GWINNETT COUNTY BOARD OF COMMISSIONERS

LAWRENCEVILLE, GEORGIA

RESOLUTION

A RESOLUTION TO APPROVE AND ADOPT THE SECOND AMENDMENT TO THE GWINNETT COUNTY PAWN SHOP ORDINANCE

READING AND ADOPTION: 12/15/2009

At the regular meeting of the Gwinnett County Board of Commissioners held in the Commission Meeting Room, 75 Langley Drive, Lawrenceville, Georgia.

Present	Vote
Charles E. Bannister, Chairman	Yes
Shirley Lassiter, District 1	Yes
Bert Nasuti, District 2	Yes
Michael A. Beaudreau, District 3	Yes
Kevin Kenerly, District 4	Yes

On motion of Commissioner Mike Beaudreau, seconded by Commissioner Kevin Kenerly which carried 5-0, the following Resolution was adopted:

A RESOLUTION TO APPROVE AND ADOPT THE SECOND AMENDMENT TO THE GWINNETT COUNTY PAWN SHOP ORDINANCE

BE IT RESOLVED this the 15th day of December, 2009.

BOARD OF COMMISSIONERS
GWINNETT COUNTY, GEORGIA

By: _____
CHARLES E. BANNISTER
Chairman

ATTEST:

COUNTY CLERK

APPROVED AS TO FORM:

Tuwanda Rush Williams
Senior Assistant County Attorney

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: Second Amendment to 2002 Pawn Shops Ordinance

WHEREAS, Gwinnett County finds that while pawn brokers provide a valuable service to citizens they also provide the opportunity for criminals to sell stolen property which can be easily received and quickly disposed of; and

WHEREAS, Gwinnett County also finds that public safety regulation is warranted in transactions involving pawn brokers in order to locate stolen property, positively identify those responsible for disposing of stolen property and returning this property to its rightful owner; and

WHEREAS, Gwinnett County further finds that the pawn industry currently process approximately 22,000 transactions per month and the number of transactions has outgrown the County's ability to effectively or efficiently process transactions and identify criminal activity; and

WHEREAS, the purpose of this Ordinance is to provide an enhanced ability for the police department to electronically monitor pawn transactions and improve reporting procedures thus increasing the likelihood of identifying criminal activity and returning stolen property to its rightful owner; and

WHEREAS, Gwinnett County finds that by enacting this ordinance the Gwinnett County Police Department will be better able to protect the property of its citizens, identify and arrest those responsible for crimes and increase public safety

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF GWINNETT COUNTY, GEORGIA:

Pawnshop Ordinance

Chapter 82 PAWNSHOPS*

*Cross references: Businesses, ch. 18; applicability of precious metal dealer provisions, § 18-180.

Sec. 82-1. Definitions.
Sec. 82-2. Annual permit required.
Sec. 82-3. Permit prerequisite to issuance of occupation tax certificate.
Sec. 82-4. Application for permit.
Sec. 82-5. Regulation as to employees and managers.
Sec. 82-6. Denial, suspension or revocation of permit.
Sec. 82-7. Hearings for denial, suspension or revocation of permit.
Sec. 82-8. Occupation tax certificate applications, renewals and qualifications.
Sec. 82-9. Suspension or revocation of occupation tax certificate.
Sec. 82-10. Hearings for the denial, suspension or revocation of certificate.
Sec. 82-11. Records and information to be maintained; display of pawnshop transaction number; identification; digital photographs; fingerprints; records storage.
Sec. 82-12. Daily report to police; required format.
Sec. 82-13. Property not to be disposed of for 30 days after acquisition; location of property; police holds.
Sec. 82-14. Dealing with minors.
Sec. 82-15. Responsibility for enforcement.
Sec. 82-16. Penalty for violation.

Sec. 82-1. Definitions.

Automated reporting system means:
A computer based system specified by the chief of police designed to record and transmit data and information electronically.
Employee means:
(1) Any owner or pawnbroker who, in the performance of his or her duties or the management of the business affairs of a pawnshop, comes into contact with members of the public; or
(2) Any person working for an owner or pawnbroker; or
(3) Any person who is employed on a part-time or full-time basis, either with or without remuneration, by a pawnshop.

