

AN ORDINANCE BY THE FORSYTH COUNTY BOARD OF COMMISSIONERS MODIFYING THE PAWN SHOP AND PAWNBROKER ORDINANCE, ORDINANCE 96, AS CODIFIED AS ARTICLE 3 OF CHAPTER 22 OF THE CODE OF FORSYTH COUNTY

A Resolution and Ordinance by the Board of Commissioners of Forsyth County, Georgia enacting Forsyth County Ordinance No 96, Pawn Shop and Pawnbroker Ordinance.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November, 1982, and effective July 1, 1983, provides Article IX, Section IV, 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 ordinance for protecting and preserving the public health, safety, and welfare of the population of the, unincorporated areas of the county; and,

WHEREAS, Federal Public Law 92-544 provides for national fingerprint-based criminal history record checks for governmental entities to make a “fitness determination” for licensing purposes; and

WHEREAS, O.C.G.A. § 35-3-35(a)(1) provides that local governmental authorities may require, by ordinance, the fingerprinting of applicants or licensees for state and national criminal history record information of said applicants or licensees; and,

WHEREAS, the adoption of an amendment to the Pawn shop and Pawnbroker Ordinance by the Board of commissioners or Forsyth County would authorize the County to receive criminal history record information from both the Georgia Crime Information Center (hereinafter “GCIC”) and the Federal Bureau of Investigation (hereinafter “FBI”) for applicants desiring to obtain Pawn shop and Pawnbroker licenses; 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 Pawnshop Establishment Ordinance to modify the regulations governing Pawnbrokers and Pawnshop Establishments.

NOW, THEREFORE, the Board of Commissioners of Forsyth County, Georgia hereby ordains as follows:

BE IT RESOLVED this ___ day of _____, 2020.

FORSYTH COUNTY BOARD OF COMMISSIONERS

Laura Semanson, Chairman

Cindy J. Mills, Vice Chairman

Dennis T. Brown, Secretary

Molly Cooper, Member

Todd Levent, Member

Attest:

Clerk to the Board

ARTICLE 1- GENERAL

Sec. 96-1. Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section or in O.C.G.A. § 36-1-20, except where the context clearly indicated a different meaning.

Department Head means the Department Head of the Business Licensing of Forsyth County, Georgia, or his/her designee.

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 upon default.

Pawn transaction means any loan on the security of pledged goods or any purchase of pledged goods on the condition that the pledged goods may be redeemed or repurchased by the pledger or seller for a fixed price within a fixed period of time.

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 conditions 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 manufactured or licensed dealers as part of or in conjunction with the business activities described in this ordinance.

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.

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. 96-2. Licenses Required for Operation, General Policies and Purposes

- (a) Pawnbrokers may operate only after the issuance of a license for such operation by Forsyth County and only in the manner permitted by such license. Pawn or pledge transactions may only occur through a licensee who complies with the rules and regulations of this ordinance and with the licensing, regulatory and revenue requirements of the State of Georgia.
- (b) All licenses are a mere grant or privilege subject to all terms and conditions imposed by this ordinance and State law and subject to being revoked by the Forsyth County Board of Commissioners.
- (c) Each licensee of the County shall display the license issued under this ordinance prominently at all times at the outlet for which the license is issued. A separate license must be issued for each outlet of sale and a separate application must be made for each outlet.
- (d) The purposes of this ordinance include, but are not limited to, the following:

- (1) Compliance with State law;
- (2) Prevention of pawn or pledge transactions by unfit persons; and
- (3) Protection of the public health, safety, and general welfare.

(e) (1) Pursuant to O.C.G.A. § 16-11-173(b), firearms shall not be regulated pursuant to this Article. However, pawnbrokers must comply with all requirements, including but not limited to record-keeping requirements, for firearms as specified in O.C.G.A. § 44-12-132, of Title 44, Chapter 12, Article 3, Part 5 of the Official Code of Georgia Annotated, and shall be subject to all applicable criminal penalties under State law for any violations of same.

(2) Pursuant to O.C.G.A. § 16-11-136(b), knives shall not be regulated pursuant to this Article. However, pawnbrokers must comply with all requirements, for knives as specified in O.C.G.A. § 44-12-132, of Title 44, Chapter 12, Article 3, Part 5 of the Official Code of Georgia Annotated, and shall be subject to all applicable criminal penalties under State law for any violations of same.

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 licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a limited liability company, each member must meet the qualifications of any individual licensee and must make sworn statements of these qualifications as a part of the application 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 application process.

