismatic coins, musical instruments, electrical appliances, washers, dryers, clothing, electronic media, furniture, refrigerators, furniture and home furnishings, home appliances, automobile parts, watercraft parts, and other goods that have been previously sold or put into action or service and all new items for sale by a secondhand dealer.

*Secondhand dealer* means any person whose business, in whole or in part, is dealing in purchasing, selling, or trading regulated secondhand items.

*Seller* or *supplier* means the person from whom a secondhand dealer or employee acquired new or secondhand items.

*Substantially similar* means similar in function, style and manufacture, except for color and size.

(Ord. No. O-2010-40, § 1(Exh. A), 10-18-10)

### **Sec. 26-501.- Annual permit required; other violations.**

No person shall acquire or transfer any previously acquired nonexempt regulated secondhand items as a secondhand dealer or become an employee without a secondhand dealer permit. It shall be unlawful for any secondhand dealer or employee to:

- (1) Make any false statement in an application for a permit required by this article; or
- (2) Make any false entry in any record book, ledger or form required by this article.

(Ord. No. O-2010-40, § 1(Exh. A), 10-18-10)

### **Sec. 26-502.- Exemptions.**

(a) *Exempt vendors.* The following vendors are exempt from the provisions of this article:

- (1) Tax-exempt entities;
- (2) Vendors at one-day auctions, and permitted yard sales;
- (3) Pawnbrokers.

(b) *Exempt goods.* All bulk metal, electronic media, and precious metals and gems are nonexempt regulated goods, even where the same may otherwise qualify for one or more of the exemptions listed in this subsection; subject only to that inclusion, the following specified goods are exempt from the requirements of this article:

- (1) Licensed supplier goods. All new items of any kind purchased by the dealer directly from a licensed supplier.
- (2) Consigned goods.
- (3) Goods which will be offered for a resale price less than \$40.00, unless received from the supplier:
  - a. In substantially similar multiples of more than two from the same supplier in any one calendar day, or
  - b. In the original box or package, or
  - c. With previous retail tags still attached.
- (4) Firearms.
- (5) Books and magazines.
- (6) Motor vehicles, motorcycles, motorized water craft.
- (7) Fungible goods other than bulk metal held for mass recycling, including but not limited to waste paper, tires, lumber or raw wood products, industrial machinery.
- (8) Children's furniture and equipment. All furniture, strollers, car seats, playpens and like portable equipment (but not sporting goods) designed primarily for use by a child age six years or younger.
- (9) Visual fine art other than jewelry.

(c) *Dealers of exempt goods exclusively.* Secondhand dealers who sell only exempt or nonregulated goods shall not be required to obtain a secondhand dealer's permit, nor to comply with any other provision of this article.

(Ord. No. O-2010-40, § 1(Exh. A), 10-18-10; Ord. No. O-2010-43, § 1, 11-15-10)

### **Sec. 26-503.- Fixed physical location.**

No secondhand dealer or employee may operate except at a fixed permanent physical business location with an occupation tax registration; no dealer or employee may operate as a peddler or transient merchant.

(Ord. No. O-2010-40, § 1(Exh. A), 10-18-10)

### **Sec. 26-504.- Secondhand dealer and employee permits.**

- (a) *Qualifications.* All secondhand dealers and employees, as defined herein, shall be not less than 18 years of age, and must be of good moral character as defined by this article. Any person 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 secondhand dealership 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 secondhand dealer and employee must disclose any ownership or interest in any other secondhand dealership, whether it is located locally or out-of-state and must disclose the nature of such ownership or interest.
- (c) *Approval for employment.* Before any person may work on the premises of a secondhand dealership, he shall file an application with the city finance department setting out the information required in subsections (a) and (b) of this section. Each applicant must be fingerprinted by the police department. The city shall have 45 days to investigate the information submitted by the applicant. If the applicant is found to be of good moral character by the police department, the mayor and council shall consider approval of the applicant for a permit and annual personal identification card authorizing the person to be employed at a secondhand dealership. Upon approval, the applicant may begin working on the regulated premises. It shall be the duty of the secondhand dealer to assure compliance with that the provisions of this section. Every permit holder is required to notify the city finance department of any change in information or circumstances which occurs after the original approval was granted. If approval is denied, the applicant may, within ten days, apply in writing to the city finance department for reconsideration by the police department. 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 secondhand dealer shall subject the party to suspension of any permit authorized by this article and the occupation tax registration for the secondhand dealership.
- (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 secondhand dealership.

