# PAWN SHOP LICENSE CHECKLIST

Pawn Shop Application Form

Minimum Fees (Must be paid with certified funds):

Annual Regulatory $1,500
Minimum Annual Occupation Tax $89
Non refundable Processing Fee $100

Copy of signed lease agreement

Copies of owner's Driver's License & Social Security Cards

O.C.G.A. §50-36-1(e)(2) Affidavit Verifying Status from each owner (must be notarized)

Consent Form/Statement of Arrests and Dispositions (must be notarized - If residence is outside state of Georgia, must provide criminal history provided by state of residency)

If incorporated, must provide copy of certificate of incorporation and articles incorporation.

Private Employer Affidavit (must be notarized)

Business License Division
205 Lawrence St., Box 609
Marietta, Georgia 30061-0609
Phone: (770) 794-5520
Fax: (770) 794-5685

## PAWN SHOP APPLICATION

**INSTRUCTIONS: PLEASE COMPLETE APPLICATION BY ANSWERING ALL QUESTIONS.**

1. Full Name of Business _____
   Under What Name is the Business to be Operated? _____
   Is the Business a Proprietorship ( ); Partnership ( ); Corporation, Domestic ( ); Foreign ( )
   Nature and Character of Business _____
   Projected Gross Receipts (In the State of Georgia from this location) _____
   Federal Tax ID Number _____ Georgia Sales Tax Number _____
2. Location _____
   If the location is not owned, please state name of property owner _____
3. Business Telephone _____ Beginning Date of Business in Marietta _____
4. Full and True Legal Name of Applicant _____
   **Any Aliases or Name Changes used in last five (5) years**
   _____
   _____
   Date of Birth _____ Social Security Number _____
   Driver's License Number _____ State _____
   Full Name of Spouse _____
   Date of Birth _____ Social Security Number _____
   Driver's License Number _____ State _____
   Are you a Citizen of the United States? Yes ( ) No ( ) Persons that are not U.S. Citizens must provide **original** immigration card I-551 to the Business License Division for verification and copying. Naturalized citizens must provide their **original** certificate of naturalization for verification by the Business License Division. This applies to the applicant, each owner, each partner, each stockholder with 20% or more ownership, and their spouses. **(Passports will not be accepted.)**
   Where were you born? Street _____ County _____
   City _____ State _____
   Current Address: Street _____ County _____
   City _____ State _____
   Do you reside in Cobb County? Yes ( ) No ( ) How Long _____
   Number of years at present address _____ In Georgia _____
   Telephone: Residence _____

PAWN SHOP APPLICATION (Continued)

What has been your occupation for the past five (5) years? Give specific details.

_____

_____

5. List all Partners, Individuals and Employees associated with this business.
   Give name, address, telephone number, date of birth, and social security number.

_____

_____

_____

_____

6. List name and percent of ownership of all parties.

_____

_____

_____

7. Do you have other stores or locations?

_____

_____

_____

8. If the applicant, any partners or any corporate officers or directors have been arrested or convicted of any crime involving good moral character, felony, theft, fraud, deceptive business practices, or convicted of an attempt to commit any of above mentioned offenses in the past ten (10) years, the applicant shall provide a complete description of any such crime including date of violation, date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether the terms of disposition have been fully completed.

_____

_____

_____

9. How is the proposed location zoned? _____
   By Zoning Administrator_____

10. Are there any fees, taxes, fines, utilities or other charges due to the City of Marietta or Marietta Power?
    Yes ( ) No ( ) If yes, please specify. _____

11. Who is the Majority Partner or Stockholder?

_____

_____

PAWN SHOP APPLICATION (Continued)

12. Please give three (3) character references from individuals who are in no way related to the applicant or individual shareholders, officers or directors of a corporation and who are not or will not benefit financially in any way from the application if the license is granted and who have not been convicted of any crime involving moral character. Please include name, address and telephone number.

_____

_____

_____

13. Are there any City employees employed by, has a vested ownership interest or is connected in any way, directly or indirectly, with the operation of this pawnshop? Yes ( ) No ( ) If yes, please specify.

_____

14. Has applicant received a copy of the City Code and are you thoroughly familiar with them? Yes ( ) No ( )

15. Will this business deal in precious metals and gems? Yes ( ) No ( )

**GEORGIA, COBB COUNTY**

I, _____, being duly sworn according to law, do swear, that the facts made by me in the above and foregoing answers to questions are true and no false or fraudulent statement is made herein.

_____ _____

Signature of Applicant Date (mm/dd/yy)

Notary Signature
Sworn to and subscribed before me this
_____day of_____
20 __ .

Fingerprinted at Marietta Police Department by_____ Date _____

Received in City of Marietta Business License Division on_____ at _____

by_____
Business License and Revenue Division

**NON-PRORATABLE FEES ARE AS FOLLOWS:**

| | |
|---|---|
| **Pawnshop Occupation Tax** | **$89.00 minimum based on gross receipts** |
| **General Merchandise** | **$89.00 minimum based on gross receipts** |
| **Pawnshop Only Regulatory Fee** | **$1,500.00 per location, per annum** |
| **Pawnshop and Precious Metals and Gems Regulatory Fee** | **$2,000.00 per location, per annum** |
| **Processing Fee** | **$100.00 per location** |
| **Permit Fee, each employee** | **$50.00** |
| **Precious Metals, if applicable** | **$25.00 First year, $10.00 renewal** |

**MARIETTA POLICE DEPARTMENT**
**240 LEMON ST. MARIETTA, GA. 30060**
**PHONE 770-794-5334 FAX 770-794-5301**
**CHIEF OF POLICE - DAN FLYNN**

## Georgia Crime Information Center
## Criminal History Consent Form

I hereby authorize MARIETTA POLICE DEPARTMENT to receive and review any Georgia criminal history record information pertaining to me which may be in the files of any state or local criminal justice agency in Georgia. I understand that this information will be used as part of a background investigation completed by the Marietta Police Department.