- (a) No license shall be granted to any applicant who is not:
 - (1) A citizen of the United States.
 - (2) A legal permanent resident of the United States; or
 - (3) A qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.
- (b) No license shall be issued to an applicant who is under the age of twenty-one (21).
- (c) All persons filing an application for a pawnshop license will be required to complete a waiver in order for the applicant's criminal history to be obtained.
- (d) No license shall be issued under this ordinance to any person, partnership, limited liability company, or corporation for pecuniary gain where any individual having an interest either as owner, partner, member, principal stockholder, or licensee, such interest being direct or indirect, beneficial or absolute, or his spouse, shall have been convicted or shall have taken a plea of nolo contendere within five years immediately prior to the filing of the applications for any felony or misdemeanor of any State or of the United States. For purposes of this section, the term "conviction" shall include an adjudication of guilty or plea of guilty, plea of nolo contendere or forfeiture of a bond when charged with a crime.

- (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.
- (f) No license shall be issued for a location that is not in compliance with any federal, state, or local regulation including, but not limited to, a state certificate of occupancy, a Forsyth County certificate of occupancy, and the Forsyth County Unified Development Code.
- (g) No license shall be issued where the applicant has supplied false information in the license application or where any required fee has not been paid by such applicant, including any fees or assessments owed to other departments and/or divisions of Forsyth County.

Sec. 96-4. License Application

- (a) Required. All persons or entities, prior to beginning the business of operating a pawnshop, shall first file an application with the Forsyth County Sheriff's Office to obtain a license to conduct such a business. All applications shall be in writing on forms provided by Forsyth County Sheriff. All applications shall be completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other officer authorized to administer oaths.
- (b) Contents. All persons desiring to obtain a license required under this ordinance shall make written application for such privilege and shall supply such information as may be required and such application shall be sworn to by the applicant or agent thereof.
- (c) Failure to furnish required information. All applicants shall furnish all data, information and records requested of them, and failure to furnish such data, information and records within 30 days from the date of such request shall automatically serve as grounds to deny that application. An applicant, by filing an application, agrees to produce for questioning any person(s) who are considered relevant in the ascertainment of facts relative to such license, as may be requested by the Forsyth County Sheriff's Office or the Department Head. The failure to produce such persons within thirty (30) days after being requested to do so may result in denial of the application.
- (d) Operation in conjunction with established dealing in secondhand goods. No pawnshop shall be operated at the same location or in the same premises with the sale, dealing in, exchange or handling of other than new goods, wares or merchandise. No license for the sale, dealing in, exchange or handling of other than new goods, wares or merchandise shall be issued for a location licensed for a pawnshop.
- (e) Notification of change in information. Licensees shall immediately notify the Forsyth County Sheriff's Office in writing of any change in information, material or data furnished in connection with an application for a license, or any material change in the type of business, ownership or qualifications of the applicant or employees subsequent to license issuance.
- (f) Application fee. The application shall be accompanied by any acceptable payment method deemed acceptable by Forsyth County for the full amount of the license fee of \$25.00 combined with the investigative fee of \$250.00. If the application is denied, or if the applicant withdraws

the application prior to its approval, the license fee shall be refunded (without interest) to the applicant. All other fees submitted as part of the application shall be retained by the County.

(g) Each applicant shall certify in writing that the applicant has read this ordinance and, if the license is granted, each licensee maintains an updated copy of this ordinance on the premises.

(h) Forsyth County Sheriff, the Department Head of Business License and each of their authorized designees, are hereby authorized to receive criminal history record information from both the Georgia Crime Information Center and Federal Bureau of Investigation for applicants desiring to obtain a Pawn shop and pawnbroker license.

(i) As a prerequisite to the issuance of any license, the applicant shall furnish a complete set of fingerprints for all persons required to sign the application to be forwarded to the Georgia Bureau of Investigation and to the Federal Bureau of Investigation, as specified under O.C.G.A. § 35-3-35(a)(1) and Federal Public Law 92-544.

(ii) By filing such application, the applicant consents to the Forsyth County Sheriff's Office obtaining their criminal history record information (CHRI) from the Georgia Crime Information Center (GCIC) and the Federal Bureau of Investigation (FBI).

(iii) The information provided by an applicant in connection with any application for a license under this article shall be maintained on a confidential basis and redacted as necessary to comply with the Open Records Act, and the handling of such information shall comply with all Georgia laws and the Federal Privacy Act, except that no information given as part of the request for a criminal history and no record obtained pursuant to this section may be entered on any database or produced under the Open Records Act.

