

LUMPKIN COUNTY RESOLUTION NO. 2014 – 39

**A RESOLUTION TO ESTABLISH A REQUIREMENT AND METHOD
FOR
PAWNBROKER, SECONDHAND DEALER AND SECONDARY METALS RECYCLERS
ELECTRONIC REPORTING
IN
LUMPKIN COUNTY**

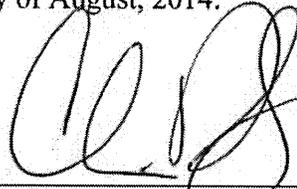
Whereas, the Sheriff of Lumpkin County has requested that the Lumpkin County Board of Commissioners adopt a requirement for electronic reporting of the receipt and sale transactions by pawnbrokers, secondhand dealers and secondary metals recyclers to provide a method for investigators to determine what transactions have occurred; and,

Whereas, failure to report as provided by this ordinance may result in the loss of the Lumpkin County business license of the company, individual or other business entity; and,

Whereas, the Lumpkin County Board of Commissioners desire to adopt the proposed requirement as requested;

Now, therefore, be it resolved that the attached Exhibit "A," which is by reference incorporated herein, is adopted as the Second Hand Goods Reporting Ordinance and the Lumpkin County Clerk is directed to provide a copy of said Ordinance to be incorporated into Chapter 44 of the Code of Ordinances of Lumpkin County.

Resolved, adopted and effective this 19th day of August, 2014.



Chris Dockery, Chairman
Lumpkin County Board of Commissioners

Attest:



Kathleen C. Walker
Clerk, Lumpkin County

Article IV. Pawnbrokers, Secondhand dealers and Secondary Metal Recyclers

Sec. 12-111. - Definitions.

Sec. 12-112. - Exemptions.

Sec. 12-113. - Electronic reporting of transactions.

Sec. 12-114. - Record of transactions.

Sec. 12-115. - Pawnbrokers: issuance of signed receipt.

Sec. 12-116. - Pawnbrokers: employment of persons under sixteen.

Sec. 12-117. - Secondhand dealer not to act as a pawnbroker.

Sec. 12-118. - Waiting periods.

Sec. 12-119. - Prohibited transactions.

Sec. 12-120. - Report of false/fictitious/forged/altered ID card.

Sec. 12-121. - Report of lost or stolen articles to police.

Sec. 12-122. - Return of stolen property.

Sec. 12-123. - Inspection of premises by police.

Sec. 12-124. - Hours of operation.

Sec. 12-112. - Junk/scrap collection vehicles.

Secs. 12-126—12-129. - Reserved.

Sec. 12-111. - Definitions.

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

Aluminum property: Aluminum forms designed to shape concrete

Burial object: Any product manufactured for or used for identifying or permanently decorating a grave site, including, without limitation, monuments, markers, benches, and vases and any base or foundation on which they rest or are mounted.

Coil: Any copper, aluminum, or aluminum-copper condensing coil or evaporation coil including its tubing or rods. The term shall not include coil from a window air-conditioning system, if contained within the system itself, or coil from an automobile condenser.

Copper property: Any copper wire, copper tubing, copper pipe, or any item composed completely of copper.

Deliverer: Any individual who takes or transports the regulated metal property to the secondary metals recycler.

Ferrous metals: Any metals containing significant quantities of iron and steel.

Individually identifiable articles: Articles that are individually identifiable by a serial number; or other applied numbers, letters, characters or markings; or other unique features that serve to distinguish it from any other similar article and can be used to establish ownership of the article.

Junk/scrap collection vehicle: A motor vehicle used for the commercial pick-up or transportation of junk/scrap material. A personal motor vehicle used to transport junk/scrap belonging to the owner of that vehicle, which owner is not in the business of junk/scrap collection, or family members, friends or neighbors of the vehicle owner, to a junk/scrap yard is not considered to be a junk/scrap collection vehicle, and does not need to be licensed as such.

Junk/scrap: Manufactured articles or parts that have been discarded and are useful only as material for reprocessing or recycling.

Law enforcement officer: Any duly constituted peace officer of the State of Georgia or of any county, municipality, or political subdivision thereof.

Licensee: The owner, operator, and all employees of a business licensed under this article.

Nonferrous metals: Stainless steel beer kegs and metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof.

Pawnbroker: Every owner, operator or employee engaged in the business of receiving property in pledge or as security for money or other things advanced to the pawner or pledger shall be deemed to be a pawnbroker.

Person: An individual, partnership, corporation, joint venture, trust, association, or any other legal entity.

Personal identification card: A current and unexpired driver's license or identification card issued by the Department of Driver Services or a similar card issued by another state, a military identification card, or a current work authorization issued by the federal government, which shall contain the individual's name, address, and photograph.

Precious metals: Articles consisting primarily of the elements gold (chemical symbol Au), silver (chemical symbol Ag), platinum (chemical symbol Pt) or palladium (chemical symbol Pd), but not including articles merely plated with these metals or articles similar in color to these metals but not actually consisting of them.

Purchase transaction: A transaction in which the secondary metals recycler gives consideration in exchange for regulated metal property.

Regulated metal property: Any item composed primarily of any ferrous metals or nonferrous metals and includes aluminum property, copper property, and catalytic converters but shall not include batteries, aluminum beverage containers, used beverage containers, or similar beverage containers.

Secondary metals recycler: Any person who is engaged, from a fixed location or otherwise, in the business in this state of paying compensation for regulated metal property that has served its original economic purpose, whether or not engaged in the business of performing

the manufacturing process by which regulated metal property is converted into raw material products consisting of prepared grades and having an existing or potential economic value.