Full Name: **(PRINT)**

_____
**LAST** **FIRST** **MIDDLE** **(MAIDEN)**

_____
**ADDRESS** **CITY** **STATE** **ZIPCODE**

_____ _____ _____ _____ _____
**SEX** **RACE** **DATE OF BIRTH** **PLACE OF BIRTH** **SOCIAL SECURITY NUMBER**

List any convictions and/or plea of nolo contendere that has been entered on your record for any felony or misdemeanor charge in any Superior, State, and/or Municipal Court of any state of the United States

_____
_____
_____
_____
_____

_____ _____
**SIGNATURE** **DATE**

Special provisions (check if applicable):

Permit Application, (Purpose code 'E')

Business License Application (Purpose code 'E')

Other (Purpose code 'E')

**One of the following must be checked:**

This authorization is valid for 90 / 180 days (circle one) from date of signature.

**DO NOT WRITE BELOW...POLICE USE ONLY**

GEORGIA RECORD FOUND **(SEE ATTACHED)**

NO GEORGIA RECORD FOUND

EMPLOYEE SIGNATURE_____ DATE _____

*Form – Permit Business E*

# Affidavit Verifying Status (O.C.G.A. § 50-36-1(e)(2) Affidavit)

**Please read carefully before completing**

- Affidavit must be notarized prior to being submitted to the Business License Division. **The City cannot notarize this affidavit. *****
- Include a copy of applicant's secure and verifiable identification document. A list of secure and verifiable documents is provided by the Attorney General on the Georgia Department of Law website.

By executing this affidavit under oath, as an applicant for a(n) Business License/Occupation Tax Certificate, as referenced in O.C.G.A. § 50-36-1, from the City of Marietta, Georgia, the undersigned applicant verifies one of the following with respect to my application for a public benefit:

1) ☐ I am a United States citizen. **(Provide state issued identification document. Example: driver's license)**

2) ☐ I am a legal permanent resident of the United States. **(Provide copy of alien registration document)**

3) ☐ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency. **(Provide copy of alien registration document)**

My alien number issued by the Department of Homeland Security or other federal immigration agency is: _____.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

_____

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties allowed by such statute.

Executed in _____ (city), _____(state)

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
___ DAY OF _____, 201___.

_____
Signature of Applicant

_____
NOTARY PUBLIC

_____
Printed Name of Applicant

My Commission Expires:

****This affidavit does not apply to an applicant applying for or renewing an application for a public benefit within the same agency or political subdivision if the applicant has previously complied with the requirements of Georgia Code Section 50-36-2 by submission of a secure and verifiable document, as defined in Code Section 50-36-2, and a signed and sworn affidavit affirming that such applicant is a United States citizen.*

**Private Employer Affidavit Pursuant to O.C.G.A. § 36-60-6(d)**

By executing this affidavit under oath, as an applicant for a(n) business license/occupation tax certificate as referenced in O.C.G.A. § 36-60-6(d), from the City of Marietta, Georgia, the undersigned applicant representing the private employer known as _____ [***printed name of private employer i.e. business name***] verifies one of the following with respect to my application for the above mentioned document:

1. **Check box (a) or (b) below**

☐ (a) On January 1st of the below signed year the individual, firm, or corporation employed more than ten (10) employees.

☐ (b) On January 1st of the below signed year the individual, firm, or corporation employed ten (10) or fewer employees.

******If the employer checked box (a) must fill out Section 2 below.***

2. By executing this affidavit, the undersigned private employer verifies its compliance with O.C.G.A. § 36-60-6, stating affirmatively that the individual, firm or corporation has registered with and utilizes the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 36-60-6. Furthermore, the undersigned private employer hereby attests that its federal work authorization user identification number and date of authorization are as follows:

_____
Federal Work Authorization User Identification Number

_____
Date of Authorization

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In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties allowed by such statute.

Executed on the ___ date of _____, 201___ in _____ (city), _____(state)

_____
Signature of Authorized Officer or Agent

_____
Printed Name of and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE ____ DAY OF _____, 201___.

_____
NOTARY PUBLIC

My Commission Expires:
_____

# ARTICLE 8-12-12 PAWNBROKERS AND PAWNSHOPS

## 8-12-12-010 Purpose.

The purpose of this article is to regulate the conduct and activities of pawnshops, as defined herein, in order to reduce and curtail the criminal activities frequently engendered by such businesses; to aid the police department in detection and prevention, and to ensure fair dealing between the pawnbroker and his customers.

(Code 1978, § 8-3081; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

## 8-12-12-020 Definitions.

The following terms used in this article shall have the meanings indicated below:

"Accepted identification" means an official document, most commonly in the form of a plastic coated/sealed card, issued for purposes of identification or drivers license. These documents must be issued by one of the 50 states or a branch of the U.S. Military, i.e. Army, Navy, Air Force, Marines, Coast Guard, or current State of Georgia and counties of Georgia probation and parole cards. The identification must as a minimum bear a true photograph of the person presenting it, date of birth, description of theperson, and an address for the person.