Pawn or pledge means:
A bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the 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 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 from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this chapter.
Pawnshop means:
Any business wherein a substantial part thereof is to take or receive, by way of pledge, pawn, consignment or exchange, any goods, wares, merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.
Pawnshop transaction means to take or receive any article of property or, from any customer, by pawning, pledging, trading, exchanging, purchasing, or other means.
Police department means:
The Gwinnett County police department.
Third party administrator means:
Any individual, business or corporation designated by the chief of police to administer the reporting requirements of this ordinance.
(Ord. of 9-19-95; Ord. of 6-18-02(2), § 1)

Sec. 82-2. Annual permit required.

All persons before beginning the business of operating a pawnshop or similar place persons pledging, trading, pawning, exchanging, or selling property shall first file an application with the county police department for an annual permit to conduct such business. The issuance of such permit will be based on a criminal history background investigation of the applicant. The cost of the permit/criminal history background investigation shall be $100.00, or a fee established by the board of commissioners. This fee is imposed to cover investigative expenses and/or administrative costs associated with issuing an initial permit for all owners. In the event an owner has more than one pawnshop, then each location will be assessed the above fee. This fee is nonrefundable in the event an applicant, for any reason, is not issued a permit and/or an occupational tax certificate. Owners are required to renew the permit upon expiration thereof and shall be required to pay a renewal fee established by the board of commissioners.
(Ord. of 9-19-95; Ord. of 6-18-02(2), § 1)

Sec. 82-3. Permit prerequisite to issuance of occupation tax certificate.

No occupation tax certificate required by this chapter shall be granted to any person until a permit required by section 82-2 of this chapter has been issued or approved by the county police department.
(Ord. of 9-19-95; Ord. of 6-18-02(2), § 1)

Sec. 82-4. Application for permit.

The application for the annual permit required by section 82-4 shall state the street number and address at which the business is proposed to be operated. The application shall contain the full name, address, phone number, date of birth, photograph, and social security number of all persons, including pawnbrokers and employees, having any interest in the proposed business, plus any additional information, including fingerprints, deemed necessary by the licensing and revenue manager and/or the county police department.
(Ord. of 9-19-95; Ord. of 6-18-02(2), § 1)

Sec. 82-5. Regulation as to employees and managers.

(a) No person shall be employed by a pawnshop in any capacity until such person is found to be in compliance with the qualifications as described in this section and has paid a fee which shall be established by the board of commissioners. Upon complying with the requirements of this chapter, a permit card authorizing such person to be a pawnshop employee will be issued. Each employee and/or manager will be required to renew the permit card annually. The permit card and occupation tax certificate will expire annually, on the date established generally for expiration of the occupation tax certificate. All persons having any interest in the proposed business including each owner, employee, manager, and pawnbroker shall while on the pawnshop premises, have in their possession and available for inspection such permit card. It shall be the duty of the pawnbroker to insure compliance with the provisions of this section.
(b) The following qualifications shall apply to all employees and managers:
(1) No permit shall be issued until such time as a signed application has been filed with the county police department, chief of police or his designee and a search of the criminal record of the person completed. Such application shall include the applicant's name, fingerprints, social security number, date of birth, and prior arrest record; though an applicant's arrest record shall be used for investigative purposes only and shall not give rise to a presumption or inference of guilt. Applicant must also provide positive identification (only official government issued pictured identification accepted, e.g. U.S. driver's license, passport, military card, or U. S. state identification card).
(2) The chief of police or his designee shall conduct a complete and exhaustive search relative to any police record of the applicant.
(3) In the event the applicant is qualified for employment in a pawnshop under this section and there is no record of a violation of this chapter, the chief of police or his designee shall issue a permit to the applicant, by mail, stating that the person is eligible for employment. If it is found that the person is not qualified for a permit and therefore ineligible for employment in a pawnshop, the chief of police or his designee shall notify the person in writing, that they are not eligible for employment, the cause of such denial and their right to appeal.
(4) No person who has been convicted or pled guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, or any felonies, or any crime involving theft or fraudulent practices shall be issued a permit for the five years preceding the date of application. For purposes of this chapter, a conviction or plea

of guilt or nolo contendere entered under the Georgia First Offender Act, O.C.G.A. § 42-8-60 et seq., shall be ignored. Provided, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender status or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

(5) No person shall be issued a permit if it is determined that the person falsified, concealed, or misrepresented any material fact by any device, trick, or scheme while making application to the police department for a pawnshop permit under this section.

