

**JULY 8, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT - ALL**

ITEM #3

PURPOSE

To make formal recommendations to the Board of Commissioners on the proposed changes to the Official Code of Cobb County.

BACKGROUND

From time to time, the Official Code of Cobb County needs to be revised and updated. Attached are revision to Chapters 2, 78, and 134 of the County Code.

FUNDING

N/A

RECOMMENDATION

The Planning Commission consider making a formal recommendation to the Board of Commissioners on the proposed changes to the Official Code of Cobb County.

ATTACHMENTS

Proposed code amendments.

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Proposed Amendments
Official Code of Cobb County
Chapters 2, 78 and 134
Public Hearing Dates
July 9, 2013 – 9:00 am
July 23, 2013 – 7:00 pm
Draft Amendment Package 1

Cobb County Community Development
P.O. Box 649
Marietta, GA 30061
www.cobbcounty.org

Planning Commission to consider July 8, 2013 at 9:00 am
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1 Sec. 2-29. Compensation of members.

2 (a) Commissioners, other than the chairperson, shall be paid as their entire
3 compensation for services as commissioners the sum of \$42,582.59 per annum,
4 payable monthly, to be paid out of the county treasury upon warrants drawn
5 upon the county treasury. The chairperson shall receive as his or her entire
6 compensation the sum of \$129,877.45 per annum, payable monthly, also to be
7 paid out of the county treasury upon warrants drawn upon the county treasury.
8 In recognition of the additional demands placed on the time of the chairperson
9 and the additional duties and responsibilities of that position, the chairperson
10 shall be compensated on a full-time employment basis; provided, however, the
11 chairperson shall be allowed to devote no more than 15 hours per week to a
12 business or employment interest unrelated to the business of the board of
13 commissioners. Except as provided otherwise in this section, the salary so fixed
14 shall constitute the entire compensation from all sources to which said
15 chairperson or any commissioner shall be entitled. The chairperson and the
16 commissioners may be reimbursed for reasonable expenses incurred in carrying
17 out their duties. Such expenses shall include the following:

- 18 (1) Mileage reimbursement for the use of a private automobile while
19 conducting county business;
- 20 (2) Secretarial services, if required, over and above the services normally
21 provided by the county; and
- 22 (3) Travel and lodging expenses and fees incurred in conjunction with training
23 seminars, conventions, or official county business conducted outside of Cobb
24 County.

25 (b) Expenses may be reimbursed ~~only after the submission of receipts for said~~
26 ~~expenses to the county comptroller and the approval by majority vote of the~~
27 ~~commission at a regularly scheduled meeting in accordance with the county~~
28 policy, as administered by the County Finance Department and as may be
29 amended from time to time. The chairman and commissioners shall be entitled to
30 compensation for serving on any other boards or authorities for which their
31 membership is provided by law.

32 (1964 Ga. Laws (Ex. Sess.) (Act No. 22), page 2075, § 8; 1971 Ga. Laws (Act
33 No. 510), page 3150, § 1; 1977 Ga. Laws (Act No. 492), page 3694, § 1; 1981
34 Ga. Laws (Act No. 195), page 3369; 1983 Ga. Laws (Act No. 383), page 4283, §
35 1; 1985 Ga. Laws (Act No. 125), page 3862, § 1; 1986 Ga. Laws (Act No. 981),
36 page 4157, § 1; 1987 Ga. Laws (Act No. 385), page 4955, § 1; 1989 Ga. Laws
37 (Act No. 225), page 4418, § 1; 1992 Ga. Laws (Act No. 682), page 5100, § 6;
38 1999 Ga. Laws (Act No. 13), page 3595, § 1; 2000 Ga. Laws (Act No. 558), page
39 3840, § 1; 2001 Ga. Laws (Act No. 237), page 4475, § 1; 2002 Ga. Laws (Act
40 No. 580), page 4614, § 1; 2003 Ga. Laws (Act No. 87), page 3677, § 1; 2004 Ga.
41 Laws (Act No. 836), page 4519, § 1; 2005 Ga. Laws (Act No. 277), page 3935, §
42 1; 2006 Ga. Laws (Act No. 704), page 3993, § 1; 2007 Ga. Laws (Act No. 296),
43 page 4157, § 1; 2008 Ga. Laws (Act No. 478), page 3691, § 1)

44

1 **2-176. Enterprise Zones – Definitions.**

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

5
6 "Act" means the Georgia Enterprise Zone Employment Act, set forth at O.C.G.A.
7 § 36-88-1, et seq., as amended.

8
9 "Ad valorem tax" means property taxes levied for state, county, or municipal
10 operating purposes but does not include property taxes imposed by school
11 districts or property taxes imposed for general obligation debt.

12
13 "Business enterprise" means any business engaged primarily in retail,
14 manufacturing, warehousing and distribution, processing, telecommunications,
15 tourism, research and development industries, new residential construction, and
16 residential rehabilitation.

17
18 "Enterprise zone" means one or more geographic areas so designated by the
19 board of commissioners wherein local ad valorem taxes, occupation taxes,
20 license fees, and other local fees and taxes, except local sales and use taxes or
21 any combination thereof, may be exempted or reduced from applying to qualified
22 business and service enterprises.

23
24 "Full-time job equivalent" means a job or jobs with no predetermined end date,
25 with a regular work week of 30 hours or more, and with the same benefits
26 provided to similar employees.

27
28 "New job" means a new "full-time job equivalent" employment for an individual
29 created within an enterprise zone by a new or expanded qualified business or

1 service enterprise at the time of the initial staffing of such new or expanded
2 enterprise.

3
4 "Service enterprise" means an entity engaged primarily in finance, insurance, and
5 real estate activity or activities listed as provided in the Act.

6
7 **(1) Purposes.**

8 This section, including its subsections, has been enacted based upon a
9 recognized need for revitalization in geographic areas within the county that are
10 suffering or may suffer from disinvestment, underdevelopment, and economic
11 decline and is intended to provide encouragement and incentives to private
12 businesses to reinvest, renovate, restore, improve and rehabilitate such areas for
13 new housing construction and the economic viability and profitability of
14 businesses and commerce and to generate increased employment opportunities
15 for residents of such areas.

16
17
18 **(2) Qualifying business or service enterprise**

19 A qualifying business or service enterprise is an enterprise which increased
20 employment by five or more new full-time job equivalents in a designated
21 enterprise zone and which provides additional economic stimulus in such zone.

22 The quality and quantity of such additional economic stimulus shall be
23 determined, on a case-by-case basis, by the board of commissioners. Such
24 business or service enterprise may be new, an expansion or reinvestment of an
25 existing business or service enterprise, or a successor to such business or service
26 enterprise. Whenever possible, 10 percent of such new employees shall be low-
27 income or moderate-income individuals, as defined under the Act.

28
29 **(3) Designation of Enterprise Zones**

30 The board of commissioners may independently, or in conjunction with one or
31 more municipalities, designate one or more geographic areas as enterprise zones

1 following an analysis of criteria (i.e., pervasive poverty, unemployment, general
2 distress, underdevelopment, general blight) and data described in the Act. Any
3 area designated as an enterprise zone may be redesignated as an enterprise
4 zone after the expiration of its initial term if the area continues to meet the
5 criteria for an enterprise zone.

6
7 **(4) Tax exemptions; other incentives**

8
9 (a) Local ad valorem taxes, occupation taxes, license fees, and other local fees
10 and taxes, except local sales and use taxes or any combination thereof, may be
11 exempted or reduced from applying to qualified business and service enterprises
12 in an area designated as an enterprise zone.

