

**FORSYTH COUNTY, GEORGIA
ORDINANCE NUMBER 96-B**

A Resolution and Ordinance amending Forsyth County Ordinance Number 96, the Forsyth County Pawnbrokers and Pawn Shop Establishment Ordinance, to modify the regulations governing Pawnbrokers and Pawn Shop Establishments; to repeal conflicting ordinances; and for other purposes.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the, unincorporated areas of the County; and,

WHEREAS, the governing authority of Forsyth County, to wit, the Board of Commissioners, desires to exercise its authority by amending the Forsyth County Pawnbrokers and Pawn Shop Establishment Ordinance to modify the regulations governing Pawnbrokers and Pawn Shop Establishments.

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY, GEORGIA AS FOLLOWS:

Section 1.

Ordinance No. 96, the Forsyth County Pawnbrokers and Pawn Shop Establishment Ordinance (codified as Chapter 22, Article III of The Code of Forsyth County, Georgia) is hereby revised by modifying Section 96-1 by adding a definition of the term "purchase" (codified as Section 22-90), Section 96-3(e) (codified as Section 22-92), Section 96-9, by adding a new subsection (c), (codified as Section 22-98), Section 96-11, by deleting subsection (b) and adding a new subsection (d), (codified as

Section 22-126), Section 96-12(a) (codified as Section 22-127) and Section 96-13 (codified as Section 22-128) by adding a new subsection (d), as follows:

“Sec. 96-1. Definitions

...

Purchase means any acquisition made by a pawnshop or pawnbroker of any item from an individual for any type of exchange, money, or store credit. Acquisitions from manufacturers, manufacturers’ representatives, or other pawnshops or pawnbrokers will not constitute a purchase.

...

Sec. 96-3. - Qualifications for issuance of license.

Any person who desires to obtain a license for the operation of a pawnshop must meet the minimum qualifications set forth in this section. If the applicant is a partnership, each partner must meet the qualifications of any individual license and must make sworn statements of these qualifications as part of the applications process. If the applicant is a corporation, the majority stockholder and each principal officer of the corporation must meet the qualifications as part of the applications process.

...

- (e) No license shall be issued where any partner, majority stockholder, principal officer, member, or other principal of the applicant is associated with any business that has had any pawnshop license issued by any county, municipality or other governmental subdivision suspended or revoked.

....

Sec. 96-9. – Enforcement; inspection.

...

- (c) Any person engaged in business as a pawnbroker who shall fail or refuse to keep books as provided in this article, or who shall make false entries in such books, or who shall fail or refuse to permit an inspection and examination by any duly authorized law enforcement officer of the books and of the articles pledged with or sold to them shall be in violation of this article.

Sec. 96-11. - Record of transactions.

- (b) Entries shall appear in ink and shall be in chronological order. No obliterations, alterations or erasures may be made. Corrections shall be made by drawing a line of ink through the entry without destroying its legibility. The record shall be open to the inspection of any duly authorized law enforcement officer during the ordinary hours of business or at any reasonable time.
- (c) The record of each pawn or purchase transaction provided for in this section shall be maintained for a period of not less than four years.
- (d) To the extent that the pawnbroker utilizes security cameras, video surveillance tapes shall be maintained for a minimum of twelve (12) days and made available to the Sheriff's Office as requested.

Sec. 96-12. - Reports to FCSO; customer fingerprints and identification.

- (a) *Daily report.* By 9:00 a.m. of each business day, every licensee under this article shall tender an electronic report to the Forsyth County Sheriff's Office in such form and manner as may be prescribed by the Sheriff's office, of all property pledged, received, traded, bartered, bought or otherwise acquired by the licensee during the previous 24-hour period. In addition to any other information required by the Sheriff's Office, the report shall include: the name and address of the licensee; time of transaction; serial number of pawn tickets; amount paid or advanced; full description of articles with sufficient information to identify each of such articles, including kind, style, material, color, design, kind and number of precious metals or gemstones, if any, and all identifying names, marks, and numbers; and a description of the person pledging, selling or pawning, including name, address, color, weight and height. Additionally, Pawnbrokers shall capture an image, with a digital camera, of the person pledging, trading, pawning, exchanging, or selling each article. The image shall clearly show a frontal view of the subject's face. Digital images shall be labeled and stored in such a manner that they are safe from corruption, readily identifiable, and readily available for review. The Pawnbroker shall obtain from each person pledging, trading, pawning, exchanging, or selling any article, the fingerprint (using an electronic digital fingerprint scanner) 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 electronically transmitted to the Sheriff's Office in such a form and manner as prescribed by the Sheriff's Office. 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, digital photographs, and the information required herein shall be obtained each time such person pledges, trades, pawns, exchanges, or sells any article. A digital

image shall be made, with a digital camera, at the time of acquisition of any article. The digital image shall show the entire article and shall be electronically transmitted to the Sheriff's Office in such a form and manner as prescribed by the Sheriff's Office. Insufficient reports shall be rejected, and any licensee, or employee thereof, making an insufficient report shall be deemed guilty of an offense punishable according to the provisions of section O.C.G.A. § 44-12-137 and/or section 22-98 of this article.

...

Sec. 96-13. Holding Period of Pledged Articles.

...

- (d) All items purchased by the pawnshop must be held for 15 days before disposing of same by sale, transfer, shipment, or otherwise.

...."

Section 2. Repealer.

All laws, resolutions, or ordinances or parts thereof that conflict with the provisions of this Amendment are hereby repealed.

Section 3. Severability.

Should any section, subsection, clause, sentence, phrase, or part of this Ordinance for any reason be held, deemed, or construed to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions thereof and the Board of Commissioners hereby declares that it would have passed this Ordinance, each section, subsection, clause, sentence, phrase, and part thereof irrespective to the fact that one or more sections, subsections, clauses, sentences, phrases, or parts thereof, be declared unconstitutional or invalid.

Section 5. Effective Date.

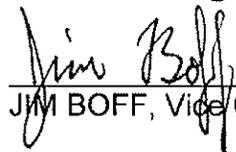
The effective date of this Amendment shall be the date of adoption.

SO RESOLVED this 2nd day of July, 2013.

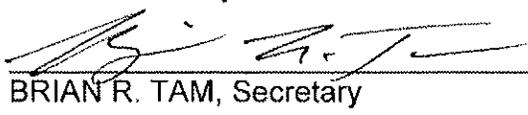
FORSYTH COUNTY BOARD OF COMMISSIONERS



RALPH J. AMOS, Chairman



JIM BOFF, Vice Chairman



BRIAN R. TAM, Secretary

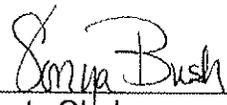


TODD LEVENT, Commissioner



CINDY JONES MILLS, Commissioner

Attested to:



County Clerk