Secondhand dealer: Every owner, operator or employee engaged in the business of the purchase, sale, trade or barter of secondhand articles, including but not limited to recyclable materials, scrap metal, electronics, video game systems/video games/video game accessories, jewelry, valuable and/or precious metals and stones, or household goods, shall be deemed to be a secondhand dealer, whether such dealer operates from a fixed storefront business, or is conducting business on a temporary, short-term basis from a non-fixed location. However, persons selling personal property belonging to them or family members on a temporary basis from their own residential property in the form of a "garage sale" or "yard sale" shall not be considered to be a secondhand dealer under this article, do not need a secondhand dealer's license to engage in such activity, and are exempt from the reporting requirements otherwise required by this article.

Seller: The rightful owner of the regulated metal property or the individual authorized by the rightful owner of the regulated metal property to conduct the purchase transaction.

Sheriff's Office: The Lumpkin County Sheriff's Office

Sec. 12-112. - Exemptions.

This article shall not apply to the purchase or sale of used motor vehicles, including motorcycles and motor driven cycles, as defined in the Georgia Vehicle Code, nor shall it apply to businesses or charitable organizations that accept donated goods for resale, nor shall it apply to the sale or purchase of aluminum cans.

Sec. 12-113. - Electronic reporting of transactions.

The Sheriff's Office shall enter into a contract for service and maintain its contract for service with **LeadsOnline, or a similar entity as designated by the Sheriff**, in order to enhance its investigative services to protect pawnbrokers, secondhand dealers, secondary metals recyclers, and members of the general public. In the event of a change to its electronic reporting system, the Sheriff or his designee will notify all impacted licensees of the change within a reasonable time prior to such change.

Every pawnbroker, secondhand dealer and secondary metals recycler shall operate and maintain a computer system with internet access and photographic or video capability sufficient for the electronic reporting requirements described in this article. Any failure or malfunction of such equipment on the part of the licensee shall not exempt the licensee from the recording/reporting requirements outlined in section 12-114 of this article. The licensee shall immediately notify the Sheriff's Office of any such failure or malfunction, and shall have such resolved as soon as practicable. Failure by the licensee to resolve any failure or malfunction of equipment in a reasonable amount of time will lead to license revocation proceedings under section 12-138 of this article.

Sec. 12-114. - Record of transactions.

Throughout the term of the license, every pawnbroker, secondhand dealer or secondary metals recycler shall report/upload to LeadsOnline, or the county's current electronic reporting system, the below listed information for each and every transaction conducted during each day they were open for business by the end of that business day. All information shall be recorded in the English language.

A transaction shall consist of all articles brought in to a pawnbroker, secondhand dealer or secondary metals recycler for sale, barter, trade, pledge or pawn by an individual (pawner/seller) at the same time and date, and includes the sale of non-junk/scrap articles by a pawnbroker or secondhand dealer to another person. Non-junk/scrap articles purchased by a pawnbroker, secondhand dealer or secondary metals recycler from another business shall not be considered to be transactions for the purposes of this section, and are exempt from the reporting requirements of this section, and are also exempt from the waiting period established under section 12-118. Articles brought in to a pawnbroker, secondhand dealer or secondary metals recycler by an individual (pawner/seller) for sale, barter, trade, pledge or pawn at different times on the same date by the same person shall be considered as separate transactions, regardless of how short the difference in time is between those transactions. Separate transactions, either from the same person or different persons, shall not be combined and reported collectively.

1) Non-junk/scrap articles other than coins and paper money.

a) Purchases/receipts by licensees.

i) Reserved.

ii) All such articles sold, bartered, traded, pledged or pawned to a pawnbroker, secondhand dealer or secondary metals recycler by an individual (pawner/seller) during a transaction shall be associated with the person (pawner/seller) who brought the article(s) in. The licensee shall record/report the following information for each such transaction:

(1) The name, current address and date of birth of the pawner/seller.

(2) A digital photographic or scanned image of a photo ID card of the pawner/seller, sufficiently clear to allow the information on the ID to be read. The photo ID must be a currently valid (not expired) card issued by a government entity of the United States, and must include the pawner/seller's first and last name, current address, date of birth, and physical descriptors.

(3) Reserved.

(4) The date and time of the transaction.

iii) Descriptions/photographs of articles.

(1) Individually identifiable articles:

(a) Each individually identifiable non-junk/scrap article brought in to a pawnbroker or secondhand dealer by an individual (pawner/seller) for sale, barter, trade, pledge or pawn during a single transaction shall be itemized separately. Pawnbroker or secondhand dealer licensees shall not lump such articles together (e.g., "five gold monogrammed rings"), but must provide a complete and thorough description of each item to include the following:

(i) Type of article

- (ii) Brand name/make/manufacturer (if applicable).
 - (iii) Model number (if applicable).
 - (iv) Serial number (if applicable).
 - (v) Color/finish.
 - (vi) Any other identifying marks, writing, engraving, etc.
- (b) A digital photograph(s) shall be taken of each individually identifiable article, sufficiently detailed to allow reasonable identification of the article. The digital photograph(s) shall capture any identifying numbers, marks, writing, engraving, etc., or any other distinguishing characteristics.
- (c) Each individually identifiable non-junk/scrap article brought into a secondary metals recycler shall maintain a legible description of all purchase transactions as outlined in O.C.G.A. § 10-1-353 and must include the following:
- (i) Weight, quantity, or volume and a description of the type of regulated metal property purchased in a purchase transaction. For the purpose of this paragraph, the term "type of regulated metal property" shall include a physical description, such as aluminum cans, copper 12GA wire, galvanized tubing;
 - (ii) A digital photograph or photographs where a single photograph is not sufficient to show the regulated metal property in a reasonably clear manner. For the purpose of this paragraph, the term, "reasonably clear manner" shall include images that will accurately reflect the detailed transaction recorded by the secondary metals recycler.
 - (iii) Reserved
- (2) Non-individually identifiable articles:
- (a) Articles that cannot be distinguished from any other similar articles may be described in groups of similar types of articles, but only within the same transaction made by the same seller/pawner. Licensees shall provide reasonable descriptions of the number and types of items within each group to enable the Sheriff's Office to determine if they may have been stolen during a particular crime. Example: an individual pawner/seller brings in a video game controller, 5 video game discs, and numerous items of jewelry. The licensee would first of all have to individually itemize and photograph the video game controller as outlined in "Individually identifiable articles" above, as it would be a serially-numbered item. As for the remaining items, the licensee shall not list them as "Miscellaneous video games and jewelry." Instead, the licensee shall describe them as follows: "5 video game discs to include the following titles..." and "Miscellaneous jewelry to include 2 yellow gold necklaces, 1 silver necklace, 2 pairs of silver earrings, one women's yellow gold ring, 1 women's white gold diamond ring and two silver bracelets."
- (b) A digital photograph(s) shall be taken of each group of similar types of articles within each transaction made by the same seller/pawner. The articles may be photographed together as a group, but each individual article shall be visible in the photograph. For example, given the circumstances outlined in