13 (b) Qualifying business and service enterprises in a designated enterprise zone
14 shall be granted an exemption from state, county, and municipal ad valorem
15 taxes that would otherwise be levied on the qualifying business and service
16 enterprises not to exceed the following schedule:

17 (1) One hundred percent of the property taxes shall be exempt for the first five
18 years;

19 (2) Eighty percent of the property taxes shall be exempt for the next two years;

20 (3) Sixty percent of the property taxes shall be exempt for the next year;

21 (4) Forty percent of the property taxes shall be exempt for the next year; and

22 (5) Twenty percent of the property taxes shall be exempt for the last year.

23
24 (c) If a project consists of new residential construction, residential rehabilitation,
25 or other rehabilitation of an existing structure and the value of the improvement
26 exceeds the value of the land by a ratio of five to one, then the exemption
27 schedule set forth in subsection (5)(b) shall apply whether or not the project is
28 carried out by a qualifying business or service enterprise.

29 (d) In no event shall the value of the property tax exemptions granted to
30 qualifying business and service enterprises within an enterprise zone created by
31 the county exceed 10 percent of the value of the property tax digest of the
32 county. In no event shall the value of the property tax exemptions granted to
33 qualifying business and service enterprises within an enterprise zone created by

1 the county and one or more municipalities exceed 10 percent of the value of the
2 property tax digest of the county and municipality/municipalities that created the
3 enterprise zone.

4 (d) For any qualifying business or service enterprise, the tax exemption
5 described in this section may begin in any year during which an enterprise zone
6 designation is in effect and may continue even if the enterprise zone designation
7 has terminated. A minimum of five new jobs must be maintained throughout the
8 exemption period for a qualifying business or service enterprise to maintain
9 eligibility for the tax exemption. Property tax exemptions granted to business or
10 service enterprises that continue to qualify for the exemption shall continue for
11 the full term of the incentives.

12 (e) Notwithstanding any other provision of this section, the county may enter
13 into agreements with qualifying business or service enterprises in designated
14 enterprise zones to provide for modification or termination of any tax and fee
15 exemptions and abatements.

16 (f) Qualifying business or service enterprises in designated enterprise zones may
17 be eligible for incentives other than those provided under this section, including
18 economic development incentives described elsewhere in Article V, and including
19 fee abatements or reductions for occupation taxes, regulatory fees and business
20 inspections.

21
22 **(5) Time limitations.**

23 An area designated as an enterprise zone shall remain in existence for ten years
24 from the first day of the calendar year immediately following its designation as
25 an enterprise zone. Except as otherwise provided, property tax incentives
26 granted to a qualified business or service enterprise shall remain in effect for the
27 full term of the exemption period.

28
29 **(6) Reporting**
30

1 Cobb County shall report designations of enterprise zones as required by the
2 Act, providing sufficient information to identify at a minimum the geographic
3 boundaries of enterprise zones, the specific fees and taxes to be exempted or
4 abated, and the beginning and ending dates of the designation period.

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2
3 ~~Sec. 78-181. Record of transactions.~~

4 ~~(a) Every pawnbroker shall maintain a permanent record book in which shall be~~
5 ~~entered in legible English at the time of each loan, purchase or sale:~~

6 ~~(1) The date of the transaction;~~

7 ~~(2) The name of the person conducting the transaction;~~

8 ~~(3) The name, age and address of the customer; a description of the general~~
9 ~~appearance of the customer; and the distinctive number from the customer's~~
10 ~~driver's license or other similar identification card;~~

11 ~~(4) An identification and description of the pledged or purchased goods,~~
12 ~~including, if reasonably available, the serial, model or other number, and all~~
13 ~~identifying marks inscribed thereon;~~

14 ~~(5) The number of the receipt or pawn ticket; in sequential order with no~~
15 ~~omissions, deletions, or duplications;~~

16 ~~(6) The price paid or the amount loaned;~~

17 ~~(7) If payment is made by check, the number of the check issued for the~~
18 ~~purchase price or loan;~~

19 ~~(8) The maturity date of the transaction; and~~

20 ~~(9) The signature of the customer.~~

21 ~~(10) The fingerprint of the right hand index finger of the customer, unless such~~
22 ~~finger is missing, in which event the print of the next finger in existence on the~~
23 ~~right hand of the person pawning the articles shall be obtained with the notation~~
24 ~~as to the exact finger printed;~~

25 ~~(b) Entries shall appear in ink and shall be in chronological order. No~~
26 ~~obliterations, alterations or erasures may be made. Corrections shall be made by~~
27 ~~drawing a line of ink through the entry without destroying its legibility. The~~
28 ~~record shall be open to the inspection of any duly authorized law enforcement~~
29 ~~officer during the ordinary hours of business or at any reasonable time.~~

30 ~~(c) The record of each pawn or purchase transaction provided for in this section~~
31 ~~shall be maintained for a period of not less than four years.~~

32 ~~(Ord. of 10-25-94; Code 1977, § 3-7-128; Ord. of 12-12-00)~~

33 ~~State law references: Similar provisions, O.C.G.A. §§ 44-12-132-44-12-134.~~

34
35 **Sec. 78-181. - Records and information to be maintained;**
36 **identification; digital photographs; fingerprints; records storage;**
37 **electronic automated reporting system use required**

38
39 (a) All pawnbrokers shall maintain records documenting accurate descriptions
40 of all property pledged, traded, pawned, exchanged, or sold to the pawnbroker.
41 Such description shall include, if reasonably available, the manufacturer, model,
42 serial number, style, material, kind, color, design, number of stones if jewelry,
43 and all other identifying names, marks, and numbers. The pawnbroker shall
44 assign a unique pawnshop transaction number documenting each transaction.

1
2 (b) Each item received, excluding audio and video recordings, shall be
3 tagged with the pawnshop transaction number. The tag bearing the pawnshop
4 transaction number must remain attached to the item until the property is
5 disposed of by sale, trade, or other lawful means.

6
7 (c) The pawnbroker shall require all persons pledging, trading, pawning,
8 exchanging, or selling property to show proper identification prior to conducting
9 a pawnshop transaction. Proper identification is defined as a government issued
10 photo identification card such as a driver's license, military identification card,
11 state identification card, or passport.

12
13 (d) The pawnbroker shall document the name, address, telephone number,
14 race, sex, height, weight, drivers license number, and date of birth of the person
15 pledging, trading, pawning, exchanging, or selling the property, along with the
16 date and time of transaction, the price paid or amount loaned, and the maturity
17 date of the transaction. This documentation shall be made at the time of the
18 transaction.

19
20 (e) The pawnbroker shall photograph, with a digital camera, at the time of
21 each transaction, the person pledging, trading, pawning, exchanging, or selling
22 the property. The photograph shall clearly show a frontal view of the subject's
23 face along with the pawnbroker's ticket transaction number. The pawnbroker
24 shall also clearly photograph the property being pledged, traded, pawned,
25 exchanged, or sold. Digital images shall be labeled and stored in such a manner
26 that they are safe from corruption, readily identifiable, and readily available for
27 review.

28
29 (f) The pawnbroker shall obtain from each person pledging, trading,
30 pawning, exchanging, or selling any property, the fingerprint of the right hand
31 index finger, unless such finger is missing, in which event the print of the next
32 finger in existence on the right hand shall be obtained with a notation as to the
33 exact finger printed. The electronic digital fingerprint scanner will be the primary
34 method of entry required. The fingerprint shall be imprinted onto the pawn
35 transaction form in the designated area along with the signature of the person
36 pawning, trading, pledging, exchanging, or selling the property. The fingerprint
37 must be clear and legible. In the event that more than one pawn transaction
38 form is required, a fingerprint and signature should be obtained for each form.
39 Fingerprints and the information required herein shall be obtained each time
40 such person pledges, trades, pawns, exchanges, or sells any property.

41
42 (g) Items of property, that appear to be new, unused, and in their original
43 packaging cannot be accepted by the pawnbroker unless the customer can
44 supply a copy of the original sales receipt, or other proof of purchase from the

1 place of purchase, to the pawnbroker who shall retain the receipt or proof of
2 purchase on file.