(iv) Once the application, accompanying documents, fingerprints, and the required investigative and license fees are filed with the Forsyth County Sheriff's Office or the office of the Department Head, such office shall transmit said fingerprints and appropriate fees to the GCIC. As provided by law, the GCIC will compare the subject's fingerprints against its criminal file and submit the fingerprints to the FBI for a comparison with nation-wide records, unless submission to the FBI is automatic pursuant to the use of live-scan. The results of the FBI check will be returned based on its current procedure, presently being directly to the Sheriff's Office or the office of the Department Head of Business License if submissions are made manually to the GCIC, or electronically from both the GBI and FBI where submissions are made electronically to the GCIC.

(v) In compliance with Federal law 95-544, which provides for the rendering of a "fitness determination," the Sheriff's Office or the office of the Department Head shall decide whether the applicant has been convicted of, or is under pending indictment for enumerated disqualifiers, as set forth within this Chapter.

(vi) A person who has consented to the Forsyth County Sheriff's Office or the office of the Department Head of Business License for a criminal history based on fingerprinting record may request and receive a copy of the criminal history record report from the Sheriff's Office or the office of the Department Head of Business License at no additional charge. Should the person seek to amend or correct the record, he or she shall be responsible for contacting the GCIC as to Georgia records and/or the FBI concerning records from other jurisdictions maintained in its file.

(vii) If the criminal investigation report shows that the applicant meets the requirements set by this ordinance and all other requirements of this ordinance are satisfied, then the Department Head shall schedule the application for hearing at the next regularly scheduled public hearing calendar before the Board of Commissioners and shall so inform the applicant of this fact before such meeting. If the criminal investigation report show that the applicant fails to meet the requirements set by this ordinance, or if the applicant fails to meet all other requirements outlined by this ordinance, then the Department Head shall inform the applicant, in writing, that the application has been denied, and shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his or her right to appeal. Such appeal shall be before the Board of Commissioners in accordance with Section 96-10 of this ordinance. If an applicant desires to appeal a denial, the applicant must file a written request for an appeal with the Department Head within five business days from the date of the written notice informing the applicant of the denial.

- (i) Any application that the Department Head determines to satisfy all the requirements outlined in this ordinance, including character requirements as contained in the criminal investigation report of the Sheriff's Office, shall be scheduled for review at the next regularly scheduled public hearing calendar of the Forsyth County Board of Commissioners. At that meeting, the applicant and any person opposed to such application has the right to present to the Board of Commissioners any information that the Board of Commissioners determines is relevant to the licensing decision. In making its determination on whether to approve or deny the application, the Board of Commissioner shall look at the qualifications set forth in this ordinance and consider the public interest and welfare of the citizens of the County. The board shall have the discretion to grant or deny the application based on the information presented. A decision by the Board of Commissioners shall be made within thirty (30) days from the date of the public hearing, unless the decision is postponed for purposes of obtaining additional information deemed necessary for consideration of the application. Notice of the decision by the Board of Commissioners shall be mailed or emailed to the applicant. If the application is denied, such written notification shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal. Such appeal shall be taken solely in accord with section 96-10(e) of this ordinance.
- (j) In all instances in which an application is denied, the applicant may not reapply for the same type of license for at least one year form the date of denial.
- (k) Upon the issuance of a license, the licensee must have and continuously maintain in Forsyth County a registered agent upon whom any process, notice, or demand required or permitted by law or under this ordinance may be served. This person must be an individual and must be a resident of Forsyth County. The licensee shall submit the name of such agent, along with the written consent of such agent, to the Department Head. The identity of the agent may also be submitted contemporaneous to filing the license application.
- (l) Upon approval by the Board of Commissioners of the application for a license, the Department Head shall issue a license in accordance with the approved application. If the applicant is an individual, the license shall be issued in the name of the individual. If the application is a corporation, the license shall be issued in the name of the corporation and in the name of the majority stockholder or a principal officer of the corporation. If the application is a partnership, the license shall be issued in the name of the partnership and in the name of one of the partners.

If the application is a limited liability company, the license shall be issued in the name of the limited liability company and in the name of one of the members. All licenses issued shall be granted for the full calendar year or for the number of months remaining in the calendar year.

