

1 STATE OF GEORGIA

2 CITY OF COLLEGE PARK

3 **ORDINANCE NO. 2016-7**

4 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF COLLEGE
5 PARK, GEORGIA, BY REPEALING ARTICLE VII OF CHAPTER 11 (OCCUPATIONAL
6 LICENSES, TAXES AND REGULATIONS; PAWNBROKERS AND SECONDHAND
7 DEALERS) IN ITS ENTIRETY AND BY ENACTING CHAPTER 21 (SECONDHAND
8 GOODS); TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING
9 ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL
10 PURPOSES.
11

12 **WHEREAS**, the duly elected governing authority of the City of College Park, Georgia
13 (the “City”) is the Mayor and Council thereof; and

14 **WHEREAS**, the City has the power to adopt regulations promoting the public health,
15 safety, and general welfare of its citizenry pursuant to Article IX, Section II, Paragraph II of the
16 1983 Constitution of the State of Georgia; the Municipal Home Rule Act (O.C.G.A. § 36-35-1 *et*
17 *seq.*); and Section 1.13(11) of the City’s Charter; and

18 **WHEREAS**, the City desires to insure that the secondhand dealer, pawnshop, precious
19 metal dealer, and secondary metal recycler industries (collectively, the “Industries”) are properly
20 regulated; and

21 **WHEREAS**, the City desires to amend Chapter 11 (Occupational Licenses, Taxes and
22 Regulations) of the Code of Ordinances by repealing Article VII (Pawnbrokers and Secondhand
23 Dealers) therein in its entirety and to enact Chapter 21 (Secondhand Goods) in order to insure
24 proper regulation of the Industries; and

25 **WHEREAS**, the regulation of the Industries is for a public purpose and provides for the
26 public health, safety, and general welfare; and

27 **WHEREAS**, the public health, safety, and general welfare of the citizens of the City will
28 be positively impacted by the adoption of this Ordinance.

29 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE**
30 **CITY OF COLLEGE PARK, GEORGIA**, and by the authority thereof:

31 **Section 1.** The Code of Ordinances of the City of College Park, Georgia is hereby
32 amended by repealing in its entirety Article VII (Pawnbrokers and Secondhand Dealers) of
33 Chapter 11 (Occupational Licenses, Taxes and Regulations) and by enacting Chapter 21
34 (Secondhand Goods), which is more particularly set forth in Exhibit “A” attached hereto and
35 made a part hereof by reference.

36 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
37 incorporated by reference as if fully set out herein.

38 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
39 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
40 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

41 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
42 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
43 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
44 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
45 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
46 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
47 of this Ordinance.

48 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
49 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise

50 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
51 express intent of the Mayor and Council that such invalidity, unconstitutionality or
52 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
53 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
54 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
55 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
56 enforceable, and of full force and effect.

57 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby
58 expressly repealed.

59 **Section 5.** This Ordinance shall be codified in a manner consistent with the laws of the
60 State of Georgia and the City.

61 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless
62 otherwise specified herein.

63 [SIGNATURES CONTAINED ON FOLLOWING PAGE]

64

65 ORDAINED this 15th day of February, 2016.
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68 CITY OF COLLEGE PARK, GEORGIA

69 
70 JACK P. LONGINO, Mayor
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72 ATTEST:

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74 MELISSA BROOKS, City Clerk
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76 APPROVED AS TO FORM:

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78 STEVEN M. FINCHER, City Attorney
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