"Business License Manager" shall be the department head for the business license and revenue division or his/her designee.

"Deceptive business practice:"

A. Any use or possession of a false weight or measurement, or any other device for falsely determining or recording any quality or quantity in connection with any scale or service;

B. Any sale or offer to sell or delivery of less than the represented quality or quantity;

C. Any attempt to take more than the represented quantity of any commodity, when as buyer or broker, he furnishes the weight or measure;

D. Any service which is of an unreasonably lesser quality than the service offered or represented;

E. Any other practice designated as unlawful by O.C.G.A. § 10-1-390 et seq.;

F. Any other fraudulent business transaction which is made punishable by the laws of the State of Georgia.

"Good moral character" means a person is of good moral character according to this article if that person has not been convicted of any felony or any crime involving theft, fraud or a crime against property in the past ten years.

"Minor" for the purposes of this article shall mean any person who has not attained the age of 18 years.

"Occupation tax certificate" means permission to operate a pawnshop pursuant to grant by the city council for the City of Marietta.

"Pawn or pledge" means a bailment, of personal property or title as security for any debt or engagement, redeemable upon certain terms and with the express or implied power of sale on default.

"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 or title 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 or title from persons or sources other than manufacturers or regulated dealers as a part of or in conjunction with the business activitiesdescribed herein.

"Pawnshop" means any business wherein a well-defined part thereof is to take or receive, by way of pledge, pawn or exchange, any goods, wares, merchandise, or any kind of personal property or title whatsoever, as security for the repayment of money lent thereon.

"Permit" means permission to be employed or work in a pawnshop regulated by the police department.

"Person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate, or any combination thereof, as well as to individuals.

"Police department" means chief of police or his designee.

(Code 1978, § 8-3082; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96; Ord. No. 6370, 3/13/2002, § 1)

### 8-12-12-030 Employee permit required.

All persons employed or working in a pawnshop as defined herein shall first file an application with the city for a permit to be employed or work in a pawnshop. Such permit shall be obtained from the police department. The permit fee for each and every employee shall be $50.00, renewable annually.

(Code 1978, § 8-3083; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96; Ord. No. 6370, 3/13/2002, § 2)

### 8-12-12-040 Pawnshop employees.

A. Qualifications. Employees of a pawnshop, as defined herein, shall not be less than 18 years of age. Every employee must be of good moral character as defined by this article. Any employee who has been convicted of any felony or any crime involving theft, fraud or against property shall not be permitted to work on the premises of a pawnshop for a period of ten years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term "on the premises" shall includeall work done or services performed in the scope of employment elsewhere than on the regulated premises.

The employee must disclose any ownership or interest in any other pawnshop, whether it is located locally or out-of-state and must disclose the nature of such ownership or interest. As used in this article, an interest in a pawnshop shall be deemed to exist if the person involved or any member of his or her family is the outright owner of the pawnshop; a co-owner of the pawnshop; a partner in a partnership which owns all or any part of the pawnshop; or a stockholder in any corporation organized for pecuniary gain which owns all or any part of the pawnshop.

B. Approval for Employment. Before any person may work on the regulated premises, he shall file a notice with the police department of his intended employment on forms setting out the information required in provision (A) of this section; and each person must be fingerprinted by the police department. The city shall have 45 days to investigate the information submitted by the employee. If the employee is found to be of good moral character the police department shall grant an approval of employment; and issuean annual personal identification card authorizing the person to be employed by a pawnshop. Upon approval the employee may begin working on the regulated premises. It shall be the duty of the pawnbroker to assure that the

provisions of this section are complied with. The employee is required to notify the police department of any change in information or circumstances which has occurred since the original approval was granted. If approval is denied, the prospective employee may, within ten days of said denial, apply to the police department for a hearing. The decisions of the hearing may be appealed to the city council who shall issue such order as is required. An investigation fee of $50.00 shall accompany the notice of intended employment, or a receipt of the permitting officer evidencing the payment of such fee at the time the notice is filed.

C. Suspension, Revocation of the Occupation Tax Certificate or Permit. Conviction of violating the provisions of this article or any other ordinance of the City of Marietta, rules or regulations of the city or conviction of any felony or any crime involving theft, drugs, fraud or a crime against property shall subject the employee to suspension or revocation of the occupation tax certificate or permit.

D. Independent Contractors. For the purpose of this article, independent contractors shall be considered as employees and shall be permitted as employees, regardless of the business relationship with the owner or occupation tax certificate holder of any pawnshop.

(Code 1978, § 8-3084; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

### 8-12-12-050 Operation of an unregulated premises unlawful.

It is unlawful for any person to engage in, conduct or carry on within the City of Marietta any pawnshop, as defined herein, without a permit or a currently valid occupation tax certificate to do so. A proper application for renewal within the time required must be submitted and such occupation tax certificate shall not be under suspension or permanently or conditionally revoked.