Sec. 96-5. Time Limit for Commencement; Forfeiture for Non-Use

- (a) All holders of licenses under this ordinance must, within six months after the issuance of the license, open for business the establishment referred to in the license, unless such period is extended by the Department Head. Failure to open the licensed establishment as referred to in this subsection within the six-month period shall serve as automatic forfeiture and cancellation of the license, and no refund of license fees shall be made to the license holder.
- (b) Any holders of a license under this ordinance who shall begin the operation of the business as authorized in the license, but who shall for a period of three consecutive months thereafter cease to operate the business as authorized in the license, shall automatically forfeit his license, which license shall, by virtue of such failure to operate, be canceled without the necessity for any further action of the Department Head or the Board of Commissioners.

Sec. 96-6. Renewal; Transfers of License

- (a) Renewal. All licenses granted under this chapter shall expire on December 31st of each year. Any license holder subject to this ordinance shall apply for renewal of any existing license and shall pay the annual license fee subject to the following requirements:
 - (1) A license fee of \$25.00 and an investigative fee of \$250.00 shall be required for renewal applications every year in order to complete a criminal history report. Persons holding a license for more than any one establishment and desiring to renew the license for such establishments shall pay only one investigative fee charge.
 - (2) The renewal application must be signed and sworn to by all applicants in the presence of a notary public or other officer authorized to administer oaths. The applicant will furnish all information required by the renewal application and failure to furnish the information will be grounds for denying the application. A false statement made on the renewal application will void the application and shall make the applicant liable to prosecution for false swearing under the laws of the State of Georgia.
 - (3) Administrative Renewals: Applications for renewal that do not include any changes to the information furnished with the original application, including the criminal history report, shall be submitted upon forms prescribed by the County on or before the second Monday in December of every year. Administrative renewals may be permitted for minor changes to the information in sole discretion of the Department Head. These applications shall be processed by County staff and do not require a public hearing. Forsyth County will not accept administrative renewal applications after the second Monday in December of each year.
 - (4) County staff shall approve or deny applications for administrative renewal in accordance with the procedures prescribed in Section 96-3 and Section 96-4 of this Ordinance, except that no application for administrative renewal shall be scheduled for a hearing before the Board of Commissioners.

(5) Renewals Requiring a Public Hearing: Applications for renewal that include changes not permitted as an administrative renewal shall be submitted upon forms prescribed by the County on or before October 31st of each year. Such renewal applications must go before the Board of Commissioners for a public hearing for review and approval. Forsyth County will not accept Board of Commissioner renewal applications after October 31st. The Board of commissioners shall approve or deny applications for Board renewal in accordance with the procedures prescribed in Section 96-3 and Section 96-4 of this Ordinance.

- (b) Transfer. No Pawn shop or Pawnbroker license shall be transferable, except upon death of a licensee, at which time such license may be transferred to the administrator, executor, or lawful adult heir or heirs of such deceased person. If the legal representatives of such deceased licensee cannot meet all the requirements of this Ordinance when the time arrives to renew the license, it shall not be renewed.

Sec. 96-7. Hours of Operation

- (a) All holders of licenses under this division shall operate only during the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday.

Sec. 96-8. Suspension or Revocation of License

Immediate suspension, revocation, or forfeiture of an issued license by the Board of Commissioners shall occur only after notice and opportunity for a hearing before the Board of Commissioners consistent with the procedures set forth in section 96-10 and only upon following occurrences:

- (1) Any license issued under this ordinance for the operation of a pawnshop shall be immediately revoked in the case of bankruptcy, receivership or levy of legal process upon the licensed outlet or property therein.
- (2) Except as provided in the transfers section of 96-6(b), any change in the ownership of any entity owning a licensed outlet shall be grounds for the Board of Commissioners to revoke any license issued under this ordinance.
- (3) A license shall be immediately suspended or revoked by the Board of Commissioners upon learning that a licensee furnished fraudulent or untruthful information in the application for a license, or omits information required in the application for a license, or fails to pay all fees, taxes, or other charges imposed under the provisions of this ordinance.
- (4) The Board of Commissioners shall immediately suspend or revoke the license of any licensee who does not meet the qualifications set forth in this ordinance at any time such information becomes known to the Board of Commissioners.

Sec. 96-9. Enforcement; Inspection

- (a) Any violation of this ordinance, other than those items set forth in section 96-8, shall subject the licensee to the following progressive actions by the Board of Commissioners, without the necessity of a public hearing:

- (1) The first violation shall result in a warning or a license suspension for up to thirty (30) days.
 - (2) The second violation within a consecutive 24-month period shall result in a license suspension for a period of not less than thirty (30) days nor more than ninety (90) days.
 - (3) The third violation within a consecutive 24-month period shall result in a license suspension for a period of not less than ninety (90) days nor more than six (6) months.
- (b) In addition to the above sanctions, individuals who violate this ordinance shall be subject to issuance of a citation and prosecution before the Forsyth County Magistrate Court. The penalties assessed in such an action may result in a fine not exceeding \$1,000.00, imprisonment not to exceed sixty (60) days, or both.
- (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 pledge with or sold to them shall be in violation of this article.

