

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2007 Legislative Session

Bill No. CB-3-2007

Chapter No. 3

Proposed and Presented by Council Members Olson, Exum, Dernoga, Harrington,
Campos and Turner

Introduced by Council Members Olson, Exum, Dernoga, Harrington, Campos and Turner

Co-Sponsors _____

Date of Introduction February 27, 2007

BILL

1 AN ACT concerning

2 Secondhand Dealer and Pawn Dealer’s and Employee Licenses

3 For the purpose of amending provisions of the Code relating to the number of secondhand dealer
4 and pawn dealer licenses to reduce the number of licenses authorized.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 5. Businesses and Licenses

7 Section 5-234,

8 The Prince George's County Code

9 (2003 Edition, 2005 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Section 5-234 of the Prince George's County Code be and the same is hereby
12 repealed and reenacted with the following amendments:

13 **SUBTITLE 5. Businesses and Licenses.**

14 **DIVISION 19. Secondhand and Pawn Dealers.**

15 **Sec. 5-234. Secondhand Dealer and Pawn Dealer’s and Employee Licenses.**

16 (a) It shall be unlawful for any person, corporation, or other business entity in Prince
17 George's County to operate as, or act as agent for, a secondhand dealer or pawn dealer unless in
18 possession of a valid and unsuspended Secondhand Dealer or Pawn Dealer's License issued by
19 the Director of Environmental Resources.

20 (b) The license shall be valid for one (1) year, and each license or renewal shall be subject
21 to an annual fee of Five Hundred Dollars (\$500.00).

1 (c) An applicant for a secondhand dealer or pawn dealer's license shall pay an annual fee
2 of Fifty Dollars (\$50.00) for each employee of the applicant. A secondhand dealer or pawn
3 dealer shall pay to the Director an additional fee of Fifty Dollars (\$50.00) for each employee
4 when the employee is initially employed to cover the cost of conducting a criminal background
5 check. Each employee of a secondhand dealer or pawn dealer shall submit a complete
6 application for an employee license at least five business days prior to working in the business of
7 a secondhand dealer or pawn dealer.

8 (d) The Director of Environmental Resources may revoke or suspend the license described
9 in this Section upon a finding that the licensee has been convicted of a theft offense, has operated
10 for a period of more than 30 days without a valid license, or has failed to comply with the
11 provisions of this Division. The Director may deny an application for license if the applicant's
12 license has been revoked or if the applicant is not of good moral character pursuant to the criteria
13 set out in Section 5-204. The Director may deny an application for license if the applicant has
14 not obtained a valid use and occupancy permit for the proposed location within 270 days from
15 the date of the application.

16 (1) The Director's decision following a hearing shall be in writing; shall be sent to all
17 parties at the hearing; and may be appealed within thirty (30) days after the decision by an
18 aggrieved party to the Board of Appeals.

19 (e) The number of pawn dealer licenses shall be limited to thirty-one (31) [thirty-eight
20 (38)]. Except as provided in this Section, pawn dealer licenses may not be leased, sold, assigned,
21 or otherwise transferred. [All applicants for available authorized pawn dealer licenses for the
22 ensuing year shall apply to be placed in a pool by December 31. Whenever more than one
23 person applies for an available authorized pawn dealer license, the Director shall establish a list
24 of applicants by random drawing.]

25 (1) Notwithstanding the restriction on the number of licenses contained in this
26 Section, the Director shall not reissue a secondhand dealer or pawn dealer's license that has been
27 revoked or otherwise surrendered even if the total number of issued licenses falls below the
28 number authorized pursuant to this Section. [may reissue a pawn dealer license to a person who
29 possessed a valid and unsuspended secondhand dealer license on February 19, 1997].

30 (2) Notwithstanding the restriction on the number of licenses contained in this
31 Section, the Director may transfer a valid and unsuspended pawn dealer license to the parent,

1 sibling, or child of the person to whom the license was issued, upon the payment of a fee of
 2 Five Hundred Dollars (\$500.00), provided the person is otherwise qualified to obtain the license.

3 A license which has been revoked shall not be transferred.

4 (f) Any person who operates as a pawn dealer or secondhand dealer without possessing a
 5 valid unexpired pawn dealer license or secondhand dealer license and who subsequently obtains
 6 a pawn dealer license or secondhand dealer license shall have the license suspended for two
 7 business days for each day the person operated without a license. If the person operates more
 8 than 30 calendar days without a license, the Director shall not issue a license for a period of one
 9 year after the violation was determined by the Director in accordance with this Section.

10 (g) Prior to issuing a secondhand dealer license or pawn dealer license, the Director shall
 11 ascertain that the applicant has a valid use and occupancy permit for the proposed location.

12 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 13 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 14 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 15 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 16 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 17 Act, since the same would have been enacted without the incorporation in this Act of any such
 18 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

19 SECTION 3. BE IT FURTHER ENACTED that the pawn dealer license applications filed
 20 with the Director on or before August 10, 2006 shall not be subject to the limitation on the total
 21 number of licenses provided for in Section 5-234(e).
 22

1 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
2 calendar days after it becomes law.

Adopted this 20th day of March, 2007.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Camille A. Exum
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.