

CHAPTER 21

BRYAN COUNTY PAWNBROKER BUSINESS ORDINANCE

**AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE OPERATION OF
PAWNBROKERAGES WITHIN THE COUNTY OF BRYAN**

21-101	Title
21-102	Enactment Clause
21-103	Definitions
21-104	License Required
21-105	Documentation Required
21-106	Access to Property and Documentation by Law Enforcement Officers
21-107	Mandatory 10-Day Retention of Pledged Goods
21-108	Disposition of Property - Criminal Case
21-109	Disposition of Property - Civil Case
21-110	Transactions with Minors Prohibited
21-111	Enforcement
21-112	Penalties
21-113	Severability
21-114	Effective Date

Adopted: July 7, 1998

Donna M. Waters, Clerk

21-101 Title. The title of the Ordinance shall be “The Bryan County Pawnbroker Business Ordinance.

21-102 Enactment Clause. The Commissioners of Bryan County, pursuant to the authority conferred by the provisions of **Article IX, Section 2, Paragraph 1** of the Constitution of Georgia of 1983, do ordain and enact into law the following Sections.

21-103 Definitions.

1. Evidence means any article, documentation, or information that is retained by the Pawnbroker that is material to any active investigation conducted by an appropriate Law Enforcement Agency or any trial of any matter resulting from such an investigation or concerning such article or documentation.
2. Law Enforcement Agency means any agency, organ, or department of this state, a county, subdivision or municipality thereof, or a railroad whose primary functions include the enforcement of criminal or traffic laws, the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime.
3. Pawn Cards means those cards kept by Pawnbrokers to record Pawn Transactions as described below.
4. Pawnshop means any place of business where a person engaged in the business of Pawnbroker conducts Pawn Transactions as described below.
5. 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 a part of or in conjunction with the business activities described in this paragraph or any employee of any of the persons described in this paragraph.
6. Pawn Transaction means any loan on the security of pledged goods or any purchase of pledged goods on condition that the pledged goods may be redeemed or repurchased by the seller for a fixed price within a fixed period of time and may be leased back to the seller during such period of time.
7. Person means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.

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8. Pledged Goods means any tangible personal property other than choses in action, securities, or printed evidences of indebtedness, which property is purchased by, deposited with, or otherwise actually delivered into the possession of a Pawnbroker in connection with a pawn transaction.

21-104 License Required. All persons, before beginning the business of operating a Pawnshop, or similar place involving Pawn Transactions, shall secure a Pawnshop License from the Bryan County Sheriff. There shall be no fee for such license.

21-105 Documentation Required.

1. Record of Purchase or Loan. Every Pawnbroker shall maintain a permanent record book in which shall be entered in legible English at the time of each loan or purchase, at a minimum:

- A. The transaction number;
- B. The date and time of the transaction;
- C. The name of the person conducting the transaction;
- D. The name of the seller or pledgor;
- E. The address of the seller or pledgor;
- F. The distinctive number from the seller or pledgor's state or federal license or picture identification card;
- G. The date of birth of the seller or pledgor;
- H. The race of the seller or pledgor;
- I. The gender of the seller or pledgor;
- J. The height of the seller or pledgor;
- K. The weight of the seller or pledgor;
- L. The current home phone number of the seller or pledgor;
- M. An identification and description of the pledged or purchased goods, including: the quantity, type, color, size, length, all identifying marks inscribed thereon, and if reasonably available, the make, model, serial number, or any other number;
- N. The price paid or the amount loaned;
- O. If the payment is made by check, the number of the check issued for the purchase price or loan;
- P. The maturity date of the transaction;
- Q. The fingerprint, as set forth in paragraph 4 of this section, of the seller or pledgor; and
- R. The signature of the seller or pledgor.

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Entries shall appear in ink and shall be in chronological order. No blank lines may be left between entries. 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 of each pawn or purchase shall be maintained for a period of not less than 4 years.

2. Record of Sale. Every Pawnbroker shall maintain a permanent record book in which shall be entered in legible English at the time of each sale or disposition of pledged goods, at a minimum:

- A. The date of sale or disposition;
- B. The name of the purchaser;
- C. The distinctive number from the purchaser's state or federal license or picture identification card;
- D. The current address of the purchaser.

The record of sale shall be referenced to the original Record of Purchase or Loan made upon receipt of the pledged goods by the Pawnbroker. The record of each sale or disposition shall be maintained for a period of not less than 4 years.