(6) All permits issued through administrative error can be terminated and seized by the chief of police or his designee or the licensing and revenue manager or his designee.

(7) Replacement permits will be issued within thirty (30) days of original date, upon paying one-half of the fee charged for pawnshop permits. After thirty (30) days of original application date, a new application and fee must be submitted.

(8) All permits issued hereunder remain the property of the county police department, and shall be produced for inspection upon the demand of any officer or designee of the county police department or employee of the licensing and revenue department.

(9) No pawnshop owner shall allow any employee or manager to work on the premises unless the employee or manager has in their possession a current valid county permit. For new employees, a receipt issued by the county police permit unit may be used for a maximum of thirty (30) days from the date of issue. Pawnshop owners are required by this chapter to inspect and verify that each employee or manager has in their possession a valid current pawnshop permit. Issuance of this fee receipt shall allow the applicant to work in the position applied for only until such time as the required criminal history background investigation is completed. The temporary privilege conferred by issuance of this fee receipt shall expire immediately upon completion of such background investigation. If the background investigation indicates that the applicant does not meet the requirements for issuance of a pawnshop permit, the applicant may appeal the denial of the permit as provided in this chapter. However, issuance of this fee receipt and the temporary privilege granted thereby shall not be construed as conferring any right or privilege to the applicant to continue working in the position for which the permit sought during the pendency of the appeal from the denial of a permit under this chapter.

(10) It shall be the duty of all persons holding a pawnshop occupation tax certificate to file with the chief of police or his designee, the name of the establishment, the occupation tax certificate number and a list of all employees, including their date of birth, social security number, home address and home telephone numbers twice annually; during the month of June and again during the month of December.

(11) If it is determined that any person issued a pawnshop permit has falsified, concealed, or misrepresented any material fact by any device, trick, or scheme in the application for the pawnshop permit such permit shall be revoked or canceled.

(12) County employees who are directly involved in the issuance of pawnshop permits or in the regulation of pawnshops shall not be eligible for a permit.

(Ord. of 9-19-95; Ord. of 6-18-02(2), § 1)

Sec. 82-6. Denial, suspension or revocation of permit.

A permit may be denied, suspended or revoked by the chief of police or his designee where the pawnbroker or employee furnishes fraudulent or untruthful information in the application for a permit or fails to meet all qualifications set forth under the provisions of this chapter.
(Ord. of 6-18-02(2), § 1)

Sec. 82-7. Hearings for denial, suspension or revocation of permit.

No permit shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided.
(1) The chief of police or his designee shall provide written notice to the applicant of his or her order to deny, suspend or revoke the permit. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant of the right to appeal under the provisions of this chapter. Any applicant who is aggrieved or adversely affected by a final action of the chief of police may have a review thereof by appeal to the alcohol license and permit appeal board established pursuant to the county alcoholic beverage ordinance.
Such appeal shall be by written petition, filed in the office of the licensing and revenue manager within fifteen (15) days after the final order or action of the chief of police and in order to defray administrative costs, must be accompanied by a filing fee of $100.00. The licensing and revenue manager, at his/her discretion, may waive or reduce the filing fee amount if it is determined the fee would create a hardship on the individual filing such appeal. The alcohol license and permit appeal board may, at the request of the appellant, refund the filing fee by a majority vote.
(2) A hearing shall be conducted on each appeal within thirty (30) days of the date of filing with the licensing and revenue manager unless a continuance of such date is agreed to by the appellant and the licensing and revenue manager. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross-examine witnesses. Should the appellant desire an official transcript of the appeal proceedings, then such request must be made at least three days prior to such hearing. The appellant shall have the burden of proof on any such appeal. Before hearing an appeal, each member of the alcohol license and permit appeal board shall sign an affidavit to be part of the record that he or she is not related to or personal friends with any owner of the establishment in question in the appeal being considered and that he or she has no financial interest in the outcome of the appeal. Should any member be unable to sign such an affidavit, that member shall not serve on that appeal and the case shall be heard by the remaining members of the alcohol license and permit appeal board.
(3) The findings of the alcohol license and permit appeal board shall be forwarded to the licensing and revenue manager within fifteen (15) days after the conclusion of the hearing, and it shall be the duty of the licensing and revenue manager to notify the appellant of the action of the alcohol license and permit appeal board.

