CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE BY
COUNCILMEMBER H. LAMAR WILLIS

04-O-1270

AN ORDINANCE TO AMEND PART II, CHAPTER 122, ARTICLE V OF THE ATLANTA CITY CODE OF ORDINANCES BY ADDING SECTION 122-158 REQUIRING SECONDARY METAL RECYCLERS TO MAKE DAILY REPORTS TO THE POLICE DEPARTMENT OF ALL SECONDARY METALS PURCHASED DURING THE 24 HOUR PERIOD OF THE DATE OF THE REPORT; AND FOR OTHER PURPOSES.

WHEREAS, pawnbrokers and precious metal dealers are currently required by the Code to submit daily reports to the Police Department.

WHEREAS, the Police Department already has a procedure in place to do intake of daily reports from pawnbrokers and precious metal dealers.

WHEREAS, the Code provides that all secondhand dealers shall make daily to the Police Department in Section 122-31.

WHEREAS, the Code does not specify in Article V "Secondary Metal Recyclers" that they are required to submit daily reports.

WHEREAS, secondary metal recyclers are not currently submitting daily reports to the Police Department.

WHEREAS, this proposed ordinance clarifies that secondary metal recyclers, as secondhand dealers, are required to submit daily reports.

WHEREAS, requiring secondary metal recyclers to make daily reports to the Atlanta Police Department will enable the department to better track stolen property that otherwise goes unreported.

WHEREAS, there is a substantial governmental interest in closely regulating all secondhand dealers.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1

That Section 122-158, which shall read as follows:

Daily written report to police.

(a) Every secondary metals recycler shall make a daily report in writing to the department of police of all secondary metals or goods containing secondary

metals purchased during the 24 hours ending at 8:00 p.m. on the date of the report. The reports shall be on forms or on duplicate invoices as may be prescribed or approved by the Chief of Police. The reports shall be typewritten and mailed or delivered to the department of police prior to 10:00 a.m. on the day following the date of the report. In addition to any other information required by the department of police, the reports shall include the name and address of the permittee, date of transaction, description and amount of secondary metals or goods containing secondary metals purchased and the name and address of the person from whom purchased.

(b) The Chief of Police may promulgate rules and regulations consistent with this section to require the proper enforcement of this section.

(c) Any person failing to submit daily reports as required in subsection (a) shall be guilty of a misdemeanor and upon conviction therof shall be punishable as for a misdemeanor.

is added to Chapter 122.

SECTION 2

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3

This ordinance shall go into effect three (3) months after Mayor's signature.

Regulation of Pawnbrokers,
Precious Metal Dealers,
and Secondary Metal Recyclers

White Paper
Office of Councilmember H. Lamar Willis
June 28, 2004

Background

Secondhand dealers have been historically used across the country as avenues for thieves to pawn off stolen goods. As a result, both state and local governments heavily regulate pawnbrokers, precious metal dealers, and secondary metal recyclers in order to prevent secondhand dealers from being used as accomplices in crime and to eliminate the money incentive for people to steal and then pawn.

Such regulations made by the state and local governments typically require the secondhand dealers' to cooperate with their police departments' investigations. This includes mandatory holding periods during which none of the secondhand goods can be shipped or sold, record-keeping with descriptions of the people who have pawned or sold items to the secondhand dealer, and reports to the police department about the number and type of goods that have been taken in during each 24-hour period. The effectiveness of the regulations promulgated by both the Atlanta City Council and Georgia legislature is stifled, however, because they are inconsistent.

The Atlanta Police Department has expressed concerns because Atlanta law governing the holding period for pawnbrokers and precious metal dealers is less strict than state law, and since state law shall not supercede local pawn-broking law, the APD enforces what is written in the Code.[1] Where Georgia law allows a 30-day period for pawnbrokers, the Code only mandates a 10-day holding period on purchased goods for pawnbrokers and a 5-day holding period for precious metal dealers.[2] As a result, enforcement of the Atlanta ordinance makes monitoring for stolen goods at pawnbrokers and precious metal dealers less effective than it would be if the local laws were aligned with state law, particularly since it takes victims of theft longer than ten days to account for a stolen good and its necessary information (i.e. serial numbers).