Sec. 96-10. Hearing on Denial, Suspension or Revocation

- (a) Upon receipt of a timely appeal (accompanied by a fee of \$250.00 made payable to Forsyth County, Georgia) of an administrative denial, or upon alleged violation of those items in section 96-8, the Department Head shall schedule a hearing before the Board of Commissioners and provide written notice to the adverse party of the time, place and date of the scheduled hearing. The Department Head shall also state in the written notice the basis for the administrative denial or the violation or occurrence alleged that forms the basis for the denial or potential suspension or revocation. After notice of hearing, matters scheduled for hearing may only be continued by agreement of the County Attorney and the adverse party and/or counsel for the adverse party.
- (b) The Board of Commissioners shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a license. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the evidence presented at the hearing.
- (c) At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his case, to rebut the allegations made against him, and present whatever defenses he has. The adverse party shall have the right to be represented by an attorney, at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses.
- (d) At the conclusion of the hearing, the findings and conclusions of the Board of Commissioners shall be forwarded to the Department Head, and it shall be the duty of the Department Head to provide written notification via email or certified mail to the adverse party of the decision of the Board of Commissioners.

- (e) The decision of the Board of Commissioners shall be final unless appealed to the Superior Court of Forsyth County within thirty (30) days of receipt of the Department Head's written notification to the adverse party of the Board's decision.

ARTICLE II- TRANSACTIONS

Sec. 96-11. Record of Transactions

- (a) Every pawnbroker shall maintain a permanent record book in which it shall be entered in legible English at the time of each loan or purchase:
 - (1) The date of the transaction;
 - (2) The name of the person conducting the transaction;
 - (3) The name, age and address of the customer; a description of the general appearance of the customer; and the distinctive number from the customer's driver's license or other similar identification card;
 - (4) An identification and description of the pledge or purchased goods, including, if reasonably available, the serial, model or other number, and all identifying marks inscribed thereon;
 - (5) The number of the receipt or pawn ticket; in sequential order with no omissions, deletions, or duplications;
 - (6) The price paid, or the amount loaned;
 - (7) If payment if made by check, the number of the check issued for the purchase price or loan;
 - (8) The maturity date of the transaction;
 - (9) The signature of the customer;
 - (10) The fingerprint of the right hand index finger of the customer, unless such finger is missing, in which event the print of the next finger in existence on the right hand of the person pawning the articles shall be obtained with the notation as to the exact finger printed;
- (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 or twelve (12) days and made available to 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 a 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, 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 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 a 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 ordinance.
- (b) Customer identification. Each licensee shall require that any person pawning, pledging, bartering, exchanging, selling or entering into any transaction with the business shall display evidence of identification, such as a duly issued driver's license with picture or other similar evidence containing a picture of the customer, and the licensee shall record the driver's license number or other number or feature of such evidence of identification.
- (c) Violation. The failure of any licensee to comply with the provisions of this section shall constitute an offense, punishable as provided in O.C.G.A. § 44-12-137 and/or section 96-9 of this ordinance.

Sec. 96-13. Holding Period of Pledged Articles

- (a) All property received through any pawnshop transaction shall be held for 15 days before disposing of same by sale, transfer, shipment, or otherwise.

- (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 Sheriff of Forsyth County or his designee.
- (c) The Sheriff's Office has the authority to place property that is the subject of police investigation on "police hold". In that event, the Sheriff's Office 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.

Sec. 96-14. Minors

It shall be unlawful for any pawnbroker, his or her agents or employees, to receive through any pawnshop transaction any property from minors. A minor, for the purpose of this section, is an individual 17 years of age or under.

Sec. 96-15. Sale of Metal Knuckles, Blackjacks and Other Weapons

It shall be unlawful for any licensee under this division to sell, offer for sale or expose for sale any kind of metal knuckles, blackjacks or similar weapons. A licensee or employee thereof violating this section shall be deemed guilty of an offense.

Sec. 96-16. Separability Clause

If any section, subsection, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdictions, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the portions of this Ordinance not so held to be invalid or unconstitutional. It is hereby declared to be the intent of the Board of Commissioners of Forsyth County to provide for separable and divisible parts and it hereby adopts any and all parts hereof as may not be held invalid for any reason.