3
4 (h) The pawnbroker shall store the above records, digital images, and
5 fingerprints for a period of four years and make them available to law
6 enforcement personnel upon request.

7
8 (i) Every pawnbroker shall enter each transaction, including all information,
9 digital images and fingerprints required in sections (a), (d), (e), and (f) above, as
10 it occurs into the electronic automated reporting system via the internet, or
11 upload electronically, via the internet, a batch file of all transactions for each
12 business day, to the administrator of the electronic automated reporting system,
13 immediately at the conclusion of each business day. The administrator of the
14 electronic automated reporting system will electronically transmit all transactions
15 to the county police department.

16
17 ~~Sec. 78-182. Daily report to police; customer fingerprints and identification.~~

18 ~~(a) Daily report. Every licensee under this division shall make a daily report in~~
19 ~~writing to the county police department, in such form and manner as may be~~
20 ~~prescribed by the director of public safety for the county, or any designated~~
21 ~~agent, of all property pledged, received, traded, bartered, bought or otherwise~~
22 ~~acquired by the licensee during the 24 hours ending at 8:00 p.m. on the date of~~
23 ~~the report. In addition to any other information required by the county police~~
24 ~~department, the report shall include: the name and address of the licensee; time~~
25 ~~of transaction; serial number of pawn tickets; amount paid or advanced; full~~
26 ~~description of articles with sufficient information to identify each of such articles,~~
27 ~~including kind, style, material, color, design, kind and number of precious metals~~
28 ~~or gemstones, if any, and all identifying names, marks and numbers; and a~~
29 ~~description of the person pledging, selling or pawning, including name, address,~~
30 ~~color, weight and height. Insufficient reports shall be rejected, and any licensee,~~
31 ~~or employee thereof, making an insufficient report shall be deemed guilty of an~~
32 ~~offense punishable according to the provisions of section 78-2.~~

33 ~~(b) Customer identification. Each licensee shall require that any person~~
34 ~~pawning, pledging, bartering, exchanging, selling or entering into any transaction~~
35 ~~with the business shall display evidence of identification, such as a duly issued~~
36 ~~driver's license with picture or other similar evidence containing a picture of the~~
37 ~~customer, and the licensee shall record the driver's license number or other~~
38 ~~number or feature of such evidence of identification.~~

39 ~~(c) Violations. The failure of any licensee or employee thereof to comply with~~
40 ~~the provisions of this section shall constitute an offense, punishable as provided~~
41 ~~in section 78-2.~~

42 ~~(Ord. of 10-25-94; Code 1977, § 3-7-129; Ord. of 12-12-00)~~

43

1 **Sec. 78-182. - Daily report to police; required format; vendor selection**
2 **and fees; motor vehicle title pawn records**
3

4 (a) Every pawnbroker shall make a daily report, including all information
5 required in Sections 78-181(a), (d), (e), and (f), in such form as may be
6 prescribed by the chief of police or his designee, of all pawnshop transactions
7 that occurred during 24 hours ending at 8:00 p.m. on the date of the report. The
8 requirements of 78-181 (i) shall satisfy the pawnbroker's daily reporting
9 requirements.

10
11 (b) In the event that the electronic automated reporting system becomes
12 temporarily or permanently disabled, pawnbrokers will be notified as soon as
13 possible by the county police department. Pawnshops that incur electronic
14 system failures or other events that would cause partial or complete loss of
15 electronic reporting should notify the county police department forthwith
16 immediately with the reason for the failure. In either event, the pawnbrokers will
17 be required to make records of transactions on paper forms. The records will
18 include all of the information required in section 78-181. Pawnbrokers shall
19 maintain a minimum three day supply of these paper forms.

20
21 ~~(c) The chief of police or his designee shall designate the required automated~~
22 ~~reporting system and required equipment needed. There will be a regulatory fee~~
23 ~~assessed to each pawnshop for each reported transaction; said fee shall be an~~
24 ~~amount set by the chief of police equal to that charged by the administrator. This~~
25 ~~fee will be invoiced to the pawnbroker and collected by the chief of police or his~~
26 ~~designee, which may be a third party administrator of the automated reporting~~
27 ~~system.~~

28
29 (c) The chief of police or his designee(s) shall select the required automated
30 reporting system. A fee for each transaction reported to the electronic
31 automated reporting system will be assessed to each reporting business, by the
32 system administrator. The amount of the fee will not be greater than that listed
33 in the contract between the county and the system administrator, which is in
34 effect at the time of the transaction for which the fee is assessed.

35
36 (d) Every pawnbroker dealing exclusively with motor vehicle title pawns shall
37 be excluded from the requirements of Sections 78-181(b) property tags; 78-
38 181(e) photographs; 78-181(g) purchase receipts; 78-181(i) reporting to the
39 electronic automated reporting system; and Section 78-182(a) daily reports.
40

41 **Sec. 78-183. - Employee permit; qualifications of employees.**
42

43 (a) No person shall be employed by a pawnshop in any capacity who is not at
44 least 18 years of age, a citizen of the United States or an alien admitted for

1 permanent residence or a person who has otherwise been granted employment
2 authorization by the United States Immigration and Naturalization Service and
3 until such person has been issued ~~an annual personal identification card/ a~~
4 permit by the county police permit unit, authorizing such person to be employed
5 by a pawnshop. Such ~~a~~ permit shall not be issued to any person who has been
6 convicted of a felony, unless ten years have expired from the date of completion
7 of the felony sentence. No permit shall be issued to anyone who has been
8 convicted within five years immediately prior to the filing of the application for
9 employment ~~for, of~~ any misdemeanor ~~or felony~~ involving theft, burglary, crimes
10 against property, ~~any felony drugs or controlled substances, any violation of this~~
11 ~~division,~~ or any other crime involving moral turpitude. For purposes of this
12 section, the term "conviction" shall mean any adjudication of guilt, or plea of
13 guilty or nolo contendere. No permit shall be issued so long as there are
14 outstanding criminal warrants, criminal charges, accusations or indictments for
15 any of the crimes enumerated in this subsection on which there has been no
16 final disposition or adjudication, and any ~~such~~ application involving ~~any~~ such
17 pending charges shall be held for ~~any~~ final decision until final disposition or
18 adjudication of ~~such~~ the charges. No permit for employment in a pawnshop that
19 deals in firearms shall be issued to any convicted felon, unless the applicant's
20 right to possess firearms has been verifiably reinstated in the jurisdiction where
21 the conviction occurred.

22
23 (b) For whom required. It is the responsibility of the business licensee and/or
24 designee as stated in section 78-201(b) to ensure that the employees required
25 under this code section obtain and possess the required work permit prior to
26 working. Failure of an employee to possess a work permit shall be unlawful and
27 will subject the employee and licensee and/or designee to prosecution as
28 provided in this chapter.

29
30 (c) Application, issuance, denial. Except as otherwise provided, no person
31 requiring a work permit may be employed by an establishment holding a license
32 under this chapter until such person has been issued a work permit from the
33 county police department indicating the person is eligible for employment. The
34 work permit is valid for employment at one business only. The permit may be
35 transferred to another business location, without approval, provided that the
36 ownership of the business is the same as the previous location. If the ownership
37 of the business is different, the person with the work permit must apply and be
38 approved by the Cobb County Police Department in order for the work permit to
39 be valid. All applications required by this section shall be investigated by the
40 police department to include, among other things, an investigation of the
41 criminal record, if any, of the applicant. No work permit shall be issued by the
42 police department if the applicant has violated any of the provisions of this
43 section. Any applicant who is denied a work permit shall have the right to appeal
44 such decision to the license review board. Appeals to the Cobb County License

1 Review Board regarding the denial of a work permit must be filed with the Cobb
2 County Business License Division within 30 days of the denial. In addition, after
3 the hearing, the license review board may recommend to the board of
4 commissioners approval of a work permit to an employee whose application was
5 originally denied upon any conditions deemed appropriate by the license review
6 board. Denied applicants that fail to file a timely appeal shall not be authorized
7 to reapply for a work permit for 12 months from the date of the denial.