(4) The findings of the alcohol license and permit appeal board shall not be set aside unless found to be

a. Contrary to law or ordinances, or

b. Unsupported by substantial evidence on the records as a whole, or

c. Unreasonable.

(5) The findings of the alcohol license and permit appeal board shall be final unless appealed within thirty (30) days of the date of such finding by certiorari to the superior court of the county.

(Ord. of 4-27-04)

Sec. 82-8. Occupation tax certificate applications, renewals and qualifications.

(a) All persons, firms, or corporations desiring to engage in the business, trade or occupation of a pawnshop shall, before engaging in such business, trade or profession, make application for an occupation tax certificate in the form and manner prescribed by the licensing and revenue manager.

(b) The application shall include but shall not be limited to the information required on all occupation tax returns, along with the following additional information:

(1) Full name, date of birth, address and social security number of applicant.

(2) Full name(s) dates of birth and social security numbers of any other persons having an ownership interest in the business. In the case of a corporation, this list shall include owners of ten percent or more of the common or preferred stock.

(3) Full names, dates of birth and social security numbers and titles of corporate officers where appropriate.

(4) Full names, addresses, telephone numbers, dates of birth, title and social security numbers of individuals to be employed.

(5) A copy of the alcohol, tobacco and firearms license where applicable.

(c) All occupation tax certificates granted under the provisions of this chapter shall expire annually, on the date established generally for expiration of the occupation tax certificates.

(d) Certificate holders who desire to renew their certificates shall file the application and all applicable fees with the licensing and revenue manager on the form prescribed for renewal of the certificate for the following year. Applications for renewal must be filed on or before the annual deadline provided for all businesses for filing of renewal applications, with payment of tax being due on the date(s) set for occupation taxes generally.

(e) All occupation tax certificates granted hereunder shall be for the full calendar year and are not subject to proration.

(f) It shall be the duty of the renewal applicant to obtain renewal permits as required by this chapter.

(g) The following occupation tax certificate qualifications shall also apply:

(1) No occupation tax certificate required by this chapter shall be granted to any person who is not a citizen of the United States or registered resident alien. Where the owner-applicant is a partnership or corporation, the provisions of this chapter shall apply to all its partners, officers, managers and majority stockholders.

(2) Where the applicant is a corporation, a certificate will be issued jointly to the corporation, president or chief executive officer and to the majority stockholder. Where the applicant is a partnership, the certificate may be issued to a partner or general partner.
(3) An occupation tax certificate for the practices listed herein may not be issued where the applicant has been convicted or plead guilty or entered a plea of nolo contendere, and has been released from parole or probation, to any crime involving moral turpitude, illegal gambling, or has been convicted of any felonies, or any crime involving theft or fraudulent practices within a period of ten years immediately prior to the filing of such application. At the time an application is submitted for any pawnshop occupation tax certificate, the applicant shall, by duly sworn affidavit, certify that neither the applicant, nor any of the other owners of the establishment, have been convicted or have plead guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, or have been convicted of any felonies, or any crime involving theft or fraudulent practices. Should any applicant, partner, or officer engaged in operating a pawnshop, after a certificate has been granted, be convicted or plead guilty or enter a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, or any felony, or any crime involving theft or fraudulent practices, the certificate and/or permit shall be immediately revoked or canceled.
(Ord. of 9-19-95; Ord. of 6-18-02(2), § 1)

Sec. 82-9. Suspension or revocation of occupation tax certificate.

