

MORROW POLICE DEPARTMENT
6311 A MURPHY DRIVE
MORROW, GA 30260
Phone: (770) 960-4006 Fax: (770) 960-3017

PRECIOUS METAL AND/OR GEM DEALER APPLICATION
1-Year Term

NEW _____ RENEWAL _____

Annual License Fee: \$75

Owner's Name: _____ Phone Number: _____

Owner's Address: _____ City: _____ Zip: _____

Driver's License No.: _____

Business Name: _____ Phone Number: _____

Business Address: _____ City: _____ Zip: _____

Have you previously been licensed by this City? YES _____ NO _____

If yes, indicate year and type of business: _____

List all dealer licenses issued to you by cities, counties and State of Georgia: _____

Have you been convicted of a felony or misdemeanor within the last 10 years? If so, specify the offense, year of conviction, and place of conviction: _____

PLEASE READ THE FOLLOWING STATEMENTS BEFORE SIGNING

I hereby agree to comply with all ordinances of the City of Morrow and with all State and Federal laws in the conduct of the business applied for herein. I am also advised of the following provisions of Georgia State Law (O.C.G.A 43-37-1 through 43-37-7), which apply to Dealers in Precious metals and GEMS. Furthermore, I acknowledge that I understand my responsibilities in complying with such. As stated I will comply with the following:

1. I will maintain a permanent record of each transaction, on record of transaction forms as required by law. Each record of transaction form will be filled out by me, with one copy going to the Morrow Police Department, one copy to the customer, and one copy shall be retained by me.
2. On the "Record of Transaction Forms," I will insure that the following information is contained:
 - A) My dealer certificate of registration number.
 - B) A general description of the precious item or items received or purchased, including the type of metal or gem. In the case of watches, the description shall contain the name of the maker and the number of both the works and the case. In the case of jewelry, all letters and marks inscribed on the jewelry shall be included in the description.

PRECIOUS METAL AND/OR GEM DEALER APPLICATION

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- C) The date of the transaction.
 - D) The name of the person conducting the transaction.
 - E) The underlying name, date of birth, driver's license number, or State of Georgia personal I.D. card number, street and house number of the customer, together with a legible imprint of the right thumb of the customer, or if that is not possible, of left thumb or a finger of the customer. The thumb of the customer, or if that is not possible, of the left thumb or a finger of the customer. The thumb print or finger print shall only be required on the record of transaction form retained by the dealer. The thumb print or finger print shall be made available to a police agency.
 - F) The price to be paid by the dealer for the precious item or precious items.
 - G) The form of payment made to the customer, check, money order, bank draft or cash. If payment is made by check, money order, or bank draft, the dealer shall indicate the number of the check, money order, or bank draft.
 - H) The customer's signature.
3. The record of each transaction shall be numbered consecutively, commencing with the number 1 and the calendar year.
 4. Within 48 hours after receiving or purchasing a precious item, the dealer shall send a copy of the record of transaction form to the Morrow Police Department.
 5. The record of transaction forms of a dealer and each precious item received shall be open to inspection by the county prosecuting attorney, the local government unit in which the customer resides, and the Morrow Police at all times during ordinary business hours of the dealer. As a condition of doing business, a dealer is to have considered to have given consent to the inspection. The record of transaction forms of a dealer shall not be open to inspection by the general public.
 6. Each record of transaction form shall be retained by the dealer for not less than 1 year after the transaction to which the record pertains.
 7. A precious item received by a dealer shall be retained by the dealer for seven (7) calendar days after it was received without any form of alteration other than that required to make an accurate appraisal of its value.

I certify that the information contained on this application is true and correct to the best of knowledge, information and belief.

Owner's Signature: _____ Date: _____

If other than owner, Applicant's Name (please print): _____

Applicant's Signature: _____ Date: _____

Date Received: _____ Date Paid: _____ License No. _____

License Fee: _____ Expiration Date: _____

Approved by: _____

CRIMINAL HISTORY CONSENT FORM

I hereby authorize the City of Morrow Police Department to receive any criminal history record information pertaining to me which may be in the files of any state or local criminal agency in Georgia.

Print Full Name (First, Middle, Last)

Address

City, State and Zip Code

Sex

Race

DOB

Social Security Number

Signature

Notary Signature & Date

Date

Copy of driver's license must be attached to this form.