8
9 (d) Time limit. All persons subject to the provisions of this section shall, prior
10 to the date of their first work in a licensed establishment, make application for a
11 work permit to the county police department.

12
13 (e) Permit term; prescribing fee. Any permit for employment issued under this
14 section shall expire 12 months from the date of issuance unless earlier
15 suspended or revoked as provided in this section. The police department may
16 prescribe regulations for certifying the eligibility for continued employment
17 without the necessity of the employee's being fingerprinted and may prescribe
18 reasonable fees for certifying the eligibility for employment.

19
20 (f) Possession of permits by employees. Employees holding permits issued
21 pursuant to this section shall at all times during their working hours have the
22 permits available for inspection at the premises.

23
24 (g) Grounds for suspension, revocation, probation. No permit which has been
25 issued or which may hereafter be issued under this section shall be suspended,
26 revoked or placed on probation except for due cause as defined in this
27 subsection, and after a hearing and upon written notice to the holder of such
28 permit of the time, place and purpose of such hearing and a statement of the
29 charge or charges upon which such hearing shall be held. A minimum of three
30 days' notice shall be provided to the applicant or permit holder. "Due cause" for
31 the suspension or revocation of the permit shall consist of the omission or
32 falsification of any material in any application; or for any reason which would
33 authorize the refusal of the issuance of a permit; or any violation of this chapter.
34 All hearings shall be before the license review board. After the hearing if the
35 license review board determines due cause exists, the license review board may
36 recommend to the board of commissioners to suspend, revoke or place on
37 probation for a maximum of 12 months, with or without conditions, the permit.
38 The board of commissioners shall, within 60 days of the license review board's
39 recommendation, review a summary of the appeal or show cause hearing before
40 the license review board wherein the work permit was considered for issuance,
41 suspension or revocation (the summary shall be prepared by the business license
42 division manager) and the board of commissioners after such review will either
43 concur with recommendations of the license review board or choose to place the
44 matter down for a hearing. Should the board of commissioners place the matter

1 down for hearing the board of commissioners, after such hearing, may issue or
2 deny the work permit, suspend or revoke the work permit or place the employee
3 on probation. After the board of commissioners meeting, the representative of
4 the business license office will notify the Cobb County Police Department Permits
5 Unit of the decision. If the permit was approved for issuance by the board of
6 commissioners, the Cobb County Police Department Permits Unit will notify the
7 applicant that the permit has been approved. The employee whose work permit
8 was not issued or whose work permit was denied, probated, suspended or
9 revoked may appeal the board of commissioners. The decision of the board of
10 commissioners may be appealed by filing a petition for writ of certiorari to the
11 Superior Court of Cobb County within 30 days of the decision of the board of
12 commissioners.

13
14 (h) Notwithstanding any of the provisions in this section, any permits issued
15 through administrative error or an error in the completion of a background
16 investigation may be terminated by the director of public safety or his/her
17 designee.

18
19 **Sec. 78-184. - Hours of operation.**

20
21 No licensee under this division shall operate his place of business except during
22 the hours of 7:00 a.m. and 8:00 p.m.

23
24 **Sec. 78-185. - Dealing with minors.**

25
26 It shall be unlawful for any pawnbroker or his agents or employees to receive in
27 pawn, pledge or sale goods of any character or description from a minor. For the
28 purposes of this section a minor is any individual 17 years of age or under.

29
30 **Sec. 78-186. - Sale of knives, blackjacks or other weapons.**

31
32 It shall be unlawful for any licensee under this division to sell, offer for sale or
33 expose for sale any kind of metal knacks, dirks, sword-in-canes, spears, Bowie
34 knives or switchblade knives, or any blackjacks or similar weapons. Any licensee
35 or employee thereof violating this section shall be deemed guilty of an offense.

36
37 **Sec. 78-187. - Holding period of pledged articles; Police holds.**

38
39 All personal property acquired by the licensee, whether by pawn, purchase,
40 barter, trade or otherwise, shall be held and maintained by the licensee at the
41 licensed location, or at such other impound location as may have been previously
42 approved by the county police department in writing, for a minimum of 30 days
43 prior to disposal of same by the licensee, except in instances where the property
44 is redeemed as per a pawn transaction contract. The county police department

1 has the authority to place property that is the subject of police investigation on
2 "police hold." In that event, the county police department shall notify the
3 licensee of the need for a police hold and identify all property subject to the
4 police hold. Upon notification, it shall be the responsibility of the licensee to
5 maintain the subject property until such time as the property is released from
6 police hold status, confiscated as evidence or returned to its rightful owner.

7
8 **Sec. 78-188. - Violations; Exemptions**

9
10 The failure of any licensee or employee thereof to comply with the provisions of
11 this chapter shall constitute an offense, punishable as provided in section 78-2.
12 Transactions involving the purchase of property from licensed wholesale or
13 distributor businesses, manufacturers, manufacturers' representatives, or other
14 pawnbrokers are exempt from the requirements of this section.

15
16 **Sec. 78-189. - Severability.**

17
18 If any portion of this ordinance is declared by a court of competent jurisdiction to
19 be invalid or unenforceable, such declaration shall not be deemed to affect the
20 remaining portion of the ordinance.

21
22 **Subdivision II. License**

23
24 **Sec. 78-201. - Application.**

25
26 (a) Required. All persons, before beginning the business of operating a
27 pawnshop, shall first file an application with the director of the business license
28 office to obtain a license to conduct such a business.

29
30 (b) Contents. All persons 25 years of age or older desiring to obtain a license
31 required under this division shall make written application to the business license
32 office for such privilege, and shall supply such information as may be required by
33 the supervisor of the business license office or the police department, and such
34 application shall be sworn to by the applicant or agent thereof.

35
36 (c) Failure to furnish required information. All applicants shall furnish all data,
37 information and records requested of them, and failure to furnish such data,
38 information and records within 30 days from the date of such request shall
39 automatically serve to dismiss, with prejudice, the application. An applicant, by
40 filing an application, agrees to produce for oral interrogation any persons who
41 are considered as being important in the ascertainment of the facts relative to
42 such license, as may be requested by the supervisor of the business license
43 office or his duly authorized representative, such as the police department or the

1 county attorney. The failure to produce such persons within 30 days after being
2 requested to do so shall result in the automatic dismissal of such application.

3
4 (d) Operation in conjunction with establishment dealing in secondhand goods.
5 No pawnshop shall be operated at the same location or in the same premises
6 with the sale, dealing in, exchange or handling of other than new goods, wares
7 or merchandise. No license for the sale, dealing in, exchange or handling of
8 other than new goods, wares or merchandise shall be issued for a location
9 licensed for a pawnshop.

10
11 (e) Notification of change in information. Licensees shall immediately notify
12 the county in writing through the supervisor of the business license division of
13 any change in any information, material or data furnished in connection with an
14 application for a license, or of any material change in the type of business,
15 ownership or qualifications of the applicant or employees subsequent to license
16 issuance.

17 (Ord. of 10-25-94; Code 1977, § 3-7-120)

18
19 **Sec. 78-202. - Citizenship, residence requirements.**

20
21 (a) No license shall be granted pursuant to this division to any applicant who
22 is not a United States citizen -of the United States or legal permanent resident,
23 or a qualified alien or non-immigrant under the Federal Immigration and
24 Nationalization Act, and who is lawfully present in the United States.

25
26 (b) Where the applicant is a corporation, the majority stockholder must meet
27 the residence requirements set out in subsection (a) of this section, and the
28 license shall be issued to the corporation and the majority stockholder.