(a) A certificate may be suspended or revoked by the licensing and revenue manager where the certificate holder furnishes fraudulent or untruthful information in the application for a certificate and failing to pay all fees, taxes, or other charges imposed under the provisions of this chapter.
(b) The licensing and revenue manager shall revoke the certificate for any premises where goods are pawned during a period of suspension.
(c) The licensing and revenue manager may suspend or revoke the certificate of any establishment which does not meet the qualifications set forth in this chapter any time such knowledge becomes known to him/her.
(d) An act or omission of a certificate holder, owner of more than twenty (20) percent interest in the establishment, or employee of the certificate holder or establishment willingly or knowingly performed, which constitutes a violation of federal or state law or of any provision of this chapter will subject the certificate holder to suspension or revocation of its certificate in accordance with the provisions of this chapter, when the licensing and revenue manager determines to his own satisfaction that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues. Provided, however, in the case of an employee, the licensing and revenue manager or his designee must determine that the acts of the employee were known to or under reasonable circumstances should have been known to the certificate holder, were condoned by the certificate holder, or where the certificate holder has not established practices or procedures to prevent the violation from occurring.

(e) The licensing and revenue manager may suspend or revoke the certificate of any establishment whenever it can be shown that a certificate holder hereunder no longer maintains adequate financial responsibility upon which issuance of the certificate was conditioned or whenever the certificate holder has defaulted in any obligation of any kind whatsoever, lawfully owing to county.

(f) Wherever this chapter permits the licensing and revenue manager to suspend any certificate issued hereunder but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection.

(1) No suspension shall be for a period of time longer than the time remaining on such certificate.

(2) The following factors shall be considered on any revocation or suspension as set out above:

a. Consistency of penalties mandated by this chapter and those set by the licensing and revenue manager.

b. Likelihood of deterring future wrongdoing.

c. Impact of the offense on the community.

d. Any mitigating circumstances or remedial or corrective steps taken by certificate holder.

e. Any aggravating circumstances or failure by the certificate holder to take remedial or corrective steps.

(Ord. of 9-19-95; Ord. of 6-18-02(2), § 1)

Sec. 82-10. Hearings for the denial, suspension or revocation of certificate.

No certificate shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided.

(1) The licensing and revenue manager shall provide written notice to the applicant or certificate holder of his or her order to deny, suspend or revoke the certificate. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant or certificate holder of the right to appeal under the provisions of this chapter. Any applicant or certificate holder who is aggrieved or adversely affected by a final action of the licensing and revenue manager may have a review thereof by appeal to the occupation tax rate review and appeal board.

Such appeal shall be by written petition, filed in the office of the licensing and revenue manager within fifteen (15) days after the final order or action of the licensing and revenue manager and in order to defray administrative costs, must be accompanied by a filing fee of $500.00. The licensing and revenue manager, at his/her discretion, may waive or reduce the filing fee amount if it's determined the fee would create a hardship on the individual filing such appeal. The occupation tax rate review and appeal board may, at the request of the appellant, refund the filing fee by a majority vote.

(2) A hearing shall be conducted on each appeal within thirty (30) days of the date of filing with the licensing and revenue manager unless a continuance of such date is agreed to by the appellant and the licensing and revenue manager. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross-examine witnesses. Should the appellant desire an official transcript of the appeal proceedings, then such request must be made at least three days

prior to such hearing. The appellant shall have the burden of proof on any such appeal. Before hearing an appeal, each member of the occupation tax rate review and appeal board shall sign an affidavit to be part of the record that he or she is not related to or personal friends with the appellant or any owner of the establishment in question in the appeal being considered and that he or she has no financial interest in the outcome of the appeal. Should any member be unable to sign such an affidavit, that member shall not serve on that appeal and the case shall be heard by the remaining members of the occupation tax rate review and appeal board.

(3) The findings of the occupation tax rate review and appeal board shall be forwarded to the licensing and revenue manager within fifteen (15) days after the conclusion of the hearing, and it shall be the duty of the licensing and revenue manager to notify the appellant and the chief of police or his designee of the action of the occupation tax rate review and appeal board.

(4) The findings of the occupation tax rate review and appeal board shall not be set aside unless found to be:

a. Contrary to law or ordinances;

b. Unsupported by substantial evidence on the records as a whole; or

c. Unreasonable.

(5) The findings of the occupation tax rate review and appeal board shall be final unless appealed within thirty (30) days of the date of such finding by certiorari to the superior court of the county.