subparagraph "a" above, the 5 video game discs would be photographed together as a group side-by-side (not stacked on top of each other), and the jewelry items would be photographed together as a group with each item laid out so as to be individually viewable (not piled together in a heap).

b) Sales by licensees.

- i) In order to facilitate the return of stolen items to their rightful owners, individually identifiable non-junk/scrap articles sold by a pawnbroker or secondhand dealer to an individual shall be reported to LeadsOnline. Licensees shall individually itemize and describe each individually identifiable article so sold.
- ii) Each individually identifiable non-junk/scrap article sold by a pawnbroker or secondhand dealer shall be associated with the person to whom it was sold. The licensee shall record/report the following information for each such transaction: (1) The name and current address of the purchaser must be recorded/reported—a photographic image of a government-issued photo ID card is not necessary. (2) A digital photograph of non-junk/scrap articles sold by a pawnbroker or secondhand dealer to an individual is not required.
- iii) As there is no lawful basis for confiscating and returning property to the victim of a crime that cannot be individually identified as having been stolen from the victim, reporting the sale of non-individually identifiable articles by a licensee to LeadsOnline is not required.

2) Junk/scrap articles.

a) Purchases by licensees.

- i) Junk/scrap articles may be recorded/reported in bulk, but must specify the weight, type (e.g., steel, copper, aluminum, etc.) and form (e.g. sheet, pipe, wire, etc.) of the bulk material. Junk/scrap articles purchased by secondary metals recyclers shall adhere to the prescription provided in Section 1)a)iii)(c).
- ii) Each different type and form of junk/scrap bulk material brought in to a secondhand dealer by an individual for sale during a transaction shall be associated with the person who brought the material in. Licensees shall record/report the following information for each such transaction:
 - (1) The name, current address and date of birth of the pawner/seller.
 - (2) A photographic or scanned image of a photo ID card of the seller, sufficiently clear to allow the information on the ID to be read. The photo ID must be a currently valid (not expired) card issued by a government entity of the United States, and must include the pawner/seller's first and last name, current address, date of birth, and physical descriptors.
 - (3) If the seller is selling on behalf of a company or business, the name, address, and telephone number of such company or business shall also be recorded/reported.
 - (4) If the junk/scrap is brought by motor vehicle to a licensee for sale, the make, model, color, and license plate number of that vehicle shall be recorded/reported.
 - (5) The date and time of the transaction.
 - (6) A digital photograph or, if the licensee has a video system, video segment of

- each individual type and form of bulk material purchased by the licensee shall be linked to the record of that transaction.
- b) Sales by licensees.
 - i) Licensees do not need to record/report any information pertaining to the sale of junk/scrap material.
 - ii) Reserved.
 - 3) Coins and paper money.
 - a) Purchases/receipts by licensees.
 - i) Coins have no distinguishing characteristics that separate them from other coins of the same mintage, and although paper money is serial numbered, those serial numbers are so seldom known by their last possessor that paper money is effectively indistinguishable from other paper money of the same denomination. Furthermore, unlike coins made of precious metals, paper money seldom carries any value significantly beyond the face value of the bill, and when stolen is usually used directly as cash and not sold to a currency dealer. Accordingly, coins or paper money brought in by an individual (pawner/seller) for sale, barter, trade, pledge or pawn during a single transaction do not need to be itemized individually, but rather may be recorded/reported in bulk.
 - ii) Coins or paper money brought in to a pawnbroker or secondhand dealer by an individual (pawner/seller) for sale, barter, trade, pledge or pawn during a transaction shall be associated with the person (pawner/seller) who brought the article in. The licensee shall record/report the following information for each such transaction:
 - (1) The name, current address and date of birth of the pawner/seller.
 - (2) A digital photographic or scanned image of a photo ID card of the pawner/seller, sufficiently clear to allow the information on the ID to be read. The photo ID must be a currently valid (not expired) card issued by a government entity of the United States, and must include the pawner/seller's first and last name, current address, date of birth, and physical descriptors.
 - (3) The date and time of the transaction.
 - (4) The quantities and types of coins or paper money present. If coins are all of the same type, they shall be reported by either quantity or weight, and type (e.g., 5 Morgan silver dollars, 12 buffalo nickels, 5 lbs. of wheat pennies, etc.). If coins are from a collection, a description of the theme of the collection (e.g., Bicentennial coins, state quarters, etc.) along with the number of coins shall be provided. If coins represent an accumulation of disparate coins with no overall theme, a generic description of the type and quantity of coins shall be provided (e.g., approximately 200 U.S. coins of miscellaneous dates and denominations, approximately 100 foreign coins from various countries, etc.). Paper money shall be reported by quantity and type (e.g., 12 U.S. \$5 silver certificates, etc.).
 - iii) As a photograph of coins or paper money conveys no more information than can be obtained from the written descriptions required by subsection 3)a)ii)(d) of this section, no photographs of coins or paper money are required.
 - b) Sales by licensees.

i) Licensees do not need to record/report any information pertaining to the sale of coins or paper money to other individuals or businesses.

