# COUNTY AGENDA REQUEST

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| Department: | Code Enforcement | Presenter(s): | Officer Kathy Hobbs |
| Meeting Date: | Thursday, December 11, 2014 | Type of Request: | Consent |

Wording for the Agenda:

Approval of staff's recommendation to adopt Ordinance 2014-20 amending the Code of Ordinances for Fayette County, Georgia, by deleting the last sentence of Section 8-230, pertaining to "Disposal of Articles," of Division 2 of Article VI of Chapter 8, in its entirety,and replacing it with a new last sentence in Section 8-230 of Division 2 of Article VI of Chapter 8.

Background/History/Details:

State law requires a thirty day hold be placed on items from the seller or pledger. This effort is to bring the county's ordinance into compliance with state law.

This recommended change will delete the last sentence of Section 8-230, pertaining to "Disposal of Articles," of Division 2 of Article VI of Chapter 8, in its entirety,and by replacing it with a new last sentence in Section 8-230 of Division 2 of Article VI of Chapter 8, to be read as follows:

"Non-pledged goods bought under this section shall be held for at least thirty 930) calendar days before disposing them by sale, transfer, shipment or otherwise."

A red-line version of the changes is provided in the backup (Exhibit A) and a final form of the ordinance is provided (Exhibit B).

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt Ordinance 2014-20 amending the Code of Ordinances for Fayette County, Georgia, by deleting the last sentence of Section 8-230, pertaining to "Disposal of Articles," of Division 2 of Article VI of Chapter 8, in its entirety,and replacing it with a new last sentence in Section 8-230 of Division 2 of Article VI of Chapter 8.

If this item requires funding, please describe:

Not Applicable.

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| Has this request been considered within the past two years? | No | If so, when? | |
| Is Audio-Visual Equipment Required for this Request?* | No | Backup Provided with Request? | Yes |

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

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| Approved by Finance | Not Applicable | Reviewed by Legal | |
| Approved by Purchasing | Not Applicable | County Clerk's Approval | Yes |
| Administrator's Approval | | | |

Staff Notes:

Exhibit A

**Sec. 8-230. Disposal of articles.**

Any pawnbroker or employee of a pawnshop who makes a loan on pledged goods, or buys pledged goods on the condition that the seller may repurchase said goods, shall hold said goods for at least thirty (30) days before disposing of them by sale, transfer, shipment or otherwise. Non-pledged goods bought under this section shall be held for at least ~~seven (7)~~thirty (30) calendar days before disposing of them by sale, transfer, shipment or otherwise.

Exhibit B

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2014-20**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO DISPOSAL OF ARTICLES HELD BY PAWNBROKERS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO PAWNBROKERS, DEALERS IN PRECIOUS METALS AND GEMS AND FLEA MARKET OPERATORS (ARTICLE VI OF CHAPTER 8), BE AMENDED AS FOLLOWS:**

**Section 1.** By deleting the last sentence of Section 8-230, pertaining to "Disposal of Articles", of Division 2 of Article VI of Chapter 8, in its entirety, and by replacing it with a new last sentence in Section 8-230 of Division 2 of Article VI of Chapter 8, to be read as follows:

Non-pledged goods bought under this section shall be held for at least thirty (30) calendar days before disposing of them by sale, transfer, shipment or otherwise.

**Section 2.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

**Section 3.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 4.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

**SO ENACTED** this _____ day of _____, 2014.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By:_____
Steve Brown, Chairman

(SEAL)

ATTEST:

_____
Floyd Jones, County Clerk

Approved as to form:

_____
County Attorney