(Code 1978, § 8-3085; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

### 8-12-12-060 Renewal of permits.

Permits for pawnbroker businesses may be renewed on a calendar year basis provided that the applicants continue to meet the requirements set out in this article. The applicant must file a verified annual report showing the applicant's gross receipts and the amounts paid to the employees for the preceding calendar year and such shall be submitted with the renewal applications. The renewal fee for the permits shall be $50.00. Renewal applications shall be submitted by January 1 of the year for which such permit is requested.

(Code 1978, § 8-3086; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

### 8-12-12-070 Occupation tax certificate nontransferable.

Without the prior written consent of the city council of the City of Marietta, no pawnbroker occupation tax certificates may be sold, transferred or assigned by an applicant, or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such occupation tax certificate and such certificate shall thereafter be null and void; provided and excepting, however, that if the applicant is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or, partners without effecting a surrender or termination of such occupation tax certificate, and in such case, the occupation tax certificate upon notification to the city shall be placed in the name of the surviving partner.

(Code 1978, § 8-3087; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

### 8-12-12-080 Unlawful operation declared nuisance.

Any pawnshop operated, conducted or maintained contrary to the provisions of this article shall be declared to be unlawful and a public nuisance. The city may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or enjoinment thereof, in the manner provided by law. It shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such pawnshop and restrain and enjoin any person from operating, conducting or maintaining a pawnshop contrary to the provisions of this chapter. In addition, violation of the provisions of this chapter shall be per se grounds for suspension or revocation of an occupation tax certificate granted hereunder.

(Code 1978, § 8-3088; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

### 8-12-12-090 Receipt of goods from minors unlawful.

It is unlawful for any pawnbroker, his agents or employees, to receive in pawn, pledge or sale, goods of any character or description from a minor.

(Code 1978, § 8-3089; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

### 8-12-12-100 Application for occupation tax certificate--Review by city council.

A. Any person, association, partnership, corporation, trust or joint venture desiring to obtain an occupation tax certificate to operate, engage in, conduct or carry on a pawnshop as required by this article shall make application to the business license manager, or his designated representative.

B. Each application for a pawnshop occupation tax certificate shall contain the following information:

1. The applicant's full true and legal name and any other aliases or name changes used in the last five years.

2. The present address and telephone number of the applicant.

3. Acceptable written proof that the applicant is at least 18 years of age.

4. Business, occupation or employment history of the applicant for the five years immediately preceding the date of the application.

5. The occupation tax or business license history of the applicant and whether such applicant, in previous operations in this or any other city, state or territory, has had such license or occupation tax certificate revoked or suspended. If such license or occupation tax certificate has been revoked or suspended, the applicant must state the reason, and the business activity or occupation subsequent to such action of suspension or revocation.

6. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with place and date of incorporation, and the names and addresses of each of its current officers and directors. If the applicant is a partnership, the applicant shall set forth the name, residence address and dates of birth of the partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the county clerk or Secretary of State. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The applicant corporation or partnership shall

designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required of an individual applicant under this article, but only one application fee shall be charged.

7. If the applicant, any partners or any corporate officers or directors have been convicted of any crime involving moral character in the past ten years, the applicant must provide a complete description of any such crime including date of violation, date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether the terms of disposition have been fully completed.

8. If the applicant is a person doing business under a trade name, a copy of the trade name, properly recorded, must be provided. If applicant is a corporation, a copy of authority to do business in Georgia, including articles of incorporation, trade name, affidavit, if any, and the last annual report, if any, must be provided.

9. At least three character references from individuals who are in no way related to the applicant or individual shareholders, officers or directors of a corporation and who are not or will not benefit financially in any way from the application if the occupation tax certificate is granted and who have not been convicted of any crime involving moral character. The business license and revenue division shall prepare forms, consistent with the provisions of this subsection, for the applicant, who shall submit all character references on such forms.

10. Address of the premises to be regulated.

11. Whether the premises are owned or rented.

12. Nature and character of the business to be conducted.

13. Each application for a pawnshop occupation tax certificate shall be verified and acknowledged under oath to be true and correct by:

a. If the applicant is an individual, by the individual;

b. If the applicant is a partnership, by the manager or general partner;

c. If the applicant is a corporation, by any officer of the corporation;

d. If any other legal entity, organization or association, by the chief administrative official.

14. The applicant must disclose any ownership or interest in any other pawnshop, whether it is located locally or out-of-state and must disclose the nature of such ownership or interest.

As used in this article, an "interest in a pawnshop" shall be deemed to exist if the person involved or any member of his or her family is the outright owner of the pawnshop; a co-owner of the pawnshop; a partner in a partnership which owns all or any part of the pawnshop; a stockholder in any corporation organized for pecuniary gain which owns all or any part of the pawnshop.

15. Shall contain a statement that there are no fees, taxes, fines, utilities or other charges due to the City of Marietta or Board of Lights and Waterworks.

16. Any other information that may be required by the business license manager or police department such as the source of financing for the business or operation.

C. The applicant, if an individual or the designated responsible managing officer, if a partnership or corporation, shall personally appear at the City of Marietta, and produce proof that the occupation tax, as established by resolution of city council, has been paid and shall present the application containing the above referenced information.

D. The city shall have 45 days to investigate the application and background of the applicant.

E. Upon completion of the review of the application by the business license manager and the police department, the matter shall be placed on an agenda for mayor and council who may grant or deny the application consistent with this article. A denial of the application by mayor and council may be appealed to superior court.