(1) In the event the electronic reporting system malfunctions or is otherwise not operational, the licensee shall, at all times during such malfunction or non-operation, be required to keep written records of any and all transactions made during the period of malfunction or non-operation, to include all information required by this section. These written records shall be reported/uploaded to LeadsOnline, or the county's current electronic reporting system, as soon as practicable after the electronic reporting system is functional. No such written records shall be erased, mutilated or changed. Written records shall be open and available for review upon request by any peace officer during regular business hours.

Sec. 12-115. - Pawnbrokers: issuance of signed receipt.

Every pawnbroker shall, at the time of making any advancement or loan, deliver to the person pawning or pledging any property a receipt signed by him containing an accurate account and description, in the English language, of all the goods, articles or other things pawned or pledged, the amount of money, value or thing loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan and the name and residence of the person making the pawn or pledge.

Sec. 12-116. - Pawnbrokers: employment of persons under eighteen.

No pawnbroker shall permit any person under the age of eighteen (18) years to take pledges in pawn for him.

Sec. 12-117. - Secondhand dealer not to act as a pawnbroker.

No secondhand dealer shall receive any article or thing by way of pledge or pawn, nor shall he loan or advance any sum of money on the security of any article or thing, unless he also happens to be separately licensed as a pawnbroker under this article, and complies with the specific requirements of sections 12-115 and 12-116 of this article.

Sec. 12-118. - Waiting periods.

No articles received on deposit or pledge by any pawnbroker, shall be permitted to be redeemed or removed from the place of business of such pawnbroker for forty-eight (48) hours after the delivery of the signed receipt required by Section 12-115. No articles pawned or pledged shall be sold or disposed of by any pawnbroker within one (1) year from the time the pawner or pledger shall make default in the payment of interest on the money so advanced by the pawnbroker, unless by the written consent of the pawner or pledger.

No pawnbroker or secondhand dealer shall expose for sale, or sell, trade or barter, or melt, crush/compact, destroy, or otherwise dispose of, any non-scrap/junk article that is individually identifiable within thirty (30) days of the time of purchasing or receiving the same, nor until the same has been in or upon the premises where the same are offered,

exposed, traded, bartered or sold, at least thirty (30) days, unless the article consists primarily of precious metal(s). Due to fluctuations in the prices of precious metals and security concerns emanating from the accumulation of large quantities of precious metals, there shall be no waiting period for such articles, even if they are individually identifiable.

There shall be no waiting period for scrap/junk, coins, paper money or other non-individually identifiable articles.

Sec. 12-119. - Prohibited transactions.

No pawnbroker, secondhand dealer or secondary metals recycler, in the course of conducting his business, shall receive any articles for pawn, pledge, advancement of money, loan, resale, or personal use from:

- 1) Minors who are under eighteen (18) years of age.
- 2) Any person appearing to be intoxicated or under the influence of drugs or alcohol.
- 3) Any person known to the pawnbroker, secondhand dealer or secondary metals recycler to have been convicted of theft, residential burglary, burglary, home invasion, vehicular invasion, armed robbery, or robbery under the laws of the State of Georgia, or the equivalent laws of any other state. A peace officer may provide such criminal conviction information to a pawnbroker, secondhand dealer or secondary metals recycler, and a pawnbroker, secondhand dealer or secondary metals recycler may also access the **LeadsOnline** "No Buy" list prior to making a transaction to ensure that the prospective pawner/seller has not been convicted of any such crime.
- 4) Any person bringing such articles to the premises in a shopping cart.
- 5) Any person presenting a serial numbered non-scrap/junk article from which the serial number has been removed or obliterated.
- 6) In the event that any of the above enumerated persons shall attempt to conduct a prohibited transaction, a representative of that business shall notify the Sheriff's Office of the incident while the person is still present in the business if safe to do so or otherwise as soon as the person has left the business.

Sec. 12-120. - Report of false/fictitious/forged/altered ID card.

In the event that a person seeking to sell or pawn any item presents to the owner/operator/employee of a pawn or resale shop what is reasonably believed to be a false/fictitious/forged/altered ID card, a representative of that business shall notify the Sheriff's Office of the incident while the person is still present in the business if safe to do so, or otherwise as soon as the person has left the business.

Sec. 12-121. - Report of lost or stolen articles to police.

Every pawnbroker, secondhand dealer or secondary metals recycler who shall receive or be in possession of any goods, articles or things under circumstances which would lead a reasonable person to conclude that they have been lost or stolen, or which have been alleged or supposed to have been lost or stolen shall immediately notify the Sheriff's Office of such receipt and, forthwith on demand, exhibit the same to any member of the Sheriff's Office.

Sec. 12-122. - Return of stolen property.

When any person is found to be the owner of stolen property which has been pawned or purchased by a secondhand dealer, such property shall be returned to the owner thereof without the payment of the money advanced by the pawnbroker or paid by the second dealer thereon or any costs or charges of any kind which the pawnbroker or secondhand dealer may have placed upon the same. When any person is found to be the owner of stolen property which has been purchased by a secondary metals recycler and such property has been declared contraband, such property is subject to forfeiture pursuant to subsection (b) of O.C.G.A. 10-1-359.3.

Sec. 12-123. - Inspection of premises by police.

The Sheriff or any law enforcement officer designated by him shall have general supervision over all pawnbrokers, secondhand dealers and secondary metals recyclers, and shall also have power to inspect their respective places of business and all articles or things kept therein, whenever he shall deem it necessary to do so.