(Ord. No. O-2010-40, § 1(Exh. A), 10-18-10)

### **Sec. 26-505.- Operation of an unregulated premises unlawful.**

It is unlawful for any person to engage in, conduct or carry on within the city any secondhand dealership, as defined herein, without a secondhand dealer permit and 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. O-2010-40, § 1(Exh. A), 10-18-10)

### **Sec. 26-506.- Renewal of permits.**

Permits for secondhand dealers and employees may be renewed on a calendar year basis provided that the applicants continue to meet the requirements set out in this article. Each secondhand dealer must file a verified annual report showing the person's gross receipts from the business 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. O-2010-40, § 1(Exh. A), 10-18-10)

### **Sec. 26-507.- Permit nontransferable.**

No secondhand dealer 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. O-2010-40, § 1(Exh. A), 10-18-10)

**Sec. 26-508.- Unlawful operation declared nuisance.**

Any secondhand dealership 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 secondhand dealership and restrain and enjoin any person from operating, conducting or maintaining a secondhand dealership 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-2010-40, § 1(Exh. A), 10-18-10)

**Sec. 26-509.- Reserved.**

**Sec. 26-510.- Application for permit; approval 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 secondhand dealership as required by this article shall make application to the finance director through its designated representative.
- (b) Each application for a secondhand dealership permit shall contain the following information:
- (1) The applicant'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 applicant.
  - (3) Acceptable written proof that the individual applicant is at least 18 years of age.
  - (4) Business, occupation or employment history of the applicant for the five years immediately preceding the date of the application.
  - (5) The secondhand dealership permit history of the applicant and whether, in previous operations in this or any other city, state or territory, the applicant has had such permit revoked or suspended. If such permit has been revoked or suspended, the applicant must state the reason, and the business activity or occupation subsequent to such action of suspension or revocation.
  - (6) If the applicant 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 applicant is a partnership, the application shall set forth the name, residence address and dates of birth of the partners. If the applicant 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 applicant corporation(s) or partnership(s) shall designate one of its officers or general partners to act as its responsible managing officer. Such designated applicants 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 applicant has been convicted of any crime involving moral character in the past ten years, the applicant 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 applicant is doing business under a trade name, a copy of the trade name, properly recorded, must be provided. If the applicant 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 applicant 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, must be provided. The finance department shall prepare forms, consistent with the provisions of this article, for the applicant who shall submit all character references on such forms.
  - (10) Address of secondhand dealership to be regulated.
  - (11) Whether the premises are owned or rented.
  - (12) Nature and character of the business to be conducted.
  - (13) Each application for a secondhand dealership permit shall be verified and acknowledged under oath to be true and correct by all owners.
  - (14)

Any ownership interest in any other secondhand dealership, whether it is located locally or out-of-state and the nature of such ownership interest.

- (15) Statement that there are no fees, taxes, fines, utilities or other charges due to the city from the applicant.
- (16) 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 applicant 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. O-2010-40, § 1(Exh. A), 10-18-10)*

### **Sec. 26-511.- 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 secondhand dealership will be located within 2,500 feet of another secondhand dealership.
- (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 secondhand dealership 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. O-2010-40, § 1(Exh. A), 10-18-10)*

### **Sec. 26-512.- 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 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.

*(Ord. No. O-2010-40, § 1(Exh. A), 10-18-10)*

### **Sec. 26-513.- Change of location, name, or other information.**

- (a) No secondhand dealer 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 secondhand dealer 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. O-2010-40, § 1(Exh. A), 10-18-10)

### **Sec. 26-514.- 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 secondhand dealer 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; or
  - (13) An owner has accepted acquired secondhand items from a person under the age of 18 years or who the owner knows is not the true owner of such property.
- (b) The decision of mayor and city council shall be final.

(Ord. No. O-2010-40, § 1(Exh. A), 10-18-10)

### **Sec. 26-515.- Permit number.**

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

(Ord. No. O-2010-40, § 1(Exh. A), 10-18-10)

### **Sec. 26-516.- Records and information to be maintained; display of secondhand dealership transaction number; identification; digital photographs; fingerprints; records storage.**

- (a) All secondhand dealers shall maintain records documenting accurate descriptions of all property pledged, traded, pawned, exchanged, or sold to the secondhand dealer. 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 secondhand dealer shall assign a secondhand dealership transaction number documenting each transaction, and ensure each item received is tagged with the secondhand dealership transaction number.
- (b) The tag bearing the secondhand dealership 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 secondhand dealer shall be required to maintain all purchasing records for property exempted from this paragraph.