Additionally, though secondary metal recyclers have the same likelihood of transacting stolen goods as pawnbrokers and precious metals dealers do, secondary metal recyclers are less regulated. For instance, there is currently not a holding period for secondary metal recyclers. And though Section 122-31 requires all secondhand dealers to submit daily reports, the Code does not specify in the later relevant sections whether secondary metal recyclers are required to submit daily reports. Needless to say, secondary metal recyclers are not submitting daily reports to the police department. As

[1] O.C.G.A. §44-12-135

[2] O.C.G.A. §44-12-131; Atlanta City Code of Ordinances, §§ 122-65, 122-10

result of the lack of regulations and the extremely fast turnover at secondary metal recyclers, police are unable to track these transactions at all.

Proposals

In an effort to make state and local regulations consistent, and in order to tighten existing regulations, the following are four proposals:

1. An ordinance to amend subsections 122-65 and 122-10 of Part II, Chapter 122 of the Atlanta City Code of Ordinances by increasing the holding period on all pawnbroker and precious metal transactions to thirty (30) days.

2. An ordinance to amend Part II, Chapter 122, Article V of the Atlanta City Code of Ordinances by adding section 122-58 requiring secondary metal recyclers to make daily reports to the police department of all secondary metals purchased during the 24 hours of the date of the report.

3. An ordinance to amend Part II, Chapter 122, Article V of the Atlanta City Code of Ordinances by adding section 122-159 requiring a 24-hour holding period for secondary metal recyclers.

Arguments

A thirty-day holding period is a reasonable requirement for pawnbrokers and precious metal dealers. As noted previously, the current holding periods of five and ten days are insufficient. The police department may not receive a report of a stolen good until several days after the five or ten day holding period has expired. If the product is sold by then, the police department will be unable to return the stolen item to its original owner. The state has already recognized this; therefore, Georgia law suggests a 30-day period on all pawn transactions. Cobb County has also included a 30-day holding period into its code.[3]

As secondary metal recyclers have the same propensity as pawnbrokers and precious metal dealers to receive stolen goods, Atlanta has a substantial interest in more closely regulating them. Requiring secondary metal recyclers to hold items for 24 hours and make daily reports to the police departments admittedly imposes additional burdens on secondary metal recyclers; however, presumably the benefits of enabling police to monitor secondary metal recyclers outweigh such burdens.

[3] Cobb County Code, §78-187

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1/03/05
3:54 PM

Atlanta City Council

Regular Session

MULTIPLE 0502 0503 0504 0931 1270
1271 1628-SUB 1806 1923 1924 2023
FILE

YEAS:	11
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	5
EXCUSED:	0
ABSENT	0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
NV Young	Y Shook	NV Maddox	Y Willis
Y Winslow	Y Muller	NV Sheperd	NV Borders

MULTIPLE

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AN ORDINANCE BY H. LAMAR WILLIS

AN ORDINANCE TO AMEND PART II, CHAPTER 122, ARTICLE V OF THE ATLANTA CITY CODE OF ORDINANCES BY ADDING SECTION 122-153 REQUIRING SECONDARY METAL RECYCLERS TO MAKE DAILY REPORTS TO THE POLICE DEPARTMENT OF ALL SECONDARY METALS PURCHASED DURING THE 24 HOUR PERIOD OF THE DATE OF THE REPORT; AND FOR OTHER PURPOSES.

FILED BY
CITY COUNCIL
JAN 03 2005

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☑ PERSONAL PAPER REFER

Date Referred 7/6/04
Referred To: Public Safety
Date Referred
Refferred To:
Date Referred
Referred To:

First Reading
Committee
Date
Chair
Referred To

Committee: PSLA	Committee
Date: 7/13/04	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other	Action: Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To
Committee: PSLA	Committee
Date: 12/14/04	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other: File	Action: Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION
☑ 2nd ☐ 1st & 2nd Readings ☐ 3rd
☐ Consent ☐ V Vote ☑ RC Vote

CERTIFIED
JAN 03 2005

CERTIFIED
JAN 03 2005
MUNICIPAL CLERK

DEPARTMENTAL AUTHORIZATION

MAYOR'S ACTION