29
30 (c) If the applicant is a partnership, the same requirements pertaining to
31 corporations set out in subsection (b) of this section shall apply.

32 (Ord. of 10-25-94; Code 1977, § 3-7-121)

33
34 **Sec. 78-203. - Disqualification of applicants with prior convictions.**

35
36 (a) No license shall be issued under this division to any person, partnership or
37 corporation for pecuniary gain where any individual having an interest either as
38 owner, partner, principal stockholder, or licensee, such interest being direct or
39 indirect, beneficial or absolute, or his spouse, shall have been convicted of a
40 felony of any state or of the United States, unless ten years have expired from
41 the date of completion of the felony sentence. No license shall be issued to
42 anyone who has been convicted ~~or shall have taken a plea of nolo contendere~~
43 within five years immediately prior to the filing of the application ~~for, of any~~
44 ~~felony or~~ misdemeanor of any state or of the United States or any municipal or

1 county ordinance which would have any effect on the applicant's ability to
2 properly conduct such a business, except traffic offenses. For purposes of this
3 section, the term "conviction" shall include an adjudication of guilt or plea of
4 guilty, plea of nolo contendere or forfeiture of a bond when charged with a
5 crime. Where the violation is for a misdemeanor, forfeiture of bond, or violation
6 of a municipal or county ordinance, or where there is a plea of nolo contendere,
7 the license review board may, after investigation, waive such violation as a
8 disqualification. No license shall be issued so long as there are outstanding
9 criminal warrants, criminal charges, accusations or indictments for any of the
10 crimes enumerated in this section on which there has been no final disposition or
11 adjudication, and any application involving such pending charges shall be held
12 for final decision until final disposition or adjudication of the charges. No license
13 to operate a pawnshop that deals in firearms shall be issued to any convicted
14 felon, unless the applicant's right to possess firearms has been verifiably
15 reinstated in the jurisdiction where the conviction occurred.

16
17 (b) The board of commissioners, on appeal, may waive any conviction as a
18 disqualification, if it finds that it would have no material affect upon the
19 applicant's ability to properly conduct its business if such license were granted.
20 (Ord. of 10-25-94; Code 1977, § 3-7-122)

21
22 **Sec. 78-204. - Investigation and report.**

23
24 All applications for a license for a pawnshop shall be investigated, and the police
25 department shall report its recommendations to the supervisor of the business
26 license office, who shall keep a copy thereof on file.
27 (Ord. of 10-25-94; Code 1977, § 3-7-123)

28
29 **Sec. 78-205. - Time limit for obtaining license after approval; issuance.**

30
31 (a) All pawnshop licenses must be obtained and fees paid not later than two
32 weeks from the date of the approval of the application by the supervisor of the
33 business license office, and, if not so obtained, the approval granted by the
34 supervisor of the business license office shall be void.

35
36 (b) When a license has been approved and the applicant has deposited with
37 the business license office the required fee, the license shall be issued.
38 (Ord. of 10-25-94; Code 1977, § 3-7-124)

39
40 **Sec. 78-206. - Display of license number.**

41
42 Each pawnshop licensee shall have printed on the front window of the licensed
43 premises the inscription "Cobb County Pawnshop License Number _____," in
44 uniform letters not less than three inches in height.

1 (Ord. of 10-25-94; Code 1977, § 3-7-125)

2
3 Sec. 78-207. - Time limit for commencement of business; forfeiture for nonuse.

4
5 (a) All holders of licenses under this division must, within three months after
6 the issuance of the license, open for business the establishment referred to in
7 the license, unless such period is extended by the supervisor of the business
8 license office. Failure to open the licensed establishment as referred to in this
9 subsection within the three-month period shall serve as an automatic forfeiture
10 and cancellation of the unused license, and no refund of license fees shall be
11 made to the license holder.

12
13 (b) Any holder of a license under this division who shall begin the operation of
14 the business as authorized in the license, but who shall for a period of three
15 consecutive months thereafter cease to operate the business as authorized in the
16 license, shall upon completion of the three-month period automatically forfeit his
17 license, which license shall, by virtue of such failure to operate, be canceled
18 without the necessity for any further action of the supervisor of the business
19 license office.

20 (Ord. of 10-25-94; Code 1977, § 3-7-126)

21
22 **Sec. 78-208. - Transfer.**

23
24 No license granted to a pawnshop shall be transferable except upon application
25 to the supervisor of the business license office in the same form, manner and
26 subject to the same requirements with respect to the transferee as are applicable
27 in an original application; provided, however, any such license may be
28 transferred only to another person, firm, partnership or corporation doing the
29 same business and at the same place as the person, firm, partnership or
30 corporation to whom the license was originally issued. When permission for
31 transfer has been granted, the original licensee or transferee shall cause the
32 license to be delivered to the supervisor of the business license office, who shall
33 record such transfer, and the transferee shall pay a fee therefore as a condition
34 precedent to engaging in operations under the license. The fee for such transfer
35 shall be kept on file as part of the schedule of fees in the business license office.

36 (Ord. of 10-25-94; Code 1977, § 3-7-127)

37
38
39
40

1 **Subdivision I. - General**

2
3 **Sec. 78-390. - Definitions**

4
5 For purposes of this article, the term:

6
7 Precious metals means gold, silver, or platinum or any alloy containing gold,
8 silver, or platinum.

9
10 Gems means any precious or semiprecious stone which is cut and polished

11
12 Precious metals dealer means any person who under state law is defined as a
13 dealer in precious metals, to include any partnership, sole proprietorship,
14 corporation, association, or other entity engaged in the business of purchasing,
15 selling, bartering, or acquiring in trade any precious metals or gems from
16 persons or sources other than licensed wholesale or distributor businesses,
17 manufacturers, manufacturers' representatives, or other dealers in precious
18 metals.

19
20 **Sec. 78-391. - Registration and license required.**

21
22 Any person, who under state law is defined as a dealer in precious metals,
23 before engaging in business in the county, shall:

24 (1) Register with the county business license office and provide all information as
25 required under state law; and

26 (2) Obtain a business license under the terms of section 78-34.

27 (Ord. of 10-25-94; Code 1977, § 3-7-170)

28
29 ~~Sec. 78-392. Record of transactions.~~

30 ~~(a) — Every dealer in precious metals shall maintain a permanent record, in~~
31 ~~which shall be entered at the time of each purchase of precious metals or gems~~
32 ~~or goods made from precious metals or gems the following:~~

33 ~~(1) — The date and time of the purchase;~~

34 ~~(2) — The name of the person conducting the purchase from the seller;~~

35 ~~(3) — The name, age and address of the seller of the items purchased; a~~
36 ~~description of the general appearance of the seller; and the distinctive number~~
37 ~~from the seller's driver's license or other similar identification card containing a~~
38 ~~photo of the seller;~~

39 ~~(4) — A clear and accurate identification and description of the purchased goods,~~
40 ~~including the serial, model or other number, and all identifying marks inscribed~~
41 ~~thereon;~~

42 ~~(5) — The number of the receipt or transaction ticket;~~

43 ~~(6) — The price paid for the goods purchased;~~

1 ~~(7) — The number of the check issued for the purchase price, if payment is~~
2 ~~made by check;~~

3 ~~(8) — The signature of the seller;~~

4 ~~(9) — The fingerprint of the right hand index finger of the customer, unless such~~
5 ~~finger is missing, in which event the print of the next finger in existence on the~~
6 ~~right hand of the person pawning the articles shall be obtained with the notation~~
7 ~~as to the exact finger printed.~~

8 ~~(b) — The permanent record required by this code section shall be in legible~~
9 ~~English. Entries shall appear in ink and shall be in chronological order. No~~
10 ~~obliterations, alterations or erasures may be made. Corrections shall be made by~~
11 ~~drawing a line of ink through the entry without destroying its legibility. The~~
12 ~~record shall be open to the inspection of any duly authorized law enforcement~~
13 ~~officer during the ordinary hours of business or at any reasonable time.~~

14 ~~(c) — The record of purchase transaction provided for in this section shall be~~
15 ~~maintained for a period of not less than four years.~~

16 ~~(Ord. of 12-12-00)~~

17 ~~**State law references:** Similar provisions, O.C.G.A. §§ 43-37-3.~~

18
19 **Sec. 78-392. - Records and information to be maintained;**
20 **identification; digital photographs; fingerprints; records storage**

21
22 (a) All precious metals dealers shall maintain records documenting accurate
23 descriptions of all precious metals or gems or goods made from precious metals
24 or gems purchased. Such description shall include, if reasonably available, the
25 manufacturer, model, serial number, style, material, kind, color, design, number
26 of stones if jewelry, and all other identifying names, marks, and numbers. The
27 precious metals dealer shall assign a unique transaction number documenting
28 each transaction, and ensure that each item received is tagged with the
29 transaction number. The tag bearing the transaction number must remain
30 attached to the item until the property is disposed of by sale, trade, or other
31 lawful means.

