**ORDINANCE NO. 2015-08**

AN ORDINANCE TO REGULATE THE OPERATIONS OF SECONDHAND DEALERS AND PAWN SHOPS IN CEDAR BLUFF, ALABAMA

BE IT HEREBY ORDAINED by the Town Council of the Town of Cedar Bluff at a regular meeting, duly assembled, a quorum being present, as follows:

**Section 1. Definitions**

a). Pawnbroker—Any person, firm or entity engaged in the business of lending money on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

b). Personal Identification Card-- A driver’s license or identification card issued by the Alabama Department of Public Safety or a similar card issued by the appropriate authority in another State, a military identification card, a passport, or an appropriate work authorization document issued by the U. S. Citizenship and Immigration Services of the Department of Homeland Security, or such other federal agency which may be duly authorized to issue the same.

c). Secondhand Dealer—any person, firm or entity operating any store, shop or place of business where secondhand goods are bought, sold, exchanged, or bartered.

d). Secondhand Goods—Any property of any kind or description which has been previously sold to or owned by a consumer of other person who is not a merchant as defined by Code of Ala. 1975, SS 7-2-104; or that constitutes “pledged goods” under the Alabama Pawnshop Act; or that is sold or received as scrap or salvage property; provided, that household furnishing, clothing waste, and animal waste or aluminum drink cans shall not be considered secondhand goods within this article. Secondhand goods shall specifically include, as well, any jewelry or precious metals, such as gold and silver, in any form whatsoever, including coinage.

**Section 2. Record of Purchases**

(a) At the time of any transaction other than renewals, extensions or redemptions, every secondhand dealer must immediately record in English the following information by using ink or in a computerized record approved by the police department:

(1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item. Gold, silver, precious, or semi-precious stones, must be completely described as to the original design or intended use of the item. A description of “scrap gold”, is not acceptable.

(2) The purchase price, amount of money loaned upon, or pledged.

(3) Date and time the item of property was received by the secondhand dealer, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the secondhand dealer’s records.

(4) Full name, current residence address, and current telephone number, date of birth, race, sex and signature of the person from whom the item of property was acquired or purchased.

(5) An accurate description of the vehicle, including tag number, occupied by the person from whom the item of property is acquired or purchased.

(6) The secondhand dealer must require the presentation of one of the following forms of identification, and keep a photocopy on file, from the person from whom the property is acquired or purchased.

a. Valid state-issued driver’s license.

b. Any valid state-issued identification that includes a photograph of that person listed on the identification.

(7) Written records of transactions, photocopies, and photographs shall be maintained for a minimum of six (6) months from the date of the transaction and be available for inspection by the chief of police or his designee upon request.

**Section 3. Purchases to be retained for ten days in original state; exception.**

It shall be unlawful for any secondhand dealer to sell or otherwise dispose of any secondhand goods, or permit any secondhand goods to be sold or otherwise disposed of, or remove or permit to be removed any secondhand goods from such person’s place of business, or intermingle any secondhand goods, or to alter, change or deface, or permit to be altered, changed or defaced, any secondhand goods, until after the expiration of ten (10) days from the date of the purchase or acquisition thereof, unless such person obtains permission in writing from the chief of police clearing the secondhand goods.

**Section 4. Purchase or acquisition from minors.**

It shall be unlawful for any secondhand dealer to purchase or acquire in any manner any secondhand goods from any person less than nineteen (19) years of age.

**Section 5. Premises to be open for inspection.**

The area and the premises where any person regulated by this article stores or keeps secondhand goods purchased or acquired in the business shall be open to inspection to any police officer at all times during business hours. It shall be unlawful to deny such an inspection or otherwise violate this section.

**Section 6. Concealment of Items.**

It shall be unlawful for any secondhand dealer to conceal any secondhand goods or other items regulated by this article from any official who may inspect the premises under Section 5.

**Section 7. Cancellation and revocation of license.**

The conviction of any person licensed to engage in the business regulated by this article for violating any of the provisions of this article, or the conviction of any agent, servant or employees of any licensed person for a violation of any of the provisions of this article, while such servant, agent or employee was acting in the line and scope of employment in the business, shall be cause for the revocation of the business license.

**Section 8.** If any provisions or section of this ordinance is declared to be unconstitutional or invalid by any court of competent jurisdiction, all other parts, provisions or sections of this ordinance not thereby affected shall remain in full force and effect.

**Section 9.** This ordinance shall become effective immediately upon its passage and approval by the Town Council and Mayor of the Town of Cedar Bluff, Alabama.

Adopted on this the day of

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Tammy Crane, Mayor

ATTEST:

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Susie Surrett, Town Clerk