

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 4 February 2013

SUBJECT: Amendment to definition of "cash converters" for electronic record-keeping

PRESENTER: Charles Russell Burrell

ATTACHMENT: Proposed amendment

SUMMARY OF REQUEST:

On April 18, 2012, this Board adopted an amendment to Chapter 134 of the County Code to require pawnbrokers, "cash converters", "precious metals dealers" and "scrap metals dealers" (all as defined in the General Statutes), to keep statutorily required information in electronic form, and be supplied such information (as required by the Statutes) to the Sheriff in electronic form.

The effect of this amendment would be to broaden the reach of this Ordinance, so that it could not be avoided by the payment for items with other than cash. The proposed amendment would add a subsection (f) to Section 134-20 of the Code, as follows:

(f) In addition to and interpretation of the foregoing incorporated statutory definitions of "cash converter", "pawnbroker", "pawnshop", "precious metals dealers" and "secondary metals dealers", for the purposes of this Ordinance, the term "cash", when construing that for which goods are purchased or otherwise obtained from the public, shall include checks, drafts, demand instruments, notes, "IOUs" and any other instrument indicating an present or future obligation to pay cash or other valuable consideration.

County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Approval of the amendment.

If the Board is so inclined, the following motion is suggested:

I move that the Board approve the amendment to Article 2 of Chapter 134 of the County Code as proposed in the Board's Agenda for this date.

AMENDMENT TO CHAPTER 134 OF THE HENDERSON COUNTY CODE

ARTICLE TWO -- Electronic record-keeping and transmittal requirements for certain businesses.

134-20. Definitions

(a) "Cash converter" has the same meaning as defined in Chapter 91A of the North Carolina General Statutes.

(b) "Pawnbroker" has the same meaning as defined in Chapter 91A of the North Carolina General Statutes.

(c) "Pawnshop" has the same meaning as defined in Chapter 91A of the North Carolina General Statutes.

(d) "Precious metals dealer" has the same meaning as defined in Chapter 66 of the North Carolina General Statutes.

(e) "Secondary metals recycler" has the same meaning as defined in Chapter 66 of the North Carolina General Statutes.

134-21. Electronic record-keeping.

Every owner or operator of a cash converter business, pawnbroker, pawnshop, precious metals dealer or secondary metals recycler subject to this Ordinance shall maintain an electronic inventory tracking system which is capable of delivery and transmission of all information required by N.C. Gen. Stat. §§91A-7 or 91A-7.1 (for cash converters, pawnbrokers and pawnshops) or N.C. Gen. Stat. §66-169 (for precious metals dealers) or N.C. Gen. Stat. §66-11 (for secondary metals dealers) by computer to the entity designated by the Henderson County Sheriff's Office.

134-22. Electronic transmittal of required records.

Every owner or operator of a cash converter business, pawnbroker, pawnshop, precious metals dealer or secondary metals recycler subject to this Ordinance is required to upload the information required by N.C. Gen. Stat. §§91A-7 or 91A-7.1 to the entity designated by the Henderson County Sheriff's Office within one business day of receipt of the goods purchased and/or pawned.

134-23. Effective date.

This Article is effective May 1, 2012.

Adopted unanimously by the Board of Commissioners this the 18th day of April, 2012.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____
THOMAS H. THOMPSON, Chairman

Attest:

Clerk to the Board