Sec. 12-124. - Hours of operation.

No business licensed under this article shall purchase or accept any goods, articles or things whatsoever, from any person outside of posted business hours.

Sec. 12-112. - Junk/scrap collection vehicles.

Every motor vehicle licensed under this article shall be permanently and conspicuously marked on both sides and the rear of the vehicle with the name of the licensee, along with the street address and phone number of his place of business. If the licensee of a junk/scrap collection vehicle is not a licensed secondhand dealer, secondary metals recycler or has no fixed place of business, then his name along with the street address and phone number of his residence shall be permanently and conspicuously marked on both sides and the rear of the vehicle.

Enforcement of the marking requirement of this section shall be by the Sheriff's Office on an accusation, with a fine of five hundred dollars (\$500.00) for a first offense, and one thousand dollars (\$1,000.00) for any subsequent offenses.

Secs. 12-126—12-129. - Reserved.

Sec. 12-138. - Revocation

It shall be the duty of the Sheriff or his designee to report to the Board of Commissioners any failure to comply with any provision of this article on the part of any such licensee. The Board of Commissioners or shall then commence administrative hearing procedures to revoke the license of such person and shall engage the county's law department to represent the county's interests in seeking the revocation.

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Sec. 12-111. - Definitions.

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

Aluminum property: Aluminum forms designed to shape concrete

Burial object: Any product manufactured for or used for identifying or permanently decorating a grave site, including, without limitation, monuments, markers, benches, and vases and any base or foundation on which they rest or are mounted.

Coil: Any copper, aluminum, or aluminum-copper condensing coil or evaporation coil including its tubing or rods. The term shall not include coil from a window air-conditioning system, if contained within the system itself, or coil from an automobile condenser.

Copper property: Any copper wire, copper tubing, copper pipe, or any item composed completely of copper.

Deliverer: Any individual who takes or transports the regulated metal property to the secondary metals recycler.

Ferrous metals: Any metals containing significant quantities of iron and steel.

Individually identifiable articles: Articles that are individually identifiable by a serial number; or other applied numbers, letters, characters or markings; or other unique features that serve to distinguish it from any other similar article and can be used to establish ownership of the article.

Junk/scrap collection vehicle: A motor vehicle used for the commercial pick-up or transportation of junk/scrap material. A personal motor vehicle used to transport junk/scrap belonging to the owner of that vehicle, which owner is not in the business of junk/scrap collection, or family members, friends or neighbors of the vehicle owner, to a junk/scrap yard is not considered to be a junk/scrap collection vehicle, and does not need to be licensed as such.

Junk/scrap: Manufactured articles or parts that have been discarded and are useful only as material for reprocessing or recycling.

Law enforcement officer: Any duly constituted peace officer of the State of Georgia or of any county, municipality, or political subdivision thereof.

Licensee: The owner, operator, and all employees of a business licensed under this article.

Nonferrous metals: Stainless steel beer kegs and metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof.

Pawnbroker: Every owner, operator or employee engaged in the business of receiving property in pledge or as security for money or other things advanced to the pawner or pledger shall be deemed to be a pawnbroker.

Person: An individual, partnership, corporation, joint venture, trust, association, or any other legal entity.

Personal identification card: A current and unexpired driver's license or identification card issued by the Department of Driver Services or a similar card issued by another state, a military identification card, or a current work authorization issued by the federal government, which shall contain the individual's name, address, and photograph.

Precious metals: Articles consisting primarily of the elements gold (chemical symbol Au), silver (chemical symbol Ag), platinum (chemical symbol Pt) or palladium (chemical symbol Pd), but not including articles merely plated with these metals or articles similar in color to these metals but not actually consisting of them.

Purchase transaction: A transaction in which the secondary metals recycler gives consideration in exchange for regulated metal property.

Regulated metal property: Any item composed primarily of any ferrous metals or nonferrous metals and includes aluminum property, copper property, and catalytic converters but shall not include batteries, aluminum beverage containers, used beverage containers, or similar beverage containers.

Secondary metals recycler: Any person who is engaged, from a fixed location or otherwise, in the business in this state of paying compensation for regulated metal property that has served its original economic purpose, whether or not engaged in the business of performing

the manufacturing process by which regulated metal property is converted into raw material products consisting of prepared grades and having an existing or potential economic value.

Secondhand dealer: Every owner, operator or employee engaged in the business of the purchase, sale, trade or barter of secondhand articles, including but not limited to recyclable materials, scrap metal, electronics, video game systems/video games/video game accessories, jewelry, valuable and/or precious metals and stones, or household goods, shall be deemed to be a secondhand dealer, whether such dealer operates from a fixed storefront business, or is conducting business on a temporary, short-term basis from a non-fixed location. However, persons selling personal property belonging to them or family members on a temporary basis from their own residential property in the form of a "garage sale" or "yard sale" shall not be considered to be a secondhand dealer under this article, do not need a secondhand dealer's license to engage in such activity, and are exempt from the reporting requirements otherwise required by this article.

Seller: The rightful owner of the regulated metal property or the individual authorized by the rightful owner of the regulated metal property to conduct the purchase transaction.

Sheriff's Office: The Lumpkin County Sheriff's Office

Sec. 12-112. - Exemptions.

This article shall not apply to the purchase or sale of used motor vehicles, including motorcycles and motor driven cycles, as defined in the Georgia Vehicle Code, nor shall it apply to businesses or charitable organizations that accept donated goods for resale, nor shall it apply to the sale or purchase of aluminum cans.

Sec. 12-113. - Electronic reporting of transactions.