32
33 (b) The precious metals dealer shall require all persons selling precious metals
34 or gems to show proper identification prior to conducting a transaction. Proper
35 identification is defined as a government issued photo identification card such as
36 a driver's license, military identification card, state identification card, or
37 passport.

38
39 (c) The precious metals dealer shall document the name, address, telephone
40 number, race, sex, height, weight, drivers license number, and date of birth of
41 the persons selling precious metals or gems, along with the date and time of
42 transaction and the price paid for items sold. This documentation shall be made
43 at the time of the transaction.

44

1 (d) The precious metals dealer shall photograph the persons selling precious
2 metals or gems, with a digital camera, at the time of each transaction. The
3 photograph shall clearly show a frontal view of the subject's face along with the
4 transaction number. The precious metals dealer shall also clearly photograph the
5 property being sold. Digital images shall be labeled and stored in such a manner
6 that they are safe from corruption, readily identifiable, and readily available for
7 review.

8
9 (e) The precious metals dealer shall obtain from each person selling any
10 persons selling precious metals or gems, the fingerprint of the right hand index
11 finger, unless such finger is missing, in which event the print of the next finger in
12 existence on the right hand shall be obtained with a notation as to the exact
13 finger printed. The electronic digital fingerprint scanner will be the primary
14 method of entry required. The fingerprint shall be imprinted onto the transaction
15 form in the designated area along with the signature of the person selling the
16 property. The fingerprint must be clear and legible. In the event that more than
17 one transaction form is required, a fingerprint and signature should be obtained
18 for each form. Fingerprints and the information required herein shall be obtained
19 each time such person sells any property.

20
21 (f) Items of property that appear to be new, unused, and in their original
22 packaging cannot be accepted by the precious metals dealer unless the customer
23 can supply a copy of the original sales receipt, or other proof of purchase from
24 the place of purchase, to the precious metals dealer who shall retain the receipt
25 or proof of purchase on file.

26
27 (g) The precious metals dealer shall store the above records, digital images,
28 and fingerprints for a period of four years and make them available to law
29 enforcement personnel upon request.

30
31 (h) Every precious metals dealer shall enter each transaction, including all
32 information, digital images and fingerprints required in sections (a), (c), (d), and
33 (e) above, as it occurs into the electronic automated reporting system via the
34 internet, or upload electronically, via the internet, a batch file of all transactions
35 for each business day, to the administrator of the electronic automated reporting
36 system, immediately at the conclusion of each business day. The administrator of
37 the electronic automated reporting system will electronically transmit all
38 transactions to the county police department.

39
40 ~~Sec. 78-393. Daily report to police; and identification.~~

41 ~~(a) *Daily report.* Every licensee under this division shall make a daily report to~~
42 ~~the county police department, in such form and manner as may be prescribed by~~
43 ~~the director of public safety for the county, or any designated agent, of all~~
44 ~~property purchased or otherwise acquired by the licensee during the 24 hours~~

1 ending at 8:00 p.m. on the date of the report. In addition to any other
2 information required by the county police department, the report shall include:
3 the name and address of the licensee; time of transaction; number of receipt or
4 transaction ticket; amount paid; full description of articles with sufficient
5 information to identify each of such articles, including kind, style, material, color,
6 design, kind and number of precious metals or gemstones, if any, and all
7 identifying names, marks and numbers; and a description of the person selling,
8 including name, address, color, weight and height. Insufficient reports shall be
9 rejected, and any licensee, or employee thereof, making an insufficient report
10 shall be deemed guilty of an offense punishable according to the provisions of
11 section 78-2.

12 (b) — *Customer identification.* Each licensee shall require that any selling or
13 entering into any transaction with the business shall display evidence of
14 identification, such as a duly issued driver's license with picture or other similar
15 evidence containing a picture of the customer, and the licensee shall record the
16 driver's license number or other number or feature of such evidence of
17 identification.

18 (c) — *Violations.* The failure of any licensee or employee thereof to comply with
19 the provisions of this section shall constitute an offense, punishable as provided
20 in section 78-2.

21 (Ord. of 12-12-00)

22 23 **Sec. 78-393. - Daily report to police; required format; vendor selection** 24 **and fees**

25
26 (a) Every precious metals dealer shall make a daily report in such form as
27 may be prescribed by the chief of police or his designee, of all purchase
28 transactions that occurred during 24 hours ending at 8:00 p.m. on the date of
29 the report. The requirements of 78-392 (h) shall satisfy the precious metals
30 dealer's daily reporting requirements.

31
32 (b) In the event that the electronic automated reporting system becomes
33 temporarily or permanently disabled, precious metals dealers will be notified as
34 soon as possible by the county police department. Dealers that incur electronic
35 system failures or other events that would cause partial or complete loss of
36 electronic reporting should notify the county police department forthwith
37 immediately with the reason for the failure. In either event, the precious metals
38 dealers will be required to make records of transactions on paper forms. The
39 records will include all of the information required in section 78-392. Precious
40 metals dealers shall maintain a minimum three day supply of these paper forms.

41
42 (c) — The chief of police or his designee shall designate the required automated
43 reporting system and required equipment needed. There will be a regulatory fee
44 assessed to each pawnshop for each reported transaction: said fee shall be an

1 amount set by the chief of police equal to that charged by the administrator. This
2 fee will be invoiced to the precious metals dealer and collected by the chief of
3 police or his designee, which may be a third party administrator of the
4 automated reporting system.

5
6 (c) The chief of police or his designee(s) shall select the required automated
7 reporting system. A fee for each transaction reported to the electronic
8 automated reporting system will be assessed to each reporting business, by the
9 system administrator. The amount of the fee will not be greater than that listed
10 in the contract between the county and the system administrator, which is in
11 effect at the time of the transaction for which the fee is assessed.

12
13 ~~Sec. 78-394. Holding period of purchased articles.~~

14 ~~All personal property acquired or purchased by the licensee shall be held and~~
15 ~~maintained by the licensee at the licensed location, or at such other impound~~
16 ~~location as may have been previously approved by the county police department~~
17 ~~in writing, for a minimum of 30 days prior to disposal of same by the licensee.~~

18 ~~(Ord. of 12-12-00)~~

19 ~~Secs. 78-395-78-410. Reserved.~~

20
21 **Sec. 78-394. - Employee permit; qualifications of employees.**

22
23 (a) No person shall be employed by a precious metals dealer in any capacity
24 who is not at least 18 years of age, a citizen of the United States or an alien
25 admitted for permanent residence or a person who has otherwise been granted
26 employment authorization by the United States Immigration and Naturalization
27 Service and until such person has been issued an annual personal identification
28 card/ a permit by the county police permit unit, authorizing such person to be
29 employed by a precious metals dealer. Such a permit shall not be issued to any
30 person who does not meet the requirements of O.C.G.A. 43-37-2(d), or who has
31 been convicted within five years immediately prior to the filing of the application
32 for employment for, of any misdemeanor involving theft, burglary, crimes against
33 property, any felony drugs or controlled substances, any violation of this division,
34 or any other crime involving moral turpitude. For purposes of this section, the
35 term "conviction" shall mean any adjudication of guilt, or plea of guilty or nolo
36 contendere. No permit shall be issued so long as there are outstanding criminal
37 warrants, criminal charges, accusations or indictments for any of the crimes
38 enumerated in this subsection on which there has been no final disposition or
39 adjudication, and any such application involving any such pending charges shall
40 be held for any final decision until final disposition or adjudication of such the
41 charges.

