

STATE OF GEORGIA
COUNTY OF GORDON
CITY OF CALHOUN

ORDINANCE NUMBER 896

AN ORDINANCE TO REPEAL DIVISION 6. PAWNBROKERS AS CONTAINED IN CHAPTER 22, SECTIONS 22-351 THROUGH SECTION 22-374 OF THE CODE OF ORDINANCES FOR THE CITY OF CALHOUN AND INSERT IN LIEU THEREOF AN ORDINANCE REGULATING PAWNBROKER AND REQUIRING THE MAINTENANCE OF AN ELECTRONIC RECORD OF ALL TRANSACTIONS; THE ELECTRONIC REPORTING OF ALL TRANSACTIONS TO THE CALHOUN POLICE DEPARTMENT; THE PHOTOGRAPHING OF ALL CUSTOMERS AND ITEMS OF THE TRANSACTION; TO REPEAL ALL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF CALHOUN HEREBY ORDAIN:

SECTION ONE: Sections 22-351 through 22-374 of Division 6 of Chapter 22 of the Code of Ordinances of the City of Calhoun, entitled “Pawnbrokers” are repealed in their entirety and replaced with a new Division 6 of Chapter 22 to read as follows:

DIVISION 6. PAWNBROKERS

Sec. 22-351. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this division, except where the context clearly indicates a different meaning:

Acceptable identification means an official document, most commonly in the form of a plastic coated/sealed card, issued for the purposes of identification or driver’s license. These documents must be issued by one of the 50 states of the U.S.A. or a branch of the U. S. Military 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.

Employee. Any person who works in a pawnshop, whether on a part-time or full time basis, regardless of whether remuneration is received or not.

Pawnbroker. Any person, whether an owner or not, who works in a pawnshop on a regular basis and in a managerial capacity whereby the person has charge of the business or operations of the pawnshop. Pawnbroker includes any person whose business or occupation it is to take or receive, by way of pledge, pawn or exchange, any goods, wares or merchandise or any kind of personal property whatever, as security for the repayment of money lent thereon.

Pawnshop. Any business that takes or receives by way of pledge, pawn or exchange, any goods, ware, merchandise or personal property as security for the repayment of money lent thereon.

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

Pawn or pledge. A bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the implied power of sale upon default.

Sec. 22-352. Enforcement

The Chief of Police of the City of Calhoun or his designee shall see that the provisions of this article are observed and enforced.

Sec. 22-353. Annual Registration

Before operating a pawnshop or becoming an employee of a pawnshop, any person must first register with the City of Calhoun Police Department and provide the following information:

- (1) The person shall state the address of the pawnshop; and
- (2) The person shall provide the full name, address, phone number, date of birth and social security number of any employee or pawnbroker.

The registration shall be renewed on an annual basis at a fee fixed annually by the Mayor and Council.

Sec. 22-354. Record of Transactions

(a) Every pawnbroker shall maintain a permanent electronic record of its pawn transactions in which an accurate description of all property pledged, traded or sold to the pawnshop can be transmitted to the City of Calhoun Police Department via an electronic automated reporting system. Each of these transactions shall contain an accurate description of all property pledged, traded or sold to the pawnshop and shall be made at the time of each transaction, provided that the following information is included:

- (1) The date and time of the purchase, pawn or sale of property;
- (2) The name, address and telephone number of the customer making the pledge, trade or sale;
- (3) A description of the customer in terms of sex, race, date of birth, height and weight, as well as the driver's license number of the customer or some other accepted identification that contains a photograph of the customer;
- (4) A description of the pledged or purchased property by serial, model or other number, if available, and by any identifying marks (e.g., brand name, color, style, etc.);
- (5) The number of the receipt or pawn transaction issued for the property pawned or bought;
- (6) The price paid or the amount loaned;
- (7) The maturity date of the transaction, if a pawn;
- (8) A photograph of the customer taken at a distance of not more than four feet showing the customer's face and shoulders and of each item pawned or bought which will be taken with the electronic automated reporting system at the time of the transaction. Such photographs shall be of passport quality or better; and
- (9) The signature of the customer;

(b) Every pawnshop shall enter each transaction as it occurs in the automated reporting system to the administrator of the electronic automated reporting system immediately at the conclusion of each business day.