- (c) The secondhand dealer shall require all person selling secondhand items to him to show proper identification prior to conducting a secondhand dealership 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 secondhand dealer 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 selling the secondhand items, along with the date and time of transaction. This documentation shall be made at the time of the transaction.
- (e) A digital photograph shall be made by the dealer or employee at the time of acquisition of any regulated secondhand item of the item's serial number, which number shall be clearly visible and readable in the photograph if imprinted on the item. If the item was never imprinted with any type of serial number, then the photograph shall show the entire item. All such digital photographs shall be submitted to the automated reporting system. Further, a digital photograph of the seller's face, similar to those on accepted identification, shall be made at the time of each and every acquisition and submitted to the automated reporting system. The photograph shall clearly show a frontal view of the seller's face along with the secondhand dealer'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 secondhand dealer shall obtain from each seller 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 transaction form in the designated area along with the signature of the seller. The fingerprint must be clear and legible. In the event that more than one transaction form is required, a fingerprint and signature shall be obtained for each form. Fingerprints and the information required herein shall be obtained upon each occasion of acquisition.
- (g) The secondhand dealer shall store the above records, digital images, and fingerprints for a period of four years and make them available to law enforcement upon request.
- (h) Every secondhand dealership 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-2010-40, § 1(Exh. A), 10-18-10)*

### **Sec. 26-517.- Daily report to police; required format.**

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

- (1) Daily reports shall list all secondhand items acquired, the transaction number for each transaction, and a description of the secondhand items 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 seller of the items, along with the date and time of the transaction.
- (2) Every secondhand dealership 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, secondhand dealerships and secondhand dealers will be notified as soon as possible. Secondhand dealerships 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 secondhand dealers 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 this article. Secondhand dealers 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 secondhand dealership 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 secondhand dealership 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 secondhand dealer 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-2010-40, § 1(Exh. A), 10-18-10)

#### **Sec. 26-518.- Disposition of articles or goods.**

Any secondhand dealer who acquires nonexempt regulated secondhand items shall hold them 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 must be kept on the premises. These secondhand items will be maintained in an area not accessed by customers.

(Ord. No. O-2010-40, § 1(Exh. A), 10-18-10)

#### **Sec. 26-519.- Restrictions regarding sale or pledge of building glass or plumbing material.**

- (a) *Generally.* It is unlawful for secondhand dealers to acquire secondhand items 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 by other than persons of known good character.
- (b) *Duties of secondhand dealer.* It is unlawful for secondhand dealers or employees thereof to purchase any secondhand items 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 items.
- (c) *Inspection.* While the items 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 items shall be annotated in records readily available for inspection by the police department.

(Ord. No. O-2010-40, § 1(Exh. A), 10-18-10)

#### **Sec. 26-520.- Additional registration and restrictions for dealers in precious metals and gems.**

Dealers in precious metals and gems shall comply with the requirements of OCGA § 43-37-1 et seq., and shall register with the police department as required by State law, in addition to compliance with this article. Every dealer in precious metals and gems shall be considered a secondhand dealer for purposes of this article. It shall be unlawful for any person to advertise or transact business as a dealer in precious metals or gems without first registering pursuant to do so. It shall be unlawful for any dealer in precious metals or gems to purchase precious metals in a melted or smelted state unless the purchase is from a registered dealer in precious metals or gems.

(Ord. No. O-2010-40, § 1(Exh. A), 10-18-10)

#### **Sec. 26-521.- Penalties for violation.**

Any applicant 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 applicant 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 secondhand dealer, shall be grounds for immediate suspension or revocation of the permit and occupation tax certificate hereunder.

(Ord. No. O-2010-40, § 1(Exh. A), 10-18-10)

#### **Sec. 26-522.- Business existing on date of adoption of this article.**

All applicants already engaging in the business of operating a secondhand dealership in the city prior to the effective date of this article shall file an application in accordance with the terms of this article by January 1, 2011, 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-2010-40, § 1(Exh. A), 10-18-10)

## FOOTNOTE(S):

---

<sup>(34)</sup> **Editor's note**— Ord. No. O-2010-40, § 1(Exh. A), adopted Oct. 18, 2010, repealed former Art. XII, §§ 26-500—26-522, and enacted a new Art. XII as set out herein. Former Art. XII pertained to the same subject matter and derived from Ord. No. O-2010-1, § 1(Exh. A), 1-19-10; Ord. No. O-2010-8, § 1, 3-15-10. ([Back](#))