3. Pawn Cards. All pawn cards shall prominently display preprinted sequential numbers on the face thereof. Transaction numbers shall also be reflected on all pawn cards. All voided pawn cards shall be retained and submitted as are other cards.

4. Legibility of Documentation. All documentation shall be legible. Special attention should be made to insure that legible fingerprints are obtained. Documentation that is illegible shall be returned to the Pawnshop. If such documentation is returned to the Pawnshop, the Pawnbroker shall obtain the appropriate information and forward the same in a legible fashion to the appropriate Law Enforcement Agency within 72 hours. Acceptable legibility shall be determined by said Law Enforcement Agency.

5. Fingerprints. In addition to other records and information as called for above, each Pawnbroker shall obtain from each person pawning any articles with such Pawnbroker the fingerprint of the right index finger, 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 article or articles shall be obtained with a notation as to the exact finger printed. Fingerprints and the information as required herein shall be obtained from all persons each time such persons pawn any article with a Pawnbroker regardless of whether that person may have previously pawned an article with such Pawnbroker and have been fingerprinted.

6. Penalties. Failure to comply with this section shall result in the forfeiture of the Pawnbroker's License issued by the Bryan County Sheriff.

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21-106 Access to Property and Documentation by Law Enforcement Officers. All Pawnbrokers shall keep accessible all record books, pawn cards, copies, logs, files and/or other documentation concerning Pawn Transactions at all times during normal business hours for audit by Law Enforcement Agencies without notice. Pawnbrokers shall grant access to both property and records of transactions to representatives of Law Enforcement Agencies upon request during the course of active investigations. Upon request and during the course of active investigations, Pawnbrokers shall allow Law Enforcement Officers to make copies, photographs, videos and any other such reproductions of said property or associated records.

21-107 Mandatory 10-Day Retention of Pledged Goods. Pawnbrokers shall retain any pledged good, whether received for purchase or for pawn, for a minimum of ten (10) days before making said good available for resale.

21-108 Disposition of Property - Criminal Case.

1. Pawnbrokers shall surrender to the representative of any appropriate Law Enforcement Agency any evidence in their possession upon request. In return, the representative shall complete official documentation of receipt bearing a thorough description of the appropriated property and the letterhead of the Law Enforcement Agency. The representative shall provide a copy of the official documentation to the Pawnbroker. The representative shall also make available to the Pawnbroker a copy of the incident report if the Pawnbroker so requests.
2. The Pawnbroker shall retain the right to pursue civil or criminal prosecution of the individual that pawned in the appropriated property to the Pawnshop.

21-109 Disposition of Property - Civil Case.

1. Upon notification by the appropriate Law Enforcement Agency, Pawnbrokers shall segregate from normal inventory any evidence in their possession and hold said evidence for 10 working days or, if sooner, upon release to the plaintiff in the civil case upon the following conditions: prior to the expiration of 10 working days, the plaintiff must provide the Pawnshop and the respective Law Enforcement Agency with adequate proof of ownership of the property in question; if the same is provided, the plaintiff may retrieve the property once the balance due on the property has been paid. If the above conditions are not met after 10 working days, the Pawnbroker may release the property from segregation and return it to normal inventory for sale.
2. The Pawnbroker shall retain the right to pursue civil or criminal prosecution of the individual that pawned the appropriated property to the Pawnshop.

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21-110 Transactions with Minors Prohibited. No Pawnbroker shall buy, take or receive by any way of pledge, pawn or purchase, any goods, wares, merchandise, or articles of personal property of any kind from any person under the age of eighteen (18) years.

21-111 Enforcement. The Bryan County Sheriff's Office shall enforce this Ordinance.

21-112 Penalties. In addition to the violations proscribed in 21-105(6), failure to comply with any portion of the requirements and provisions of this ordinance shall constitute a violation. Any person who violates this Ordinance shall, upon conviction thereof, be fined not more than One Thousand Dollars (\$1,000.00), imprisoned in the County Jail for not more than sixty (60) days, or both, and shall pay all costs and expenses. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Bryan County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

21-113 Severability. Should any phrase, clause, sentence, paragraph, or section of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration of invalidity or unconstitutionality shall not affect the validity of any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

21-114 Effective Date. This Ordinance shall take effect on and be in effect after July 7, 1998 and shall continue thereafter without reenactment from year to year unless changed, amended or repealed by specifications of Commissioners of Bryan County.

Adopted: July 7, 1998

Donna M. Waters, Clerk