DO NOT WRITE BELOW THIS LINE

Criminal History Attached: _____ Yes _____ No record on file

Signature _____ Date _____

Morrow Police Department

MORROW POLICE DEPARTMENT

6311 A Murphy Drive
Morrow, GA 30260
(770) 961-4006 Fax (770)960-3017

Precious Metal and / or Gem Purchase Form

Employee Making Purchase: _____

Date of Purchase: ____/____/____. Time of Purchase: _____

Name of Seller: _____

Date of Birth of Seller: ____/____/____. Age: _____.

Seller Identification # _____.

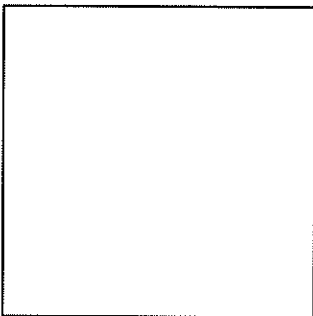
Photocopy of Seller Identification : Y N

Seller Address : _____

**A Clear and Accurate Identification and Description of Purchased Goods
(Serial #, Model # , or Other Number)**

Photograph of Goods Purchased Y N

Total Purchase Amount: \$ _____ Check#(if paid by check) _____



Right Thumbprint of Seller

Seller Signature _____

*** Current through the 2008 Regular Session ***

TITLE 43. PROFESSIONS AND BUSINESSES CHAPTER 37.
DEALERS IN PRECIOUS METALS AND GEMS

§ 43-37*1. Definitions

As used in this chapter, the term:

(1) "Dealer in precious metals or gems" means:

(A) Any person engaged in the business of purchasing precious metals or gems or goods made from precious metals or gems from persons or sources other than manufacturers, manufacturers' representatives, or other dealers in precious metals or gems; or

(6) A person engaged in any other business if, in conjunction with such business, precious metals or gems or goods made from precious metals or gems are purchased from persons or sources other than manufacturers, manufacturers' representatives, or other dealers in precious metals or gems where such purchase is for resale in its original form or as changed by remounting, melting, re-forming, remodeling, or recasting or for resale as scrap or in bulk.

(2) "Gems" means any precious or semiprecious stone which is cut and polished. (3) "Numismatic coins" means coins whose value as collectors' items exceeds the value of the content of the precious metals in the coins.

(4) "Person" means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.

(5) "Precious metals" means gold, silver, or platinum or any alloy containing gold, Silver, or platinum.

§ 43-37-2. Registration procedure; felony conviction; fee; renewal

(a)(1) The law enforcement officer designated to administer the provisions of this chapter and register dealers in precious metals or gems in each county shall be the sheriff, unless the county has a county police department, in which case it will be the chief of the county police department.

(2) The law enforcement officer designated to administer the provisions of this chapter and register dealers in precious metals or gems in each municipality shall be the chief of police of the municipality.

(b) No person shall engage in business as a dealer in precious metals or gems until

he has registered as a dealer in precious metals or gems for each separate place of business. The registration shall be in writing and shall be sworn to or affirmed by the dealer in precious metals or gems. If the dealer's place of business is located within a municipality, the dealer shall register with the chief of police of the municipality. If the dealer's place of business is not located within a municipality, the dealer shall register with the sheriff of the county unless the county has a county police department, in which event the dealer shall register with the county police department. As to any registration with the chief of police of a municipality or a county police department, a copy of each registration shall be transmitted by such chief of police to the sheriff of the county within seven days of the registration. The sheriff of the county shall maintain a record of all registrations, which record shall be available for public inspection.

(c) The registration shall contain the name, address, and age of the dealer together with the names, addresses, and ages of all other persons having an ownership interest or actually employed in the business other than publicly held corporations.

(d) No person shall be eligible to register as a dealer in precious metals or gems if any employee or stockholder, other than stockholders owning less than 10 percent of the outstanding shares of a publicly held corporation, has been convicted of a felony under the laws of this state or any other state or the United States. This subsection shall not apply to any person who has been convicted of a felony after ten years have expired from the date of completion of the felony sentence.

(e) All registrations shall contain the address of the premises upon which the business is conducted and the zoning and planning classification of the premises.