(Ord. of 9-19-95; Ord. of 6-18-02(2), § 1; Res. of 10-21-03(4), § 2; Ord. of 4-27-04)

Sec. 82-11. Records and information to be maintained; display of pawnshop transaction number; identification; digital photographs; fingerprints; records storage.

Engaging in the business of pledging, trading, pawning, exchanging, or selling used or previously owned merchandise, furniture, machinery, appliances, utensils, firearms, gold, silver, coins, precious metals, jewelry, and precious stones within the unincorporated areas of the county is hereby declared to be affected with the public interest due to the opportunity it affords for the disposal of stolen property.

In the public interest and as set forth herein, all pawnbrokers shall maintain records documenting all pawnshop transactions.

(1) 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.

(2) 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.

(3) 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.

(4) The pawnbroker shall also document the name, address, telephone number, race, sex, height, weight, drivers 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.

(5) The pawnbroker shall photograph, with a digital camera or web 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 and a photograph of the item being pledged, traded, pawned, exchanged, or sold. Digital images shall be labeled and stored in such a manner that they are safe from corruption, readily identifiable, and readily available for review.

(6) 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 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.

(7) 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.

(8) 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.

(9) 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 county police department.

(Ord. of 9-19-95; Ord. of 6-18-02(2), § 1; Ord. of 4-27-04)

Sec. 82-12. 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 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 by the police department. In this event, the pawnbrokers will be required to make records of transactions in paper form as prescribed by the police department. Such paper forms must include all information as enumerated in Section 82-11. Pawnbrowers shall be responsible for maintaining an adequate inventory of these forms.

(4) The chief of police or his designee shall select and designate the required automated reporting system and required equipment needed. There will be a fee assessed to the pawnshop for each reported transaction. Said fee may be assessed against the persons pledging, trading, pawning, exchanging, or selling property. The accessed fee shall not exceed 50% of the actual cost charged by the police department or the third party 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. of 9-19-95; Ord. of 6-18-02(2), § 1)

Sec. 82-13. Property not to be disposed of for 30 days after acquisition; location of property; police holds.

(a) All property received through any pawnshop transaction shall be held for at least thirty (30) days before disposing of same by sale, transfer, shipment, or otherwise, except when property is redeemed as per a pawn transaction contract.

(b) All property pledged, traded, pawned, exchanged, or purchased shall be held and maintained by the pawnbroker on the premises of the pawnshop or, if impracticable, at such other location as may have been previously approved in writing by the chief of police or his designee. The chief of police shall not approve any off-premises storage facilities located outside Gwinnett County.

(c) The county police department has the authority to place property that is the subject of police investigation on "police hold." In that event, the county police department shall notify the pawnbroker of the need for a police hold and identify all property subject to the police hold. Upon notification, it shall be the responsibility of the pawnbroker to maintain the subject property until such time as the property is released from police hold status or the property is confiscated as evidence.
(Ord. of 9-19-95; Ord. of 6-18-02(2), § 1)

Sec. 82-14. Dealing with minors.

It shall be unlawful for any pawnbroker, his or her agents or employees, to receive through any pawnshop any property from minors. A minor, for the purpose of this section, is an individual 17 years of age or under.
(Ord. of 9-19-95; Ord. of 6-18-02(2), § 1; Ord. of 4-27-04)

Sec. 82-15. Responsibility for enforcement.

The county police department shall have the responsibility for the enforcement of this chapter. Sworn officers of the county police department and civilian employees designated by the chief of police shall have the authority to inspect establishments licensed under this chapter during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other county officer to conduct inspections authorized by other provisions of the county code.
(Ord. of 9-19-95; Ord. of 6-18-02(2), § 1)

Sec. 82-16. Penalty for violation.

Any person, firm, company, corporation or other entity who violates any provision of this chapter may be subject to arrest or summoned to appear in the Gwinnett County Recorder's Court and upon conviction or other finding of guilt, be punished by a fine of up to $1,000.00 or 60 days imprisonment, or both.
(Ord. of 9-19-95; Ord. of 6-18-02(2), § 1)

Sec. 82-17. Severability

If any portion of this ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining portions of this ordinance.

Sec 82-18 Effective date

The provisions of this ordinance shall be effective sixty (60) days following the approval by the Board of Commissioners.