

ORDINANCE # 14

AN ORDINANCE REGULATING SECONDHAND PRECIOUS
METAL AND GEM BUSINESSES IN SCOTLAND COUNTY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF SCOTLAND COUNTY:

Section I

(a) No person, partnership, corporation or association shall operate a secondhand precious metal or gem business as herein defined unless such person, partnership, corporation or association shall have first applied for and received a privilege license from the Scotland County Sheriff; provided that this ordinance shall not apply to any person or entity specified above that is duly licensed by and operating solely within the corporate limits of any municipality within Scotland County (and Maxton) that has adopted an ordinance regulating secondhand precious metal or gem businesses. A separate license shall be required for each location, place or premises used for the conduct of a secondhand precious metal or gem business and each license shall designate the location, place or premises to which it applies. In addition, such business shall not be carried on or conducted in any other place than that designated in or by such license.

(b) Every employee of a secondhand precious metal or gem business shall, within five (5) days of being employed, register his name and address with the Scotland County Sheriff's Department and have his thumbprints, fingerprints and photograph taken by the Sheriff's Department. Such employee shall be issued by the Sheriff's Department a Certificate of Compliance with this Section upon his payment of the sum of \$25.00 to the County.

Section II

A secondhand precious metal or gem business is hereby defined to mean any person, firm, corporation or association engaged in the business of purchasing, trading for or otherwise taking in any secondhand article made, in whole or in part, of gold, silver or platinum or of a precious or semiprecious gem or stone, cut and polished for ornament. For purposes of this Ordinance, the term "secondhand article" shall mean an article which has been used or which has been previously traded or sold by a retailer. For purposes of this Ordinance, the term "secondhand article" shall not include any coin or any gold or silver ingot or bar.

Section III

Before a license shall be issued to a secondhand precious metal or gem business, the applicant shall file with the Scotland County Sheriff a bond payable to the County in the sum of \$10,000.00 to be executed by the applicant and by two (2) responsible sureties, or a surety company licensed to do business in the State of North Carolina, to be approved by the County Attorney, which said bond shall be for the faithful performance of the requirements and obligations set forth in this Ordinance. The County Board of Commissioners shall have full power and authority to revoke such license and sue for forfeiture of the bond upon a breach of any provision of this Ordinance. Any person who obtains a judgment against a secondhand precious metal or gem business and upon which judgment execution is returned unsatisfied, may maintain an action in his own name upon the said bond of said secondhand precious metal or gem business in any court having jurisdiction of the amount demanded, to satisfy said judgment.

Section IV

(a) Any person applying to the Scotland County Sheriff for a license to conduct the business of a secondhand precious metal or gem dealer shall pay a fee of \$100.00 to the County to compensate the County for the cost of investigating the applicant's criminal record and character. The applicant shall report to the Sheriff's Department and furnish his full name, address, physical description, age, North Carolina driver's license (if applicable) and social security number. In addition, the applicant shall be photographed and fingerprinted in order to facilitate the investigation.

(b) In the event the applicant is a partnership or association, all persons owning or having an interest therein shall pay to the County the investigation fee of \$100.00 and comply with the provision of Subsection (a) above.

(c) In case of a corporate applicant, each stockholder owning ten (10) percent or more of the corporation's common stock shall pay to the County the investigation fee of \$100.00 and comply with the provisions of Subsection (a) above.

Section V

(a) No license shall be issued to any applicant if any of the persons required to be investigated under Section IV above has been convicted of any felony or of a crime involving fraud, theft or receiving or possession of stolen property in the five (5) years immediately preceding the date of the license application.

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(b) The conviction of any person required to be investigated under Section IV above, for any felony, or for any crime involving fraud, theft, or receiving or possession of stolen property or for any violation of this Ordinance shall constitute grounds for immediate revocation by the County Board of Commissioners of the privilege license issued to such secondhand precious metal or gem business.

SECTION VI

(a) Every secondhand precious metal or gem business shall keep a tightly bound book or books, not looseleaf, with pages numbered in sequence, in which there shall be legibly written at the time of any transaction with a non-licensee involving the purchasing of, trading for or taking in of any secondhand article made, in whole or in part, of gold, silver or platinum or gem, the following information:

- (1) An account and description of the item(s), article(s), or thing(s) purchased, traded for or taken in, including, if applicable, the manufacturer's name, the model, the model number, the serial number and any engraved number(s), initial(s) or marking(s);
- (2) The amount of money involved in the transaction or any item offered in trade;
- (3) The date of the transaction;
- (4) The name and residence of the person involved in the transaction with the secondhand precious metal or gem business, along with the person's date of birth and general physical description, including their hair color and approximate height and weight; and
- (5) A notation whether the item(s), article(s) or thing(s) are stored on the licensed premises or elsewhere.

(b) No transaction involving purchasing, trading for or taking in a secondhand article made, in whole or in part, of gold, silver or platinum or gem shall be completed by any secondhand precious metal or gem business or an agent or employee thereof until the person involved in the transaction presents two (2) forms of positive identification containing a photographic representation imprinted thereon. This identification information shall be recorded next to the person's name and residence in the book required to be kept pursuant to Subsection (a) above.

(c) The book(s) required by this Section shall be a permanent record to be kept at all times on the premises of the secondhand precious metal or gem business. Such book(s) shall be made available during regular business hours to any law enforcement officer. A full and accurate copy of the records required to be kept by this Section shall be filed with the Sheriff's Department within 48 hours of the transaction.

(d) The book(s) need not be kept longer than three (3) years by the licensee.

SECTION VII

Every secondhand precious metal or gem business must keep all secondhand articles made, in whole or in part, of gold, silver or platinum or gem, open to inspection by any law enforcement officer at reasonable times for a period of fourteen (14) days within the territorial jurisdiction of Scotland County. During this period, the appearance of such articles shall not be altered in any way. A secondhand precious metal or gem business is not prohibited from selling or arranging to sell or trade such articles during the fourteen (14) day period as long as such articles remain in its possession as required by this article.

SECTION VIII

No secondhand precious metal or gem business or employee or agent thereof shall purchase from any person under 18 years of age any secondhand article made, in whole or in part, of gold, silver or platinum or gem without the written consent of that person's parent or guardian.

SECTION IX

No secondhand precious metal or gem business shall make use of any property or premises not included within the premises designated in or by the license required by this Ordinance, for the display of any secondhand article, made in whole or in part, of gold, silver or platinum or gem or for the conduct of a secondhand precious metal or gem business. This ordinance does not prohibit the storage or safekeeping of any such secondhand article off of the licensed premises.

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SECTION X

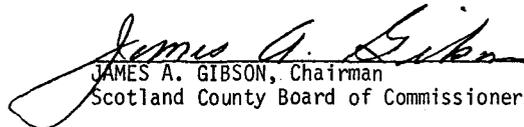
Any secondhand precious metal or gem business approved for the conduct of its business pursuant to this Ordinance shall set forth in all of its advertisements the license number given to it by the County.

SECTION XI

Violation of any of the provisions of this Ordinance by any person shall constitute a misdemeanor and, upon conviction, a violator shall be punished by a fine not to exceed \$50.00 or imprisonment for not more than 30 days. Each and every violation shall constitute a separate and distinct offense.

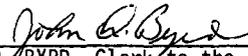
SECTION XII

This Ordinance shall be in full force and effect on and after December 1, 1980.



JAMES A. GIBSON, Chairman
Scotland County Board of Commissioners

ATTEST:



JOHN Q. BYRD, Clerk to the Board



ED JOHNSTON, County Attorney