(f) Each dealer shall be required to notify the appropriate law enforcement officer of the county or the municipality in which the dealer is registered within seven calendar days of any change of address of the dealer or business or any change of ownership in the business. As to any notification of the chief of police of a municipality or a county police department, a copy of the change of address or ownership in the business shall be transmitted to the sheriff of the county within seven days of the notification.

(g) Each applicant for registration shall possess a current business license in the county or municipality or shall pay an initial registration fee of \$25.00 to be retained by the county or municipality to cover the cost of registering such persons. The registration shall be renewed annually upon presentation of a current business license by the dealer or by payment of a renewal fee of \$10.00.

(h) Nothing in this Code section shall be construed so as to authorize any person to transact business as a dealer in precious metals and gems without purchasing a current business license if so required by the county or municipality.

§ 43-37-3. Permanent records required; content

(a) Every dealer in precious metals or gems shall maintain a book, in permanent form, in which shall be entered at the time of each purchase of precious metals or gems or goods made from precious metals or gems the following:

(1) The date and time of the purchase;

(2) The name of the person making the purchase from the seller;

(3) The name, age, and address of the seller of the items purchased and the distinctive number from such seller's driver's license or other similar identification card containing a photo of the seller;

(4) A clear and accurate identification and description of the purchased goods, including the serial, model, or other number, and all identifying marks inscribed thereon;

(5) The price paid for the goods purchased;

(6) The number of the check issued for the purchase price, if payment is made by check; and

(7) The signature of the seller.

(b) The permanent record book required by this Code section shall be in legible English. Entries shall appear in chronological order. No blank lines may be left between entries. No obliterations, alterations, or erasures may be made. Corrections shall be made by drawing a line of ink through the entry without destroying its legibility. The book shall be maintained for each purchase of precious metals or gems or goods made from precious metals or gems for at least two years. The book shall be open to the inspection of any duly authorized law enforcement officer during the ordinary hours of business or at any reasonable time.

(c) Dealers exclusively engaged in buying or exchanging for merchandise scrap dental gold and silver from licensed dentists by registered or certified mail or statutory overnight delivery may record the post office record of the mailed parcel in lieu of the seller's age and driver's license number as required in paragraph (3) of subsection (a) of this Code section and in lieu of the seller's signature as required in paragraph (7) of subsection (a) of this Code section.

§ 43-37-4. Written reports of purchases required; time of report; form; preservation; accessibility

(a) Every dealer in precious metals or gems shall make a report in writing to the appropriate law enforcement officer of the county or municipality in which he is registered, on forms approved or prescribed by the appropriate law enforcement officer of the county or the municipality, of all precious metals or gems or goods made from precious metals or gems purchased on the day previous to the date of the report. The report shall contain the information specified in paragraphs (1) through (5) of subsection (a) of Code Section 43-37-3 and shall be typewritten or handwritten in legible English and mailed or delivered to the appropriate law enforcement officer of the county or the municipality within 24 hours after the day on which the transactions occurred.

(b) All reports shall be maintained in a locked container under the direct supervision of the appropriate law enforcement officer of the county or municipality and shall be available for inspection only for law enforcement purposes.

(c) The appropriate law enforcement officer of the county or municipality may, in his discretion, authorize any person who demonstrates theft of precious metals or gems by the presenting of an incident report or other similar document to inspect the reports in an effort to locate stolen property.

§ 43-37-5. local requirements

No provision of this chapter shall be construed as prohibiting or preventing a county or municipality from licensing dealers in precious metals or gems or from establishing and imposing additional requirements or qualifications on dealers in precious metals or gems.

