PAWNBROKER'S LICENSE ORDINANCE

Section 1. PURPOSE

In the public interest and welfare, for the promotion of convenience, and pursuant to statutory authority contained in Article 45 of Chapter 66 of the N.C.G.S., the following rules are adopted, which set forth the conditions, limitations and requirements under which a person may obtain a license to operate a pawnshop and conduct the business of pawnbroker in the unincorporated areas of Randolph County.

Section 2. DEFINITIONS

(a) "Pawn" or "Pawn transaction" shall mean a written bailment of personal property as security for a debt, redeemable on certain terms within 180 days, unless renewed, and with an implied power of sale on default.
(b) "Pawnbroker" shall mean any person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.
(c) "Pawnshop" shall mean the location at which, or premises in which, a pawnbroker regularly conducts business. .
(d) "Person" shall mean any individual, corporation, joint venture, association, or any other legal entity, however organized.

Section 3. LICENSE REQUIRED

It is unlawful for any person, firm, or corporation to establish or conduct a business of pawnbroker in the unincorporated area of Randolph County unless such person, firm, or corporation has procured a license to conduct business in compliance with the requirements of Article 45 of Chapter 66 of the N.C.G.S. and of this ordinance.

Section 4. REQUIREMENTS FOR LICENSURE

(a) To be eligible for a pawnbroker's license, an applicant must:
    (1) Be of good moral character; and
    (2) Not have been convicted of a felony within the last 10 years.

(b) Every person desiring to engage in the business of pawnbroker shall petition the County for a license to conduct such business. Such applications shall be upon a form approved by the County Manager (See "Appendix A: Application for Pawnbroker's License") and shall contain:
    (1) The name and address of the person, and, in case of a firm or corporation, the names and addresses of the persons composing such firm or of the officers, directors, and stockholders of such corporation, excluding shareholders of publicly traded companies;
    (2) The name of the business and the street and mailing address where the business is to be operated;

(3) A statement indicating the amount of net assets or capital proposed to be used by the petitioner in operation of the business; this statement shall be accompanied by an unaudited statement from an accountant or certified public accountant verifying the information, contained in the accompanying statement;
(4) An affidavit by the petitioner that he has not been convicted of a felony; and
(5) A certificate from the Randolph County Sheriff's Department stating that the petitioner has not been convicted of a felony.

(c) Any license granted under this ordinance may be revoked by the County after a hearing, for 'substantial abuses of Article 45 of Chapter 66 of the N.C.G.S or this ordinance.

Section 5. BOND REQUIRED

Every person licensed under this ordinance shall, at the time of receiving the license, file with the County a bond payable to Randolph County, in the sum of Five Thousand Dollars ($5,000) , to be executed by the licensee, and by two responsible sureties or a surety company licensed to do such business in North Carolina, to be approved by the County, which shall be for the faithful performance of the requirements and obligations pertaining to the business so licensed. (See "Appendix B: Bond for Pawnbroker's License." This form may be used when a surety company is not used or when a surety .company does not have its own form.). The County may sue for forfeiture of the bond upon a breach thereof. Any person who obtains a judgment against a pawnbroker and upon which judgment execution is returned unsatisfied may maintain an action in his own name upon the bond, to satisfy the judgment.

Section 6. ISSUANCE AND RENEWAL OF LICENSE AND PAYMENT OF FEES

(a) After submission of complete application on forms provided by the Office of the County Manager and approval of such application by the Board of County Commissioners and upon payment of a fee of Two Hundred Fifty Dollars ($250) to the Randolph County Finance Office, the County Manager shall issue an initial license to the applicant that is valid for one year from the date it is issued.
(b) Each license may be renewed annually by submission of a renewal application to the Office of the County Manager at least thirty (30) days prior to the expiration date of the license. After approval of said application by the Board of County Commissioners, and upon payment of a renewal fee of Two Hundred Fifty Dollars ($250) to the Randolph County Finance Office, the County Manager shall issue to the applicant a renewal license valid for one year from the date it is issued.
(c) If the business to be licensed pursuant to this ordinance is carried on at two or more separate places, a separate County license for each place or location of such business shall be required.
(d) The County license issued pursuant to this ordinance shall not be transferable to any other person, and shall limit the person named in the license to conducting

his pawnbroker business to the location specified in the license; provided, if the holder of a license granted under this ordinance moves the business for which a license has been obtained to another location, a new license may be issued without additional fee to the licensee at a new location for the balance of the license year, upon surrender of the original license for cancellation.

(e) Revocation of a license shall not be a cause for a refund of any fee paid for issuance or renewal of a license.

(f) It shall be unlawful to willfully make a false statement in an application for a license or request for renewal of license under the provisions of this ordinance.

(g) Every license and renewal of license issued shall show on the face thereof the name of the licensee, the nature of the business, the location thereof, the date it was issued, the expiration date, and the payment of the fee. (See "Appendix C: Sample License.") . Every person, corporation, partnership, or association licensed pursuant to this ordinance shall display such license in a prominent place located in the pawnshop so licensed.

Section 7. NOTICE AND HEARING

Before the Board of Commissioners revokes a license issued pursuant to this ordinance, or if the Board determines reasonable grounds exist to deny an application for a license pursuant to this ordinance, the Board shall cause a written notice to be sent by certified mail to the licensee or applicant affected, at the address stated in the license or application. The notice shall advise the affected party of a right to appear before the Board of Commissioners with or without legal counsel, at a stated time and place, for the purpose of presenting any evidence relevant to such revocation or denial, and for the purpose of hearing all evidence submitted and examining or cross-examining any person providing such evidence.

Section 8. ENFORCEMENT AND REVOCATION OF LICENSE

(a) It shall be the duty of the Sheriff of Randolph County to inspect periodically the records of pawns and purchase transactions of each pawnbroker business, which records shall be carefully preserved without alteration and made available during regular business hours.

(b) Upon acquiring substantial and reasonable evidence that any pawnbroker or agent or employee of a pawnbroker establishment requiring licensing pursuant to this ordinance has violated a provision of Article 45 of Chapter 66 of the N.C.G.S or of this ordinance, the Sheriff shall notify the Board of County Commissioners of such violation. If the Board of County Commissioners determines that there is probable cause for revocation of the County license, notice and hearing shall be afforded the licensee as provided in Section 7. Upon licensee's failure to show such good cause, the Board of County Commissioners shall revoke such license.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 10. PENALTIES

Any person convicted of violating any provision of this ordinance shall be guilty of a misdemeanor and shall face the penalties provided in N.C.G.S. 14-4.

Section 11. EFFECTIVE DATE

This ordinance shall become effective December 4, 1989.

Upon motion of Commissioner Langley, seconded by Commissioner Petty, the foregoing ordinance was passed by the following vote:

Ayes: Frye, Langley, Davidson, Comer, Petty
Noes: None

I, Alice D. Dawson, Clerk to the Board of the Randolph County Board of Commissioners, do hereby certify that the foregoing ordinance was duly adopted by the governing body of Randolph County at a regular meeting thereof, a quorum being present.

The 4th day of December, 1989.

Alice D. Dawson
Clerk to the Board

This ordinance was amended August 3, 2015 to reflect changes in the references to the statutory authority for the ordinance. The state laws regarding pawnbroker licensure were formerly contained in Chapter 91A of the North Carolina General Statutes. They are now codified in Article 45, Chapter 66.

In the penalties section, the reference to the specific penalties contained in North Carolina General Statute 14-4 were removed and changed to "face the penalties." This way, if the state updates those penalties, our ordinance would not need to be amended to reflect the update. There are no substantive changes to the ordinance presented.