

**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](http://www.cobbcounty.org)

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| Planning Commission to consider<br>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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6

1  
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.

20  
21  
22  
23  
24  
25  
26  
27

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