

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
TOWN OF SOUTH CONGAREE)

ORDINANCE 2020 - 06

**AN ORDINANCE ADDING SOUTH CONGAREE CODE OF ORDINANCES
CHAPTER 115: PAWNBROKERS; SO AS TO UPDATE THE ORDINANCE TITLE
XI: BUSINESS REGULATIONS.**

WHEREAS, the Mayor and Town Council is authorized to establish ordinances for the general purposes of guiding development in accordance with existing and future needs and promoting public health, safety, morals, convenience, order, appearance, prosperity and general welfare and;

NOW THEREFORE, BE IT ORDERED by the town of South Congaree, South Carolina, in Council duly assembled and by the authority thereof, that:

**Chapter 115:
Pawnbrokers**

Section

- 115.01 Standards
- 115.02 Definitions
- 115.03 Comply
- 115.04 Required Records
- 115.05 Electronic Pawn Tracking System
- 115.06 Reports of Articles Purchased or Received
- 115.07 Inspection of Records
- 115.08 Fingerprints & Other Information to be Obtained
- 115.09 Reserved
- 15.10 Reserved
- 115.11 Inspection of Records
- 115.12 Required
- 115.13 Suspension or Revocation
- 115.14 Failure to Comply
- 115.15 Location Restrictions

115.01 STANDARDS.

- A. If any of the provisions of this chapter are inconsistent with the provisions of any other law presently existing or enacted in the future, the more restrictive requirement shall apply.
- B. If any other provision of any other chapter of these ordinances is clearly in conflict with this chapter, this chapter shall apply.

- C. Any other provisions determined by the Planning Commission, Architectural Review Board or the Zoning Board of Appeals to have a detrimental effect on the surrounding neighborhood and businesses.
- D. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

115.02 DEFINITION.

- A. "Pawnbroker" means any person engaged in the business of lending money on the security of pledged goods, or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.
- B. "Pledged goods" means tangible personal property other than choses in action, title, securities, or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction.
- C. "Pawnshop" means the location at which or premises in which a pawnbroker regularly conducts business.
- D. "Month" means that period of time from one date in a calendar month to the corresponding date in the following calendar month, but if there is no corresponding date, then the last day of the following month, and when computations are made for a fraction of a month, a day is one-thirtieth of a month.
- E. "Pawn transaction" means the pledging with a pawnbroker under this chapter of a single item of goods or tangible personal property as security for a loan of money. Items that are usually sold as a set are considered a single item and must be included in the same transaction, and a pledged item together with items that are accessories to the pledged item are considered a single item and must be included in the same transaction. A separate pawn transaction retains its separate character when it is renewed, unless the parties agree otherwise.
- F. "Regulated property" means property of a type that has been determined by local enforcement to be property that is frequently the subject of theft or associated with criminal activity, including new and used items.

115.03 COMPLY.

All pawnbrokers shall comply with all applicable ordinances of the Town of South Congaree and all applicable state and federal laws.

115.04 REQUIRED RECORDS.

Pawnbrokers shall maintain a legible record of all purchase transactions of regulated property. The records shall include an account and description of the good, articles or things pawned, pledged or purchased, a description identifying the object and listing the maker, serial number, brand, monogram or letters of any kind on the article, the amount of money loaned thereon, the time of the pledging of the items, the charges or rates of interest to be paid on the loan, and the name and residence of the person pawning, pledging, or selling the article or articles. The name and residence of the person pawning, pledging or selling the article or articles shall be obtained from at least two (2) identification cards, one of which must contain a photograph of the person pawning, pledging or selling. Pawnbrokers shall maintain or cause to be maintained the information required

115.05 ELECTRONIC PAWN TRACKING SYSTEM.

- A. As a condition precedent to obtaining or renewing a Town of South Congaree business license to operate a pawnbroker business or pawn shop, all pawnbrokers shall have in place and are required to utilize the electronic pawn tracking and data submission system designated by local enforcement, or a system compatible and capable of interfacing with the designated system and approved by the Town of South Congaree Chief of Police or his/her designated agent.
- B. Pawnbrokers seeking approval for use of an alternative electronic pawn tracking and data submission system must file a complete and detailed written description of the system proposed to be utilized, including user instructions and an enumeration of all features that do not meet the requirements of the regulations and a full explanation as to how the equivalent information is maintained with the proposed system. User instructions must provide a clear and concise section of procedures which must be followed to operate the system as contemplated by this title.
- C. Each pawnbroker shall be responsible for any and all fees and costs associated with the installation, implementation, maintenance, and utilization of the designated and/or approved electronic system.
- D. After a business license has been issued or renewed, pawnbrokers shall be given 30 days after receiving notice, to comply with any modifications or changes to the electronic pawn tracking and data