(Code 1978, § 8-3090; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

**8-12-12-110 Denial of an application.**

The business license manager may reject, and city council may deny any application which shows any of the following to exist:

A. The required fees or taxes have not been paid.

B. Application does not conform to all the provisions required by the article.

C. The applicant has failed to fully cooperate with the investigation required by this article.

D. The applicant has had any license or occupation tax certificate issued under the police powers of any county or other governmental subdivision suspended or revoked within the last ten years for the reason related to good moral character as defined herein.

E. The applicant, as a previous holder of a license or occupation tax certificate to operate a pawnshop has violated any law, regulation or ordinance relating to the business, within a ten-year period immediately preceding the date of the application.

F. The applicant, if an individual, or any officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, has been convicted in a court of competent jurisdiction within the last ten years of an offense involving any felony or any crime involving theft, fraud or against property or convicted of an attempt to commit any of the above-mentioned offenses, or convicted in any state of any offense which if committed or attempted in thisstate, would have been punishable as one or more of the above-mentioned offenses.

G. The applicant has engaged in any deceptive business practice as defined herein.

H. The applicant is less than 18 years of age.

I. The applicant or any person, if an individual, directors of a corporation or partners, if a partnership, is found not to be of good moral character as defined herein.

J. The applicant has failed to obtain any paper or document necessary in pursuance of this business or this application as may be required by any officer, agency or department of the city, county, state or United States under authority of any law, ordinance or resolution of the city, state or United States.

K. Any application rejected by the business license manager or the police department may be appealed pursuant to Section 8-12-12-140.

(Code 1978, § 8-3091; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

**8-12-12-120 Considerations in grant of application.**

In considering whether or not any occupation tax certificate applied for shall be granted, the following shall be considered by mayor and council in the public interest and welfare:

A. If the applicant is a previous holder of a license or occupation tax certificate, the

manner in which he or she conducted the business thereunder as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to the business.

B. The location for which the occupation tax certificate is sought as to traffic congestion, general character of the neighborhood and the effect such an establishment would have on the adjacent and surrounding property values.

C. The number of occupation tax certificates already granted for similar businesses in the City of Marietta and the place for which the occupation tax certificate is sought.

(Code 1978, § 8-3092; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

### 8-12-12-130 Change of location, name, or other information.

A. No pawnbroker shall move from the location specified on its occupation tax certificate until a change of location fee, established by city council, has been deposited with the city and approval has been obtained from the business license manager for the City of Marietta. Such approval shall not be given unless all requirements and regulations, as contained in the city's code, have been met.

B. No applicant shall operate, conduct, manage, engage in, or carry on a pawnbroker business under any name other than his name and the name of the business as specified on his occupation tax certificate.

C. The applicant shall notify the police department of any change in the information, material or data set out in the original application.

(Code 1978, § 8-3093; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

### 8-12-12-140 Appeal procedure.

A. In the event of a rejection of the application by the business license manager, the police department or any other person (other than mayor and council), the applicant shall, within ten days after he has been notified of an adverse determination, submit a notice of appeal to the city clerk. The notice of appeal shall be addressed to the council and shall specify the subject matter of the appeal, the date of any original and amended application or requests, the date of the adverse decision (or receipt of notice thereof), the basis of the appeal, the action requested of the council, and the name and address of the applicant. The clerk shall place the appeal on the agenda of the next regular council meeting occurring not less than five nor more than 30 days after receipt of the application for council action.

B. When an appeal is placed on the council agenda, the council may take either of the following actions:

1. Set a hearing date and instruct the city clerk to give such notice of hearing as may be required by law.

2. Appoint a hearing officer and fix the time and place for a hearing. The hearing officer may or may not be a city employee, and may be appointed for an extended period of time. The clerk shall assume responsibility for such publication of notice of the hearing as may be required by law. If a hearing officer is appointed, the hearing shall be conducted in accordance with the procedures set out in this article.

C. Whenever the city clerk has scheduled, an appeal before the city council, at the time and date set therefor, the council shall receive all relevant testimony and evidence from the applicant, from interested parties and from city staff. The city council may sustain, over-rule or

modify the action complained of. The action of the city council shall be final.

D. The hearing officer, appointed pursuant to the procedure set out in this article, may receive and rule on admissibility of evidence, hear testimony under oath and call witnesses as he may deem advisable with respect to the conduct of the hearing.

E. The city council and the hearing officer shall not be bound by the traditional rules of evidence in hearings conducted under this article. Rules of evidence as applied in an administrative hearing shall apply.

F. The hearing officer shall, within a reasonable time not to exceed 30 days from the date such hearing is terminated, submit a written report to the council. Such report shall contain a brief summary of the evidence considered and state findings, conclusions and recommendations. All such reports shall be filed with the city clerk, and shall be considered public records. A copy of such report shall be forwarded by certified mail to the appellant the same day it is filed with the city clerk, with additional copies furnished the city manager and chief of police. The city clerk shall place the hearing officer's report on the agenda of the next regular council meeting occurring not less than ten days after the report is filed and shall notify the appellant of the date of such meeting at least ten days prior to the meeting unless the appellant stipulates to a shorter notice period.

G. The council may adopt or reject the hearing officer's decision in its entirety or may modify the proposed recommendation. If the council does not adopt the hearing officer's recommendation, it may:

1. Refer the matter to the same or another hearing officer for a completely new hearing, or for the taking of additional evidence on specific points, in either of such cases the hearing officer shall proceed as provided in this article.

