

Subject Matter: **Precious Metal Ordinance**
Date First Presented at Council Public Meeting: **June 13, 2011**
Date of Public Hearing Before Town Council: **July 11, 2011**
Date of Second Reading and Adoption: **July 11, 2011**

**TOWN OF SHARPSBURG
COUNTY OF COWETA
STATE OF GEORGIA**

**ORDINANCE NUMBER 11-07
TOWN OF SHARPSBURG, GEORGIA**

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE TOWN OF SHARPSBURG

WHEREAS, the Town of Sharpsburg (the “Town”) has determined that to serve the needs of the community certain additions to the Town Code of Ordinances are needed; and

WHEREAS, the Official Code of Georgia Annotated at O.C.G.A. § 43-37-1 et seq. regulates the purchase and sale of precious metals within the State of Georgia and grants the Town Council the power to enact further regulation and license requirements of precious metal dealers within the Town; and

WHEREAS, the Mayor and Town Council therefore find that is in the best interest of the health, safety, welfare and morals of the community to further regulate precious metal dealers in the Town; and

WHEREAS, the Town does hereby enact and ordain the following Precious Metal Ordinance.

WHEREFORE THE TOWN OF SHARPSBURG HEREBY ADOPTS AND ORDAINS THE FOLLOWING:

ARTICLE ONE

Sec. 51-100. - Applicability of certain sections.

Section 51-105 shall not apply to any precious metals or goods containing precious metals obtained from industrial producers, manufacturers, licensed dealers, or distributors.

Sec. 51-101. - Definitions.

For purposes of this article, the term:

Precious metals means gold, silver, or platinum or any alleged alloy containing gold, silver or platinum.

Precious metals dealer means any person, partnership, sole proprietorship, corporation, association, or other entity engaged in the business of purchasing, selling, bartering, or acquiring in trade any precious metals from persons or sources other than manufacturers or licensed dealers for resale in its original form or as changed by melting, reforming, remolding, or for resale as scrap, or in bulk.

Precious stones means any precious or semi-precious stone, including but not limited to, diamond, ruby, sapphire or emerald which is cut and polished.

Sec. 51-102. - Occupation tax certificate required, application.

- (a) Any person, or entity desiring to engage in the business, trade or profession of a precious metals dealer shall, before engaging in such business, trade or profession, make application for an occupation tax certificate in the form and manner prescribed by the Town.
- (b) The application shall include but shall not be limited to the information required on all occupation tax returns, along with the following additional information:
 - (1) Full name, date of birth, address, and Social Security number of applicant.
 - (2) Full name(s), date(s) of birth, and Social Security number(s) of any other person(s) having an ownership interest in the proposed business. In the case of a corporation, this list shall include owners of ten or more percent of the common or preferred stock.
 - (3) Full names, dates of birth, and Social Security numbers, and titles of corporate officers where appropriate.
 - (4) Full name, address, telephone number, date of birth, title, and Social Security number of individuals to be employed.

Sec. 51-103. - Work permits required.

Prior to the issuance of an occupation tax certificate, a work permit shall be required for the owner(s), manager(s), and employee(s).

Sec. 51-104. - Applicant disqualifications.

No occupation tax certificate shall be granted to any person under the age of 18 or who has been convicted, pled guilty or entered a plea of nolo contendere under any federal, state or local law of any crime involving moral turpitude, illegal gambling, any felony, criminal trespass, public indecency, misdemeanor involving any type of sexual related crime, theft or violence against person or property, any crime of possession, sale, or distribution of illegal drugs, distribution of material depicting nudity or sexual conduct as defined under state law, criminal solicitation to commit any of these listed offenses, or attempts to commit any of these listed offenses.

Sec. 51-105. - Records and information to be maintained; display of transaction number; identification; digital photographs; records storage.

Engaging in the business of buying used or previously owned precious metals in the Town is hereby declared to affect the public interest due to the opportunity it affords for the disposal of stolen property.

In the public interest and as set forth herein, all precious metals dealers shall maintain records documenting all precious metals transactions.

- (1) All precious metals dealers shall maintain records documenting accurate descriptions of all property purchased. Such description shall include, to the extent possible, the manufacturer, model, serial number, style, material, kind, color, design, number, type and approximate size of precious stones, and all other identifying names, marks, and numbers. The precious metals dealers shall assign a transaction number documenting each transaction-
- (2) The precious metals dealer shall require all persons selling property to show proper identification prior to conducting a transaction. Proper identification is defined as a government issued photo identification card such as a driver's license, military identification card, state identification card, or passport.
- (3) The precious metals dealer shall also document the name, address, telephone number, race, sex, height, weight, drivers license number, date of birth, and Social Security number of the person selling the property, along with the date and time of transaction. This documentation shall be made at the time of the transaction.
- (4) Items of property that appear to be new, unused, and in their original packaging cannot be accepted by the precious metals dealer unless the customer can supply a copy of the original sales receipt, or other proof of purchase from the place of purchase, to the precious metals dealers who shall retain the receipt or proof of purchase on file.
- (5) The precious metals dealer shall store the above records, digital images for a period of four years and make them available to law enforcement personnel upon request.