(c) In the event that the electronic automated reporting system becomes temporarily disabled, pawnbrokers and pawnshops will be required to make records of transactions in paper form. Such paper forms must include all information as enumerated in paragraph (a) of this code section. Pawnbrokers shall maintain a seven day supply of paper forms. In the event of the temporary malfunction of the electronic automated reporting system, the pawnbroker shall immediately notify the chief of police or his designee for instructions of how to proceed with the reporting requirements.

(d) Any duly authorized law enforcement officer may, during the ordinary hours of business days or any other reasonable time, inspect any pawnbroker's electronic or paper records at the pawnbroker's place of business to ensure compliance with this section.

(e) The Calhoun Chief of Police or his designee shall select and designate the required automated reporting system. There will be a fee assessed to the pawnshop for each reported

transaction. This fee will be invoiced to the pawnshop brokers and collected by a third party administrator of the automated reporting system.

Sec. 22-355. Waiting period for disposal of articles.

Any pawnbroker or employee of a pawnshop who makes a loan on pledged goods, shall hold said goods on the condition that the bailor may repurchase said goods, shall hold said goods for at least thirty (30) days before disposing of them by sale transfer, shipment or otherwise. Non-pledged goods bought under this section shall be held for at least seven (7) calendar days before disposing of them by sale, transfer, shipment or otherwise.

Sec. 22-356. Dealing with minors.

It shall be unlawful for any pawnbroker or employee of a pawnshop to receive goods in pawn, trade, purchase or sale from a person under eighteen (18) years of age.

Sec. 22-357. Lost or stolen items.

(a) It shall be the duty of every person operating or employed by a pawnbroker, to report to the Chief of Police or his duly authorized agent any article or goods sold or pawned to him if he shall have reason to believe that the article or goods were lost or stolen when presented by the seller or customer.

(b) With respect to any items which would normally have a serial number or other means of identification, if any pawnbroker or employee of a pawnshop becomes aware that such items have had the identification removed such fact(s) shall be immediately reported to the Chief of Police or his duly authorized agent.

(c) If it is determined that an item bought, sold, traded or pawned by a seller or customer to the pawnbroker or his employee is the subject of any reported theft, then the surrender of said item to the Chief of Police or his duly authorized agent shall be done upon demand.

Sec. 22-358. Violation.

(A) It shall be unlawful for any pawnbroker or employee of a pawnshop to violate any of the provisions of this article.

(B) It shall be unlawful for any pawnbroker or employee of a pawnshop to:

- (1) Make any false entry in any record book, ledger or form (including any electronic entry) required by the terms of this article; or
- (2) Violate any criminal law of this state while acting in the course of business as a pawnbroker or employee of a pawnbroker.

(C) Any person convicted of violating this ordinance or any provision hereof shall be punished by a fine not to exceed one thousand dollars, by imprisonment not to exceed six months confinement, or both. In addition to such fine or imprisonment the registration and business license to operate a pawnshop may, after notice and hearing before the Mayor and Council, be

suspended, or permanently revoked.

SECTION TWO: This ordinance shall become effective immediately following enactment by the Mayor and Council of the City of Calhoun, Georgia, the public health, safety, and welfare requiring it.

SECTION THREE: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION FOUR: It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, paragraph, sentence, clause, or phrase shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases herein.

SO ADOPTED, this the 9th day of May, 2011.

ATTEST:

APPROVED:

Eddie Peterson
City Administrator/Clerk

James F. Palmer, Mayor

First Reading: April 25, 2011
Second Reading: May 9, 2011
Third Reading: May 9, 2011