The Sheriff's Office shall enter into a contract for service and maintain its contract for service with **the county's electronic reporting system**, or a similar entity as designated by the Sheriff, in order to enhance its investigative services to protect pawnbrokers, secondhand dealers, secondary metals recyclers, and members of the general public. In the event of a change to its electronic reporting system, the Sheriff or his designee will notify all impacted licensees of the change within a reasonable time prior to such change.

Every pawnbroker, secondhand dealer and secondary metals recycler shall operate and maintain a computer system with internet access and photographic or video capability sufficient for the electronic reporting requirements described in this article. Any failure or malfunction of such equipment on the part of the licensee shall not exempt the licensee from the recording/reporting requirements outlined in section 12-114 of this article. The licensee shall immediately notify the Sheriff's Office of any such failure or malfunction, and shall have such resolved as soon as practicable. Failure by the licensee to resolve any failure or malfunction of equipment in a reasonable amount of time will lead to license revocation proceedings under section 12-138 of this article.

Sec. 12-114. - Record of transactions.

Throughout the term of the license, every pawnbroker, secondhand dealer or secondary metals recycler shall report/upload to the county's current electronic reporting system, the below listed information for each and every transaction conducted during each day they were open for business by the end of that business day. All information shall be recorded in the English language.

A transaction shall consist of all articles brought in to a pawnbroker, secondhand dealer or secondary metals recycler for sale, barter, trade, pledge or pawn by an individual (pawner/seller) at the same time and date, and includes the sale of non-junk/scrap articles by a pawnbroker or secondhand dealer to another person. Non-junk/scrap articles purchased by a pawnbroker, secondhand dealer or secondary metals recycler from another business shall not be considered to be transactions for the purposes of this section, and are exempt from the reporting requirements of this section, and are also exempt from the waiting period established under section 12-118. Articles brought in to a pawnbroker, secondhand dealer or secondary metals recycler by an individual (pawner/seller) for sale, barter, trade, pledge or pawn at different times on the same date by the same person shall be considered as separate transactions, regardless of how short the difference in time is between those transactions. Separate transactions, either from the same person or different persons, shall not be combined and reported collectively.

1) Non-junk/scrap articles other than coins and paper money.

a) Purchases/receipts by licensees.

i) Reserved.

ii) All such articles sold, bartered, traded, pledged or pawned to a pawnbroker, secondhand dealer or secondary metals recycler by an individual (pawner/seller) during a transaction shall be associated with the person (pawner/seller) who brought the article(s) in. The licensee shall record/report the following information for each such transaction:

(1) The name, current address and date of birth of the pawner/seller.

(2) A digital photographic or scanned image of a photo ID card of the pawner/seller, sufficiently clear to allow the information on the ID to be read. The photo ID must be a currently valid (not expired) card issued by a government entity of the United States, and must include the pawner/seller's first and last name, current address, date of birth, and physical descriptors.

(3) Reserved.

(4) The date and time of the transaction.

iii) Descriptions/photographs of articles.

(1) Individually identifiable articles:

(a) Each individually identifiable non-junk/scrap article brought in to a pawnbroker or secondhand dealer by an individual (pawner/seller) for sale, barter, trade, pledge or pawn during a single transaction shall be itemized separately. Pawnbroker or secondhand dealer licensees shall not lump such articles together (e.g., "five gold monogrammed rings"), but must provide a complete and thorough description of each item to include the following:

(i) Type of article

- (ii) Brand name/make/manufacture (if applicable).
 - (iii) Model number (if applicable).
 - (iv) Serial number (if applicable).
 - (v) Color/finish.
 - (vi) Any other identifying marks, writing, engraving, etc.
- (b) A digital photograph(s) shall be taken of each individually identifiable article, sufficiently detailed to allow reasonable identification of the article. The digital photograph(s) shall capture any identifying numbers, marks, writing, engraving, etc., or any other distinguishing characteristics.
- (c) Each individually identifiable non-junk/scrap article brought into a secondary metals recycler shall maintain a legible description of all purchase transactions as outlined in O.C.G.A. § 10-1-353 and must include the following:
- (i) Weight, quantity, or volume and a description of the type of regulated metal property purchased in a purchase transaction. For the purpose of this paragraph, the term "type of regulated metal property" shall include a physical description, such as aluminum cans, copper 12GA wire, galvanized tubing;
 - (ii) A digital photograph or photographs where a single photograph is not sufficient to show the regulated metal property in a reasonably clear manner. For the purpose of this paragraph, the term, "reasonably clear manner" shall include images that will accurately reflect the detailed transaction recorded by the secondary metals recycler.
 - (iii) Reserved
- (2) Non-individually identifiable articles:
- (a) Articles that cannot be distinguished from any other similar articles may be described in groups of similar types of articles, but only within the same transaction made by the same seller/pawner. Licensees shall provide reasonable descriptions of the number and types of items within each group to enable the Sheriff's Office to determine if they may have been stolen during a particular crime. Example: an individual pawner/seller brings in a video game controller, 5 video game discs, and numerous items of jewelry. The licensee would first of all have to individually itemize and photograph the video game controller as outlined in "Individually identifiable articles" above, as it would be a serially-numbered item. As for the remaining items, the licensee shall not list them as "Miscellaneous video games and jewelry." Instead, the licensee shall describe them as follows: "5 video game discs to include the following titles...." and "Miscellaneous jewelry to include 2 yellow gold necklaces, 1 silver necklace, 2 pairs of silver earrings, one women's yellow gold ring, 1 women's white gold diamond ring and two silver bracelets."
 - (b) A digital photograph(s) shall be taken of each group of similar types of articles within each transaction made by the same seller/pawner. The articles may be photographed together as a group, but each individual article shall be visible in the photograph. For example, given the circumstances outlined in

subparagraph "a" above, the 5 video game discs would be photographed together as a group side-by-side (not stacked on top of each other), and the jewelry items would be photographed together as a group with each item laid out so as to be individually viewable (not piled together in a heap).

b) Sales by licensees.