2. Decide the case upon a review of the entire record before the hearing officer with or without taking additional evidence.

(Code 1978, § 8-3094; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

### 8-12-12-150 Revocation and appeal of occupation tax certificate and/or permit.

A. The chief of police shall be authorized to suspend, revoke, or place on probation with or without conditions, an occupation tax certificate and/or permit, previously granted herein. In the event the chief of police seeks to suspend or to revoke an occupation tax certificate and/or permit, the chief of police shall give written notification to the applicant/permittee of such action and such notice will contain a specification of the violation or violations and shall be served upon the applicant/permittee atleast five days prior to the notice of the hearing. The applicant/permittee shall be given written notice of the time and place of the hearing.

B. The chief of police shall be authorized to suspend or revoke an occupation tax certificate when there is cause to believe that grounds exist for revoking or suspending such occupation tax certificate and/or permit, as measured by any one or more of the following:

1. An applicant/permittee gave false or misleading information in the original application process;

2. An applicant/permittee commits a deceptive business practice as defined herein;

3. An applicant/permittee has knowingly allowed the continuous violation of an ordinance of the City of Marietta or a continuous violation of any criminal law of the State of Georgia to occur on the premises;

4. An applicant/permittee has violated any provision of this pawnbroker ordinance;

5. An applicant/permittee has been convicted of any felony or any crime involving theft,

fraud or against property, by the State of Georgia or the City of Marietta regarding an offense which was committed on the premises or which would otherwise violate the provisions of this article;

6. An applicant/permittee fails to pay any fee, occupation tax, fine or other amount of money due to the city under this article or any other ordinance of the City of Marietta;

7. An applicant/permittee has failed to obtain, or has suffered the expiration, suspension or revocation of any paper or document necessary in pursuance of its business as may be required by any officer, agency, authority, or department of the city, state or United States under authority of any law, ordinance or resolution of the city, state or the United States;

8. An applicant/permittee made any misrepresentation of fact, whether through advertisement or through any form of direct communication oral or written, which is intended to mislead the public or to mislead any party with whom the applicant deals in pursuance of the regulated business. The term misrepresentation of fact as used herein shall embrace not only express misrepresentations but also misrepresentations arising by virtue of the applicant's/ permittee's conduct, including acts and omissions;

9. An applicant/permittee has failed to make an entry of any material matter in his permanent record book; or falsified, obliterated, destroyed or removed from his place of business such permanent record book;

10. An applicant/permittee has failed to submit the daily report to the police department within the prescribed time; or has submitted an illegible, incomplete or improper daily report to the police department;

11. An applicant/permittee has refused to allow any duly authorized law enforcement officer to inspect his permanent record book, his daily report or any goods in his possession during the ordinary hours of business or at any reasonable time;

12. An applicant/permittee has failed to maintain a record of each pawn transaction, and fingerprints and photographs for at least four years;

13. An applicant/permittee has accepted a pledge or purchase of property from a person under the age of 18 years or who the pawnbroker knows is not the true owner of such property;

14. An applicant/permittee has made an agreement requiring the personal liability of the pledgor or seller or waiving any of the provisions of this part or providing for a maturity date less than one month after the date of the pawn transaction; or

15. An applicant/permittee has failed to return or replace the pledged goods to the pledgor or seller upon payment of the full amount due the pawnbroker unless the pledged goods have been taken into custody by a court or law enforcement officer or agency.

C. In the event that the chief of police shall suspend or revoke any occupation tax certificate and/or permit hereunder, the suspension or revocation shall be for a period of not less than one day nor more than 365 days, within the discretion of the chief of police; provided, however, that the applicant/permittee shall be authorized to, continue its business, operations until the date of the hearing scheduled in accordance with Subsection D., of this section. No applicant/permittee or any other applicant may apply for an occupation tax certificate and/or permit during any period of suspension or revocation. In any hearing conducted by the chief of police, the chief shall consider, among other things, the severity of the allegations, the evidence submitted and the testimony presented in making any decision on suspension, revocation and the duration of either.

D. In the event of a suspension or revocation by the chief of police, the applicant/permittee may appeal the decision of the chief of police to the mayor and city council by filing a written

notice of appeal within ten days from the date of the decision of the chief of police. Thereafter, a hearing shall be scheduled before the mayor and council within 45 days after the date of the notice of appeal by the applicant. After hearing by the mayor and city council, city council may take such action as it deems appropriate, including the upholding of the action of the chief of police or the imposition of such action as the mayor and city council may deem appropriate under the facts. The decision of mayor and city council shall be final. Appeals from the decision of the mayor and city council shall be to the Superior Court of Cobb County filed within 30 days of the final action of mayor and city council. In the event the applicant/permittee does not file an appeal from any decision of the chief of police, as provided herein, the decision of the chief of police shall be final.

(Code 1978, § 8-3095; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

### 8-12-12-160 Occupation tax certificate number.

Each applicant hereunder shall have printed on the front window of the regulated premises the inscription, "City of Marietta Pawnshop Certificate Number _____ " in uniform letters not less than three inches in height.