42
43 (b) For whom required. It is the responsibility of the business licensee and/or
44 designee as stated in section 78-399(b) to ensure that the employees required

1 under this code section obtain and possess the required work permit prior to
2 working. Failure of an employee to possess a work permit shall be unlawful and
3 will subject the employee and licensee and/or designee to prosecution as
4 provided in this chapter.

5
6 (c) Application, issuance, denial. Except as otherwise provided, no person
7 requiring a work permit may be employed by an establishment holding a license
8 under this chapter until such person has been issued a work permit from the
9 county police department indicating the person is eligible for employment. The
10 work permit is valid for employment at one business only. The permit may be
11 transferred to another business location, without approval, provided that the
12 ownership of the business is the same as the previous location. If the ownership
13 of the business is different, the person with the work permit must apply and be
14 approved by the Cobb County Police Department in order for the work permit to
15 be valid. All applications required by this section shall be investigated by the
16 police department to include, among other things, an investigation of the
17 criminal record, if any, of the applicant. No work permit shall be issued by the
18 police department if the applicant has violated any of the provisions of this
19 section. Any applicant who is denied a work permit shall have the right to appeal
20 such decision to the license review board. Appeals to the Cobb County License
21 Review Board regarding the denial of a work permit must be filed with the Cobb
22 County Business License Division within 30 days of the denial. In addition, after
23 the hearing, the license review board may recommend to the board of
24 commissioners approval of a work permit to an employee whose application was
25 originally denied upon any conditions deemed appropriate by the license review
26 board. Denied applicants that fail to file a timely appeal shall not be authorized
27 to reapply for a work permit for 12 months from the date of the denial.

28
29 (d) Time limit. All persons subject to the provisions of this section shall, prior
30 to the date of their first work in a licensed establishment, make application for a
31 work permit to the county police department.

32
33 (e) Permit term; prescribing fee. Any permit for employment issued under this
34 section shall expire 12 months from the date of issuance unless earlier
35 suspended or revoked as provided in this section. The police department may
36 prescribe regulations for certifying the eligibility for continued employment
37 without the necessity of the employee's being fingerprinted and may prescribe
38 reasonable fees for certifying the eligibility for employment.

39
40 (f) Possession of permits by employees. Employees holding permits issued
41 pursuant to this section shall at all times during their working hours have the
42 permits available for inspection at the premises.

43

1 (g) Grounds for suspension, revocation, probation. No permit which has been
2 issued or which may hereafter be issued under this section shall be suspended,
3 revoked or placed on probation except for due cause as defined in this
4 subsection, and after a hearing and upon written notice to the holder of such
5 permit of the time, place and purpose of such hearing and a statement of the
6 charge or charges upon which such hearing shall be held. A minimum of three
7 days' notice shall be provided to the applicant or permit holder. "Due cause" for
8 the suspension or revocation of the permit shall consist of the omission or
9 falsification of any material in any application; or for any reason which would
10 authorize the refusal of the issuance of a permit; or any violation of this chapter.
11 All hearings shall be before the license review board. After the hearing if the
12 license review board determines due cause exists, the license review board may
13 recommend to the board of commissioners to suspend, revoke or place on
14 probation for a maximum of 12 months, with or without conditions, the permit.
15 The board of commissioners shall, within 60 days of the license review board's
16 recommendation, review a summary of the appeal or show cause hearing before
17 the license review board wherein the work permit was considered for issuance,
18 suspension or revocation (the summary shall be prepared by the business license
19 division manager) and the board of commissioners after such review will either
20 concur with recommendations of the license review board or choose to place the
21 matter down for a hearing. Should the board of commissioners place the matter
22 down for hearing the board of commissioners, after such hearing, may issue or
23 deny the work permit, suspend or revoke the work permit or place the employee
24 on probation. After the board of commissioners meeting, the representative of
25 the business license office will notify the Cobb County Police Department Permits
26 Unit of the decision. If the permit was approved for issuance by the board of
27 commissioners, the Cobb County Police Department Permits Unit will notify the
28 applicant that the permit has been approved. The employee whose work permit
29 was not issued or whose work permit was denied, probated, suspended or
30 revoked may appeal the board of commissioners. The decision of the board of
31 commissioners may be appealed by filing a petition for writ of certiorari to the
32 Superior Court of Cobb County within 30 days of the decision of the board of
33 commissioners.

34
35 (h) Notwithstanding any of the provisions in this section, any permits issued
36 through administrative error or an error in the completion of a background
37 investigation may be terminated by the director of public safety or his/her
38 designee.

39
40 **Sec. 78-395. - Holding period of purchased articles, Police holds;**

41
42 All property acquired by the licensee through any precious metals dealer
43 transaction shall be held and maintained by the licensee at the licensed location,
44 or at such other impound location as may have been previously approved by the

1 county police department in writing, for a minimum of 30 days prior to disposal
2 of same by the licensee. The county police department has the authority to place
3 property that is the subject of police investigation on "police hold." In that event,
4 the county police department shall notify the licensee of the need for a police
5 hold and identify all property subject to the police hold. Upon notification, it shall
6 be the responsibility of the licensee to maintain the subject property until such
7 time as the property is released from police hold status, confiscated as evidence
8 or returned to its rightful owner.

9
10 **Sec. 78-396. - Dealing with minors.**

11
12 It shall be unlawful for any precious metals dealer, his or her agents or
13 employees, to purchase any precious metals or gems from any person under 18
14 years of age.

15
16 **Sec. 78-397. - Violations; Exemptions**

17
18 The failure of any licensee or employee thereof to comply with the provisions of
19 this chapter shall constitute an offense, punishable as provided in section 78-2.
20 Transactions involving the purchase of precious metals from licensed wholesale
21 or distributor businesses, manufacturers, manufacturers' representatives, or
22 other dealers are exempt from the requirements of this chapter.

23
24 **Sec. 78-398. - Severability.**

25
26 If any portion of this ordinance is declared by a court of competent jurisdiction to
27 be invalid or unenforceable, such declaration shall not be deemed to affect the
28 remaining portion of the ordinance.

29
30 **Subdivision II. - License**

31
32 **Sec. 78-399. - Application.**

33
34 (a) Required. All persons, before beginning the business as a precious metals
35 dealer, shall first file an application with the director of the business license office
36 to obtain a license to conduct such a business.

37
38 (b) Contents. All persons 25 years of age or older desiring to obtain a license
39 required under this division shall make written application to the business license
40 office for such privilege, and shall supply such information as may be required by
41 the supervisor of the business license office or the police department, and such
42 application shall be sworn to by the applicant or agent thereof.

43

1 (c) Failure to furnish required information. All applicants shall furnish all data,
2 information and records requested of them, and failure to furnish such data,
3 information and records within 30 days from the date of such request shall
4 automatically serve to dismiss, with prejudice, the application. An applicant, by
5 filing an application, agrees to produce for oral interrogation any persons who
6 are considered as being important in the ascertainment of the facts relative to
7 such license, as may be requested by the supervisor of the business license
8 office or his duly authorized representative, such as the police department or the
9 county attorney. The failure to produce such persons within 30 days after being
10 requested to do so shall result in the automatic dismissal of such application.