- i) In order to facilitate the return of stolen items to their rightful owners, individually identifiable non-junk/scrap articles sold by a pawnbroker or secondhand dealer to an individual shall be reported to the county's electronic reporting system. Licensees shall individually itemize and describe each individually identifiable article so sold.
- ii) Each individually identifiable non-junk/scrap article sold by a pawnbroker or secondhand dealer shall be associated with the person to whom it was sold. The licensee shall record/report the following information for each such transaction:
 - (1) The name and current address of the purchaser must be recorded/reported—a photographic image of a government-issued photo ID card is not necessary.
 - (2) A digital photograph of non-junk/scrap articles sold by a pawnbroker or secondhand dealer to an individual is not required.
- iii) As there is no lawful basis for confiscating and returning property to the victim of a crime that cannot be individually identified as having been stolen from the victim, reporting the sale of non-individually identifiable articles by a licensee is not required.

2) Junk/scrap articles.

a) Purchases by licensees.

- i) Junk/scrap articles may be recorded/reported in bulk, but must specify the weight, type (e.g., steel, copper, aluminum, etc.) and form (e.g. sheet, pipe, wire, etc.) of the bulk material. Junk/scrap articles purchased by secondary metals recyclers shall adhere to the prescription provided in Section 1)a)iii)(c).
- ii) Each different type and form of junk/scrap bulk material brought in to a secondhand dealer by an individual for sale during a transaction shall be associated with the person who brought the material in. Licensees shall record/report the following information for each such transaction:
 - (1) The name, current address and date of birth of the pawner/seller.
 - (2) A photographic or scanned image of a photo ID card of the seller, sufficiently clear to allow the information on the ID to be read. The photo ID must be a currently valid (not expired) card issued by a government entity of the United States, and must include the pawner/seller's first and last name, current address, date of birth, and physical descriptors.
 - (3) If the seller is selling on behalf of a company or business, the name, address, and telephone number of such company or business shall also be recorded/reported.
 - (4) If the junk/scrap is brought by motor vehicle to a licensee for sale, the make, model, color, and license plate number of that vehicle shall be recorded/reported.
 - (5) The date and time of the transaction.
 - (6) A digital photograph or, if the licensee has a video system, video segment of

each individual type and form of bulk material purchased by the licensee shall be linked to the record of that transaction.

- b) Sales by licensees.
 - i) Licensees do not need to record/report any information pertaining to the sale of junk/scrap material.
 - ii) Reserved.
- 3) Coins and paper money.
 - a) Purchases/receipts by licensees.
 - i) Coins have no distinguishing characteristics that separate them from other coins of the same mintage, and although paper money is serial numbered, those serial numbers are so seldom known by their last possessor that paper money is effectively indistinguishable from other paper money of the same denomination. Furthermore, unlike coins made of precious metals, paper money seldom carries any value significantly beyond the face value of the bill, and when stolen is usually used directly as cash and not sold to a currency dealer. Accordingly, coins or paper money brought in by an individual (pawner/seller) for sale, barter, trade, pledge or pawn during a single transaction do not need to be itemized individually, but rather may be recorded/reported in bulk.
 - ii) Coins or paper money brought in to a pawnbroker or secondhand dealer by an individual (pawner/seller) for sale, barter, trade, pledge or pawn during a transaction shall be associated with the person (pawner/seller) who brought the article in. The licensee shall record/report the following information for each such transaction:
 - (1) The name, current address and date of birth of the pawner/seller.
 - (2) A digital photographic or scanned image of a photo ID card of the pawner/seller, sufficiently clear to allow the information on the ID to be read. The photo ID must be a currently valid (not expired) card issued by a government entity of the United States, and must include the pawner/seller's first and last name, current address, date of birth, and physical descriptors.
 - (3) The date and time of the transaction.
 - (4) The quantities and types of coins or paper money present. If coins are all of the same type, they shall be reported by either quantity or weight, and type (e.g., 5 Morgan silver dollars, 12 buffalo nickels, 5 lbs. of wheat pennies, etc.). If coins are from a collection, a description of the theme of the collection (e.g., Bicentennial coins, state quarters, etc.) along with the number of coins shall be provided. If coins represent an accumulation of disparate coins with no overall theme, a generic description of the type and quantity of coins shall be provided (e.g., approximately 200 U.S. coins of miscellaneous dates and denominations, approximately 100 foreign coins from various countries, etc.). Paper money shall be reported by quantity and type (e.g., 12 U.S. \$5 silver certificates, etc.).
 - iii) As a photograph of coins or paper money conveys no more information than can be obtained from the written descriptions required by subsection 3)a)ii)(d) of this section, no photographs of coins or paper money are required.
 - b) Sales by licensees.

- i) Licensees do not need to record/report any information pertaining to the sale of coins or paper money to other individuals or businesses.
 - (1) In the event the electronic reporting system malfunctions or is otherwise not operational, the licensee shall, at all times during such malfunction or non-operation, be required to keep written records of any and all transactions made during the period of malfunction or non-operation, to include all information required by this section. These written records shall be reported/uploaded to the county's current electronic reporting system, as soon as practicable after the electronic reporting system is functional. No such written records shall be erased, mutilated or changed. Written records shall be open and available for review upon request by any peace officer during regular business hours.

Sec. 12-115. - Pawnbrokers: issuance of signed receipt.

Every pawnbroker shall, at the time of making any advancement or loan, deliver to the person pawning or pledging any property a receipt signed by him containing an accurate account and description, in the English language, of all the goods, articles or other things pawned or pledged, the amount of money, value or thing loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan and the name and residence of the person making the pawn or pledge.

Sec. 12-116. - Pawnbrokers: employment of persons under eighteen.