(Code 1978, § 8-3096; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

### 8-12-12-170 Records to be maintained.

Every pawnbroker shall maintain a permanent record book in which shall be entered in legible English at the time of each loan, purchase or sale the following information:

A. The date of the transaction;

B. The name and employee number of the person conducting the transaction;

C. The name of the maker of each article, any identifying mark or number including the serial number, and a detailed description of the article to include but not limited to the type material which the article is made of, any owner applied numbers or names on the article. In regards to articles of jewelry there must be the type of material, type of gems, weight/type stone cut for the gems, any identifying marks, i.e. Masons, named college, high school name, military branch, years, engravings, etc.

D. The name, address, and age of the customer by whom same was pledged, pawned, or sold;

E. The number of the receipt of pawn/purchase ticket in sequential order with no omissions, deletions or duplications;

F. The price paid or loaned for each article and a total for the transaction;

G. If payment is made by check to the customer, the number of the check issued for the purchase price or loan;

H. The maturity date of the transaction and the interest rate charged;

I. The signature and required fingerprint of the customer;

J. The applicant shall maintain and retain on the business premises, for a period of two years the names, addresses and ages of all persons employed by such applicant either full time or part time.

Each entry shall be made as soon after the transaction as is possible and in no event more than one hour thereafter. The books and the articles themselves so pledged, pawned or sold shall at all times be subject to inspection and examination by the police and will remain in an area at the business

not available to the public until the hold time limit has expired and the article becomes the property of the pawnshop. The applicant shall maintain such records for at least four years. The entries shall appear in ink and shall be in chronological order. No blank lines shall be left between entries. No obliterations, alterations, or erasures may be made. Corrections shall be made by drawing a line through the entry without destroying its legibility. The book/records shall be open to the inspection of any duly authorized law enforcement officer during the ordinary hours of business or at any reasonable time. Any person subject to this article, any applicant or employee thereof, who shall fail or refuse to keep books/records as provided in this section or shall make false entries concerning the transactions named, or who shall fail or refuse to permit an inspection or examination by any police officer of the books/records and of the property pledged or sold to the applicant shall be punished as provided in this Code.

(Code 1978, § 8-3097; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96; Ord. No. 6370, 3/13/2002, § 3)

### 8-12-12-180 Daily report to police.

Every applicant operating as a pawnshop as of May 30, 2002, and any future applicants wishing to operate as a pawnshop will be required to perform electronic daily reporting via either the internet or computer floppy disk, in a manner directed by the police department, using software compatible to that used by the police department. Every applicant shall make a daily report to the police department in such form and manner as directed by the police department or agent thereof, of all property pledged, received, traded, bartered, bought or otherwise acquired by the applicant during the 24 hours, ending at 8:00 p.m. on the date of the report. Such report shall be submitted electronically and shall contain the following information: Name and address of applicant; time of transaction; serial number of the pawn tickets; amount paid or advanced; full description of persons pledging, selling, or pawning, including their name, address, color, weight and height and any other information required by the police department in the form and manner prescribed by the police department. Insufficient reports shall be rejected and the applicant required to correct and resubmit with the daily reports for the next business day. Whenever the police department shall have probable cause to suspect any property listed in the report is stolen property or constitutes evidence of a crime or that any individual has committed a crime or that possession of the property is criminal, he shall notify the applicant not to sell any property so received on deposit or purchased by them or permit the same to be redeemed, for a period of at least 48 hours in addition to the time period required by Sections 8-12-12-220 and 8-12-12-230, after which the hold, restriction of sale, can be extended in increments of 30-day periods by the pawn section of the police department.

(Code 1978, § 8-3098; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96; Ord. No. 6370, 3/13/2002, § 4)

### 8-12-12-190 Fingerprints and identification required.

In addition to the other information required by this article, each applicant shall obtain the following:

A. A fingerprint from each person pawning, pledging or selling any article or articles. The fingerprint should be of the right hand index finger, unless such finger is missing; in which event, the print of the next finger in existence on the right hand of the person pawning the article or articles shall be obtained with a notation as to the exact finger printed. In the event the right hand is missing, then the fingerprint should be of the left index finger, unless such finger is missing, then the print of thenext finger in existence on the left hand shall be fingerprinted. All prints shall be made on forms prescribed by the Marietta police department and the form shall be completed in full. Fingerprints shall be obtained from every person on each transaction regardless of whether that person may

have previously pawned an article with the applicant and had been fingerprinted at that time.

B. Each applicant shall require that any person pawning, pledging, or selling an article or articles shall display evidence of acceptable identification such as a duly issued state drivers license or identification and the applicant shall record the driver license number or other number of such evidence of identification on the required form for the transaction.

The applicant or his/her employee will have the affirmative duty to compare all pictures, physical descriptions and signatures on the identification presented and shall not transact any business with a person who appears to be presenting false or altered identification. If the identification presented is not a State of Georgia issued identification the applicant will have the affirmative duty of providing the listed address from the identification as well as a current Georgia address on the transaction paperwork. The applicant is required to check the customer's identification for each transaction. If the pawnshop records show identification other than that presented this must be corrected during the current transaction.

Violations: The failure of any applicant or employee thereof to comply with the provisions of this section shall constitute an offense punishable as provided in Section 8-12-12-250.

(Code 1978, § 8-3099; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96; Ord. No. 6370, 3/13/2002, § 5)

### 8-12-12-200 Conflict of interest of city employees.

A. No employee of the City of Marietta who has any interest in a pawnshop, as defined herein, shall be assigned to work in an area or division of the city which regulates the business of pawnshops.