11
12 (d) Notification of change in information. Licensees shall immediately notify
13 the county in writing through the supervisor of the business license division of
14 any change in any information, material or data furnished in connection with an
15 application for a license, or of any material change in the type of business,
16 ownership or qualifications of the applicant or employees subsequent to license
17 issuance.

18
19 **Sec. 78-400. - Citizenship, residence requirements.**

20
21 (a) No license shall be granted pursuant to this division to any applicant who
22 is not a United States citizen ~~of the United States~~ or legal permanent resident,
23 or a qualified alien or non-immigrant under the Federal Immigration and
24 Nationalization Act, and who is lawfully present in the United States.

25
26 (b) Where the applicant is a corporation, the majority stockholder must meet
27 the residence requirements set out in subsection (a) of this section, and the
28 license shall be issued to the corporation and the majority stockholder.

29
30 (c) If the applicant is a partnership, the same requirements pertaining to
31 corporations set out in subsection (b) of this section shall apply.

32
33 **Sec. 78-401. - Disqualification of applicants with prior convictions.**

34
35 (a) No license shall be issued under this division to any person, partnership or
36 corporation for pecuniary gain where any individual having an interest either as
37 owner, partner, principal stockholder, or licensee, such interest being direct or
38 indirect, beneficial or absolute, or his spouse, does not meet the requirements of
39 O.C.G.A. 43-37-2(d), or shall have been convicted ~~or shall have taken a plea of~~
40 ~~nolo contendere~~ within five years immediately prior to the filing of the application
41 for, of any felony ~~or~~ misdemeanor of any state or of the United States or any
42 municipal or county ordinance which would have any effect on the applicant's
43 ability to properly conduct such a business, except traffic offenses. For purposes
44 of this section, the term "conviction" shall include an adjudication of guilt or plea

1 of guilty, plea of nolo contendere or forfeiture of a bond when charged with a
2 crime. Where the violation is for a misdemeanor, forfeiture of bond, or violation
3 of a municipal or county ordinance, or where there is a plea of nolo contendere,
4 the license review board may, after investigation, waive such violation as a
5 disqualification. No license shall be issued so long as there are outstanding
6 criminal warrants, criminal charges, accusations or indictments for any of the
7 crimes enumerated in this section on which there has been no final disposition or
8 adjudication, and any application involving such pending charges shall be held
9 for final decision until final disposition or adjudication of the charges.

10
11 (b) The board of commissioners, on appeal, may waive any conviction as a
12 disqualification, if it finds that it would have no material affect upon the
13 applicant's ability to properly conduct its business if such license were granted.

14
15 **Sec. 78-402. - Investigation and report.**

16
17 All applications for a license for a precious metals dealer shall be investigated,
18 and the police department shall report its recommendations to the supervisor of
19 the business license office, who shall keep a copy thereof on file.

20
21 **Sec. 78-403. - Time limit for obtaining license after approval; issuance.**

22
23 (a) All precious metals dealer licenses must be obtained and fees paid not
24 later than two weeks from the date of the approval of the application by the
25 supervisor of the business license office, and, if not so obtained, the approval
26 granted by the supervisor of the business license office shall be void.

27
28 (b) When a license has been approved and the applicant has deposited with
29 the business license office the required fee, the license shall be issued.

30
31 **Sec. 78-404. - Time limit for commencement of business; forfeiture for**
32 **nonuse.**

33
34 (a) All holders of licenses under this division must, within three months after
35 the issuance of the license, open for business the establishment referred to in
36 the license, unless such period is extended by the supervisor of the business
37 license office. Failure to open the licensed establishment as referred to in this
38 subsection within the three-month period shall serve as an automatic forfeiture
39 and cancellation of the unused license, and no refund of license fees shall be
40 made to the license holder.

41
42 (b) Any holder of a license under this division who shall begin the operation of
43 the business as authorized in the license, but who shall for a period of three
44 consecutive months thereafter cease to operate the business as authorized in the

1 license, shall upon completion of the three-month period automatically forfeit his
2 license, which license shall, by virtue of such failure to operate, be canceled
3 without the necessity for any further action of the supervisor of the business
4 license office.

5
6 **Sec. 78-405. - Transfer.**

7
8 No license granted to a precious metals dealer shall be transferable except upon
9 application to the supervisor of the business license office in the same form,
10 manner and subject to the same requirements with respect to the transferee as
11 are applicable in an original application; provided, however, any such license
12 may be transferred only to another person, firm, partnership or corporation
13 doing the same business and at the same place as the person, firm, partnership
14 or corporation to whom the license was originally issued. When permission for
15 transfer has been granted, the original licensee or transferee shall cause the
16 license to be delivered to the supervisor of the business license office, who shall
17 record such transfer, and the transferee shall pay a fee therefor as a condition
18 precedent to engaging in operations under the license. The fee for such transfer
19 shall be kept on file as part of the schedule of fees in the business license office.

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1 Sec. 134-1. Definitions.

2 Veterinarian means a person licensed to practice medicine and/or surgery on
3 animals. A veterinarian or other animal care provider may offer other uses
4 relating to the care and well-being of animals, including animal daycare or
5 boarding (indoor only), animal training and animal grooming.

6

1 Sec. 134-36 Temporary land use permits.

2 ...

3 (h) Suspension or revocation. A holder of a Temporary Land Use Permit may be
4 subject to suspension or revocation via a show-cause hearing if the
5 owner/property owner/operator is found in violation of any of the Board of
6 Commissioners' stipulations, or is in violation of any rule or law of any local, state
7 or federal governing body or agency. The Zoning Division Manager shall be
8 authorized post the property at least 30 days prior to a show-cause hearing with
9 an Other Business sign, if violations are not immediately corrected, and/or are
10 habitual in nature, and/or endanger the public health, safety and welfare.

11

1 Sec. 134-37 Special land use permits.

2 ...

3 (g) Suspension or revocation. A holder of a Special Land Use Permit may be
4 subject to suspension or revocation via a show-cause hearing if the
5 owner/property owner/operator is found in violation of any of the Board of
6 Commissioners' stipulations, or is in violation of any rule or law of any local, state
7 or federal governing body or agency. The Zoning Division Manager shall be
8 authorized post the property at least 30 days prior to a show-cause hearing with
9 an Other Business sign, if violations are not immediately corrected, and/or are
10 habitual in nature, and/or endanger the public health, safety and
11 welfare.....

12

- 1 Sec. 134-223. O/S office/service district.
- 2 (3) Permitted uses. Permitted uses are as follows:
- 3 ...
- 4 Pro shops, if accessory to driving ranges or golf courses.
- 5 Professional offices.
- 6 Radio and television stations.
- 7

- 1 Sec. 134-226. TS tourists services district.
- 2 (3) Permitted uses. Permitted uses are as follows:
- 3 ...
- 4 Pro shops, if accessory to driving ranges or golf courses.
- 5 Professional offices.
- 6

1 Sec 134-267.....

2 (k) Limitation on utility meters in certain residential zoning districts. Single-
3 family residential zoning districts shall be limited to a maximum one gas meter
4 and one electrical meter per lot. This requirement shall apply to the R-80, RR, R-
5 40, R-30, R-20, R-15, OSC, CS, R-12, RA-4, RA-5, RA-6, and PRD zoning districts.
6 Additionally, this requirement shall apply to the SC, RSL, RM-8, RM-12, and RM-
7 16 zoning districts when developed for single-family detached uses. Application
8 may be made to the board of zoning appeals for a variance to allow more than
9 one electrical or gas meter per lot. This section shall not apply to additional
10 electrical meters strictly used to operate entrance gates, security lights or water
11 irrigation systems.....

12