No pawnbroker shall permit any person under the age of eighteen (18) years to take pledges in pawn for him.

Sec. 12-117. - Secondhand dealer not to act as a pawnbroker.

No secondhand dealer shall receive any article or thing by way of pledge or pawn, nor shall he loan or advance any sum of money on the security of any article or thing, unless he also happens to be separately licensed as a pawnbroker under this article, and complies with the specific requirements of sections 12-115 and 12-116 of this article.

Sec. 12-118. - Waiting periods.

No articles received on deposit or pledge by any pawnbroker, shall be permitted to be redeemed or removed from the place of business of such pawnbroker for forty-eight (48) hours after the delivery of the signed receipt required by Section 12-115. No articles pawned or pledged shall be sold or disposed of by any pawnbroker within one (1) year from the time the pawner or pledger shall make default in the payment of interest on the money so advanced by the pawnbroker, unless by the written consent of the pawner or pledger.

No pawnbroker or secondhand dealer shall expose for sale, or sell, trade or barter, or melt, crush/compact, destroy, or otherwise dispose of, any non-scrap/junk article that is individually identifiable within thirty (30) days of the time of purchasing or receiving the same, nor until the same has been in or upon the premises where the same are offered,

exposed, traded, bartered or sold, at least thirty (30) days, unless the article consists primarily of precious metal(s). Due to fluctuations in the prices of precious metals and security concerns emanating from the accumulation of large quantities of precious metals, there shall be no waiting period for such articles, even if they are individually identifiable.

There shall be no waiting period for scrap/junk, coins, paper money or other non-individually identifiable articles.

Sec. 12-119. - Prohibited transactions.

No pawnbroker, secondhand dealer or secondary metals recycler, in the course of conducting his business, shall receive any articles for pawn, pledge, advancement of money, loan, resale, or personal use from:

- 1) Minors who are under eighteen (18) years of age.
- 2) Any person appearing to be intoxicated or under the influence of drugs or alcohol.
- 3) Any person known to the pawnbroker, secondhand dealer or secondary metals recycler to have been convicted of theft, residential burglary, burglary, home invasion, vehicular invasion, armed robbery, or robbery under the laws of the State of Georgia, or the equivalent laws of any other state. A peace officer may provide such criminal conviction information to a pawnbroker, secondhand dealer or secondary metals recycler, and a pawnbroker, secondhand dealer or secondary metals recycler may also access the "No Buy" list prior to making a transaction to ensure that the prospective pawner/seller has not been convicted of any such crime.
- 4) Any person bringing such articles to the premises in a shopping cart.
- 5) Any person presenting a serial numbered non-scrap/junk article from which the serial number has been removed or obliterated.
- 6) In the event that any of the above enumerated persons shall attempt to conduct a prohibited transaction, a representative of that business shall notify the Sheriff's Office of the incident while the person is still present in the business if safe to do so or otherwise as soon as the person has left the business.

Sec. 12-120. - Report of false/fictitious/forged/altered ID card.

In the event that a person seeking to sell or pawn any item presents to the owner/operator/employee of a pawn or resale shop what is reasonably believed to be a false/fictitious/forged/altered ID card, a representative of that business shall notify the Sheriff's Office of the incident while the person is still present in the business if safe to do so, or otherwise as soon as the person has left the business.

Sec. 12-121. - Report of lost or stolen articles to police.

Every pawnbroker, secondhand dealer or secondary metals recycler who shall receive or be in possession of any goods, articles or things under circumstances which would lead a reasonable person to conclude that they have been lost or stolen, or which have been alleged or supposed to have been lost or stolen shall immediately notify the Sheriff's Office of such receipt and, forthwith on demand, exhibit the same to any member of the Sheriff's Office.

Sec. 12-122. - Return of stolen property.

When any person is found to be the owner of stolen property which has been pawned or purchased by a secondhand dealer, such property shall be returned to the owner thereof without the payment of the money advanced by the pawnbroker or paid by the second dealer thereon or any costs or charges of any kind which the pawnbroker or secondhand dealer may have placed upon the same. When any person is found to be the owner of stolen property which has been purchased by a secondary metals recycler and such property has been declared contraband, such property is subject to forfeiture pursuant to subsection (b) of O.C.G.A. 10-1-359.3.

Sec. 12-123. - Inspection of premises by police.

The Sheriff or any law enforcement officer designated by him shall have general supervision over all pawnbrokers, secondhand dealers and secondary metals recyclers, and shall also have power to inspect their respective places of business and all articles or things kept therein, whenever he shall deem it necessary to do so.

Sec. 12-124. - Hours of operation.

No business licensed under this article shall purchase or accept any goods, articles or things whatsoever, from any person outside of posted business hours.

Sec. 12-112. - Junk/scrap collection vehicles.

Every motor vehicle licensed under this article shall be permanently and conspicuously marked on both sides and the rear of the vehicle with the name of the licensee, along with the street address and phone number of his place of business. If the licensee of a junk/scrap collection vehicle is not a licensed secondhand dealer, secondary metals recycler or has no fixed place of business, then his name along with the street address and phone number of his residence shall be permanently and conspicuously marked on both sides and the rear of the vehicle.

Enforcement of the marking requirement of this section shall be by the Sheriff's Office on an accusation, with a fine of five hundred dollars (\$500.00) for a first offense, and one thousand dollars (\$1,000.00) for any subsequent offenses.

Secs. 12-126—12-129. – Reserved.

Sec.12-138. – Revocation

It shall be the duty of the Sheriff or his designee to report to the Board of Commissioners any failure to comply with any provision of this article on the part of any such licensee. The Board of Commissioners or shall then commence administrative hearing procedures to revoke the license of such person and shall engage the county's law department to represent the county's interests in seeking the revocation.