Sec. 51-106. - Daily report to police; required format.

Every precious metals dealer shall make a daily report in writing to the county sheriff's department of all precious metals or goods containing precious metals purchased during the 24 hours ending at 9:00 p.m. on the date of the report. The reports shall be on forms or on duplicate invoices as may be prescribed or approved by the sheriff's department. The reports shall be legible and mailed or delivered to the sheriff's department prior to 10:00 a.m. on the day following the date of the report. In addition to any other information required by the sheriff's department, the reports shall include the name and address of the permittee, date of transaction, description, and amount of the precious metals or goods containing precious metals purchased and the name and address

of the person from whom purchased. The sheriff's department may promulgate rules and regulations consistent with this section to require the proper enforcement thereof.

Sec. 51-107. - Property not to be disposed of for ten days after acquisition; location of property; police holds.

- (a) All property received through any precious metals dealer transaction shall be held for at least 10 days before disposing of same by sale, transfer, shipment, or otherwise.
- (b) All property purchased shall be held and maintained by the precious metals dealer on the premises of the precious metals dealer or, if impracticable, at such other location as may have been previously approved in writing by the chief of police or his designee. The chief of police shall not approve any off-premises storage facilities located outside the Town.
- (c) Coweta County Sheriff's Department has the authority to place property that is the subject of police investigation on "police hold." In that event, the Coweta County Sheriff's Department shall notify the precious metals dealer 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 precious metals dealer 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. 51-108. - Dealing with minors.

It shall be unlawful for any precious metals dealers, his or her agents or employees, to receive through any precious metals dealer any property from minors. A minor, for the purpose of this section, is an individual 18 years of age or under.

Sec. 51-109. - Responsibility for enforcement.

The Coweta County Sheriff's Department shall have the responsibility for the enforcement of this chapter. Sworn officers of the Coweta County Sheriff's Department and civilian employees designated by the chief of police shall have the authority to inspect establishments licensed under this chapter during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other Town officer to conduct inspections authorized by other provisions of the county code.

Sec. 51-110. - Penalty for violation.

Any person, firm, company, corporation or other entity who violates any provision of this chapter may be subject to arrest or summoned to appear in the Coweta County Superior Court and upon conviction or other finding of guilt, be punished by a fine of up to \$1,000.00 per violation.

Secs. 51-111 — 51-199. - Reserved.

ARTICLE TWO

This Ordinance shall become immediately effective upon its second reading and adoption by the Town Council.

ARTICLE THREE

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as if fully set out herein.

ARTICLE FOUR

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

ARTICLE FIVE

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.


ARTICLE FIVE

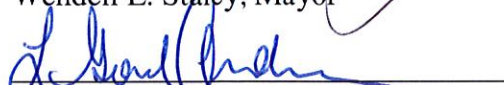
This Ordinance is hereby enacted and Codified at Article I of Chapter 51 of the Town's Code of Ordinances.

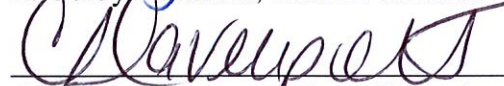
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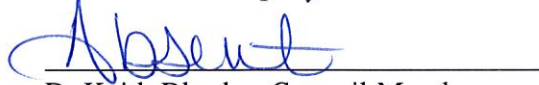
APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG, at a regular meeting of the Mayor and Council on the 11th day of July, 2011, by the following voting for adoption:


APPROVED BY:


Wendell L. Staley, Mayor

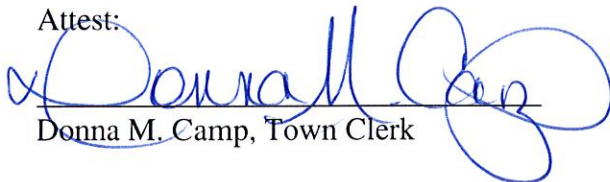

L. Gordy Anderson, Council Member


Celene D. Davenport, Council Member


D. Keith Rhodes, Council Member


Connie F. Turner, Council Member

Attest:


Donna M. Camp, Town Clerk