§ 43-37-6. Unlawful acts; penalty

(a) It shall be unlawful for any dealer in precious metals or gems or any agent or employee of a dealer in precious metals or gems who makes purchases of precious metals or gems or of goods made from precious metals or gems to:

- (1) Make any false statement in the registration provided for in Code Section 43-37-2;
 - (2) Fail to maintain and make entries in the permanent record book as required by Code Section 43-37-3;
 - (3) Make any false entry in such permanent record book;
 - (4) Falsify, obliterate, destroy, or remove from the place of business such permanent record book;
 - (5) Refuse to allow any duly authorized law enforcement officer to inspect such permanent record book, or any precious metals or gems or goods made from precious metals or gems in his possession, during the ordinary hours of business or at any reasonable time;
 - (6) Sell, exchange, or remove from the legal possession of the buyer, or to alter the form of, any precious metals or gems or goods made from precious metals or gems purchased by remounting, melting, cutting up, or otherwise altering the original form until at least seven calendar days have elapsed from the time of purchase or acquisition;
 - (7) Fail to make the written report as required in Code Section 43-37-4; or
 - (8) Purchase any precious metals or gems from any person under 17 years of age.
- (b) It shall be unlawful for any person to advertise or transact business as a dealer in precious metals or gems without first registering pursuant to Code Section 43-37-2.
- (c) It shall be unlawful for any dealer in precious metals or gems to purchase precious metals in a melted or smelted state unless the purchase is from a registered dealer in precious metals or gems

(d) If the appropriate law enforcement officer of the county or municipality has probable cause to believe that precious metals or gems have been stolen, he may give notice in writing to the dealer to retain the precious metals or gems for an additional 15 days; and it shall be unlawful for the dealer to dispose of the property unless the notice is revoked in writing within the 15 day period.

(e) Any person who violates this Code section shall be guilty of a misdemeanor.

§ 43-37-7. Exemptions

This chapter shall not apply to dealers exclusively engaged in the sale or exchange of numismatic coins or to transactions exclusively involving numismatic coins or other coinage.

CODE OF ORDINANCES

City of Morrow, Georgia

ARTICLE D. PRECIOUS METALS AND GEMS DEALERS*

***State law references:** Municipal authority to regulate additional to state law, O.C.G.A., § 43-37-5; dealers in precious metals and gems generally, O.C.G.A., § 43-37-1 et seq.

Sec. 9-4-61. License required.

It shall be unlawful for any person to sell, attempt to sell, buy, barter, or otherwise deal in the transfer of precious stones, jewelry, gold, silver, and other valuable metal, without first registering with the business license administrator and obtaining a business license for such transactions. These transactions will be limited to dealers, wholesalers and retailers, who are eligible for licensing in the city as dominant business activities.

(Code 1977, § 8-4009(a))

Sec. 9-4-62. Business required to meet requirements of section.

Other businesses conducting such transactions on the effective date of this section [January 13, 1981], shall be permitted to continue such operations providing all of the following requirements are met.

(Code 1977, § 8-4009(b))

Sec. 9-4-63. Licensee required to have at least a one year lease on business site.

A prospective licensee must have at least a one year lease on the business site for which the application applies or own the business site. The express purpose of this provision is to prohibit the buying and selling from temporary locations.

(Code 1977, § 8-4009(c))

Sec. 9-4-64. Exclusions.

Persons involved in personal transactions, involving their personal assets not related to a business entity as a buyer or seller, are excluded from this article.

(Code 1977, § 8-4009(g))

Sec. 9-4-65. Purchase form.

Purchases will be regulated by the following and reflected on a form provided by the administrator:

(1) Positive identification will be made of any prospective seller to include, but not be limited to, name, date of birth, address, right thumb print on form provided, driver's license number, social security number, race, sex, and signature of seller.

(2) Purchases will not be made from a minor under 18 years of age.

(3) A full description of each item is to be recorded on the appropriate form, including any special identifying marks and serial numbers.

(4) Prior to disposal by any method, all items purchased, other than from authorized vendors, will be retained for 14 days from the date of purchase.

(Code 1977, § 8-4009(d))

Sec. 9-4-66. False names.

It shall be unlawful for any person to use a false or fictitious name or address as his own, or to give the name or address of any other person without that person's knowledge and approval, as a means of identification while selling, or attempting to sell precious stones, jewelry, gold, or silver and other precious metals within the city limits.

(Code 1977, § 8-4009(e))

Sec. 9-4-67. Records.

Each licensee will throw open his books, records, and items, including those covered by other sections of this code, for review and inspection by any police officer or the city manager. Failure to administer the provisions of this section, either by failing to obtain positive identification or by failing to maintain accurate records, shall be grounds for the citation for such offenses under this title and chapter of the code of ordinances.

(Code 1977, § 8-4009(f))

Secs. 9-4-68--9-4-80. Reserved.