115.06 REPORTS OF ARTICLES PURCHASED OR RECEIVED.

Records kept by pawnbrokers pursuant to this chapter shall be electronically submitted on a daily basis to the Town of South Congaree Chief of Police at

such time as is required by the Town of South Congaree Chief of Police or his/her designated agent.

§ 115.07 INSPECTION OF RECORDS.

- A. The records and books of every pawnbroker doing business within the town shall at all times be subject to the inspection of the chief of police or any other duly authorized person.

- B. Records kept by pawnbrokers pursuant to this chapter must at all reasonable times be open to the inspection by court officials, law enforcement officers, the administrator of the Department of Consumer Affairs, and their designees. Any loan records identifying any individual must always be handled in a confidential manner.

115.08 FINGERPRINTS AND OTHER INFORMATION TO BE OBTAINED FROM PERSONS PAWNING ARTICLES.

In addition to the owner's records and information called for to obtain a license, each pawnbroker shall obtain from each person pawning any article with that pawnbroker the fingerprint of the righthand index finger, unless that finger is missing, in which event the print of the next finger in existence on the right hand of the person pawning the article shall be obtained with a notation as to the exact finger printed. All prints shall be made on FBI forms, and the pawnbroker shall obtain all other information called for on the form. Fingerprints and the information as required in this section shall be obtained from all persons each time the persons pawn any article with a pawnbroker, regardless of whether those persons may have previously pawned an article with the pawnbroker and been fingerprinted.

115.09 RESERVED.

115.10 RESERVED.

115.11 LICENSE REQUIRED.

It shall be unlawful for any person to do business as a pawnbroker within the town without first obtaining a license so to do from the town.

115.12 IDENTIFICATION SIGN.

Every person who shall obtain a pawnbroker's license shall put on or over the principal entrance to his shop a sign designating that he is licensed and containing his name.

115.13 SUSPENSION OR REVOCATION.

Any license issued under the provisions of this division may be suspended or revoked by the town for the violation by the licensee of any applicable provision of this Code, state law or town ordinance, rule or regulation.

115.14 FAILURE TO COMPLY.

Failure to have the requisite electronic pawn tracking system in place, to properly fingerprint person pawning items, to properly utilize the system, or submit records electronically to Town of South Congaree Chief of Police or his/her designated agent shall result in suspension or revocation of the any business license issued by the Town of South Congaree, unless any exemption applies or good cause is shown.

115.15 LOCATION RESTRICTIONS

Pawn shop cannot locate within 1,000 feet of churches, homes, schools and public parks.

Pawn shop cannot open within 1,000 feet of other pawn shops or alternative lending companies such as title loan and payday lending businesses or debt collection companies.

115.16 RESERVED.

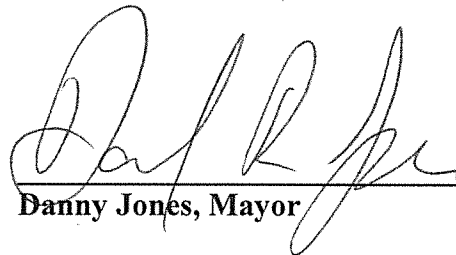
115.17 RESERVED.

115.18 RESERVED.

115.19 RESERVED.

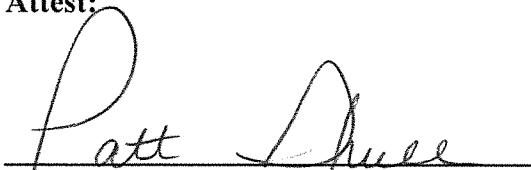
115.20 RESERVED.

1st Reading 12/10/2019
Public Hearing 12/10/2019
2nd Hearing 1/21/2020



Danny Jones, Mayor

Attest:



Patt Shull, Town Clerk