B. No employee of the City of Marietta with regulating authority may own, work in or be employed (paid or unpaid) by a pawnshop. Regulating authority, for purposes of this article, is defined as any person involved in or assigned to the inspection of the premises, approval of the occupation tax certificate applications or pawnbroker permits; and granting or denying of such applications or permits, or enforcement of this article and its provisions such as law enforcement or police officers.

C. No employee of the city with regulating authority as defined herein, may regulate a pawnshop where such is owned or operated by any person related to the employee of the city within a third degree of kinship. The term third degree of kinship shall include, for purposes of this article, children, grandchildren, mother, father, brothers and sisters, aunts and uncles, first cousins, and in-laws.

D. The definition of employee does not include elected officials of the City of Marietta.

E. All persons already engaging in the operation of or employment by a pawnshop prior to the effective date of this article shall be exempt from the provisions of this section, and shall be allowed to continue such operation or employment, provided they meet all the other conditions imposed by this article.

(Code 1978, § 8-3100; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

### 8-12-12-210 Additional merchandise.

An applicant selling goods other than those pledged may add new merchandise to his/her stock of the same type as that on which loans are made, up to a value of $1,000.00 per month, without having to pay an additional occupation tax as would be imposed according to the terms of the business

taxes of the city. The applicant must maintain all records, invoices, and bills of sale on such merchandise, which shall be subject to inspection and review by any duly authorized law enforcement officer. No article or articles shall be maintained on the premises for sale on a consignment basis for any citizen, employee or applicant.

(Code 1978, § 8-3101; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96; Ord. No. 6370, 3/13/2002, § 6)

### 8-12-12-220 Disposition of articles and goods.

Any applicant who takes good on pawn or buys goods, taking full title thereto, the words goods being here used in the broadest sense and including all kinds of personal property, shall hold those goods so taken in pawn or purchased for at least 30 days or longer if directed by the police department before disposing of same by sale, transfer, shipment, or otherwise. All property and/or titles taken in pawn or purchased must be kept on the premises where such items were pawned or purchased. These articles/titles will be maintained in an area not accessed by customers. Failure to comply with this section shall constitute a misdemeanor, as defined herein.

(Code 1978, § 8-3102; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96; Ord. No. 6370, 3/13/2002, § 7)

### 8-12-12-230 Restrictions regarding sale or pledge of building glass, plumbing materials, building materials and altered articles.

A. Generally. It is unlawful for pawnbrokers to purchase, advance money on, or take in pawn, glass taken from buildings, such as mantel mirrors, art glass and the like, or copper wire, copper linings of bathtubs, lead pipes or any kind of plumbing materials sold as junk, or other types of unused building materials where the same is offered for sale or pawned by other than persons of known good character.

B. Duties of Applicant. In all cases where goods are purchased or money advanced, pawnbrokers shall keep a record of the purchases or advances, showing the names of persons from whom received, their residence, their home and work phone number, the goods so taken and the amount of money paid or advanced, and this shall be at all times open for inspection to members of the police department. It is unlawful for applicants or employees thereof to purchase any goods, or to advance money thereon, where the appearance of the article or articles appearance indicates that they have been tampered with, or there has been an effort to conceal identity such as serial numbers, owner applied information etc., or same are mutilated, or otherwise show an effort to destroy evidence of the former location or owner of the property.

While the goods are being kept for 30 days before being disposed of, they shall be so arranged that they can be inspected by members of the police department on demand and the article or articles location shall be annotated in records readily available for inspection by the police department. Failure to comply with this section shall constitute an offense.

(Code 1978, § 8-3103; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96; Ord. No. 6370, 3/13/2002, § 8)

### 8-12-12-240 Redemption--Lost or damaged goods.

Any person properly identifying himself/herself and presenting a pawn ticket to the pawnbroker shall be presumed to be the pledgor or seller and shall be entitled to redeem the pledged goods described in such ticket. In the event such pledged goods are lost or damaged while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods

with like kinds of merchandise or settle upon a cash price and proof of replacement shall be a defense to prosecution. For the purposes of this subsection, lost includes destroyed or having disappeared because of any cause, whether known or unknown, that results in the pledged goods being unavailable for return to the pledgor.

(Code 1978, § 8-3104; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96; Ord. No. 6370, 3/13/2002, § 9)

### 8-12-12-250 Penalties for violation.

Any person violating the provisions of this article shall be guilty of a misdemeanor punishable by a fine not to exceed $500.00 per violation or by imprisonment for a period not to exceed 90 days, or by both such fine and imprisonment. In addition to such fine or imprisonment, any person failing to comply with any provision of this article, or other laws, ordinances or regulations as may be passed by city council in regulating the conduct of the business of a pawnbroker, shall be grounds for immediate suspension or revocation of the occupation tax certificate issued hereunder.

(Code 1978, § 8-3105; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

### 8-12-12-260 Businesses existing on date of adoption of this article.

All persons already engaging in the business of operating a pawnshop prior to the effective date of this article shall file an application in accordance with the terms of this article by January 1st for the first year in which such permit is requested, and each year thereafter, on January 1st of the year for which such occupation tax certificate is requested, in accordance with the renewal provisions set forth in Section 8-12-12-060. If the city council shall determine that the application filed pursuant tothis subsection should be denied, the applicant may continue to operate his or her business until the conclusion of the year in which they have a valid occupation tax certificate to operate.

(Code 1978, § 8-3106; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)