

AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 24, 2015
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - William (Trey) Corbin, III, a student at Rawls Byrd Elementary School and resident of the Roberts District

E. PRESENTATIONS

1. Williamsburg Regional Library

F. PUBLIC COMMENT - Until 7 p.m.

G. CONSENT CALENDAR

1. Minutes Adoption - November 10, 2015 Regular Meeting
2. Grant Award - Citizen Preparedness - \$18,420
3. Grant Awards - Interregional Rail Emergency Plan - \$67,500
4. Grant Awards - Mass Care Shelter Assessment - \$62,500

H. PUBLIC HEARING(S)

1. Ordinances to Repeal and Update Certain County Code Sections

I. BOARD CONSIDERATION(S),

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

L. PUBLIC COMMENT

M. CLOSED SESSION

N. ADJOURNMENT

1. Adjourn until 6:30 pm on December 8, 2015 for the Regular Meeting

ITEM SUMMARY

DATE: 11/24/2015

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Pledge Leader - William (Trey) Corbin, III, a student at Rawls Byrd Elementary School and resident of the Roberts District

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/17/2015 - 2:06 PM

ITEM SUMMARY

DATE: 11/24/2015
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Williamsburg Regional Library Presentation

Director Genevieve Owens will give a brief update on the Williamsburg Regional Library programs and services, as well as community engagement.

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/4/2015 - 4:13 PM

ITEM SUMMARY

DATE: 11/24/2015
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Minutes Adoption - November 10, 2015 Regular Meeting

ATTACHMENTS:

	Description	Type
▣	111015bos-mins	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/17/2015 - 2:01 PM

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 10, 2015
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Berkeley District
John J. McGlennon, Roberts District
Kevin D. Onizuk, Vice-Chairman, Jamestown District
James G. Kennedy, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Michelle M. Gowdy, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader – Lexie Hovey, a 1st-grade student at Rawls Byrd Elementary School and a resident of the Roberts District.

E. PRESENTATIONS

1. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the funding for the Courthouse Roof Replacement item listed on the Agenda.
2. Ms. Rosanne Reddin, 4700 Presidents Court, addressed the Board regarding the recent election results.
3. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the recent election and traffic congestion on Route 60.
4. Ms. Barbara Henry, 141 Devon Road, addressed the Board regarding the delayed property tax bills and their effect on the recent election.
5. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the delayed property tax bills and their effect on the recent election.
6. Mr. Phillip Drinkwater, 255 Peach Street, addressed the Board regarding the Mooretown Road Extension Study and its impact on his property.
7. Ms. Juliet Wright, 805 North Henry Street, addressed the Board regarding the Americans with Disabilities Act and the Equal Employment Opportunity Commission.

F. CONSENT CALENDAR

A motion to Amend the Consent Calendar to add an item entitled "Grant Application - Permanent Supportive Housing - \$287,367" was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

1. Minutes Adoption
2. Contract Purchase - Ruggedized Mobile Computers for Police and Fire - \$250,903
3. FY 16 Litter Prevention and Recycling Grant
4. Grant Application - Permanent Supportive Housing - \$287,367

G. PUBLIC HEARING(S)

1. SUP-0003-2015. Colonial Heritage Deer Lake Estates Utility Extension

A motion to Approve was made by Ms. Jones and the motion result was Passed.

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, Onizuk, Kennedy, Hipple
Nays: McGlennon

Planner I, Roberta Sulouff, addressed the Board giving an overview of the staff report included in the Agenda Packet.

Planning Commission Representative, Tim O'Connor, addressed the Board giving an overview of the recommendation of the Planning Commission.

Mr. McGlennon clarified that this action is amending a previous Special Use Permit (SUP) and while this SUP limits this cluster development to 50 lots, it could be changed in the future.

Mr. O'Connor stated correct, but it would require additional legislative action.

As there were no other questions for staff, Mr. Hipple opened the Public Hearing.

1. Mr. Will Holt, Attorney with Kaufman & Canoles and representing the applicant, addressed the Board deferring a presentation and stating that he was available to answer any questions.

General discussion between the Board and Mr. Holt ensued regarding the limit of this cluster development and how it is designated on the Colonial Heritage Master Plan.

Mr. Kennedy raised a concern about this cluster encroaching even further on the property owners in the area that operate legal hunt clubs and shooting ranges. He hopes that as these homes are built and sold that the new owners are given full disclosure about what is located around them.

Mr. Holt stated duly noted and that Colonial Heritage will endeavor to notify those new homeowners.

2. Mr. Chris Henderson, 101 Keystone, addressed the Board raising concerns about access to the rest of Colonial Heritage proper.

As a point of clarification in response to the comments made, Mr. Holt noted that as part of the Colonial Heritage Master Plan that was adopted in 2004, this cluster development was to have a separate entrance and access to Jolly Pond Road and was not intended to be part of the Colonial Heritage age-restricted community.

As no one else was registered to speak, Mr. Hipple closed the Public Hearing.

H. BOARD CONSIDERATION(S)

1. Contract Award - Courthouse Roof Replacement - \$703,499

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

Director of General Services, John Horne, addressed the Board giving an overview of the memorandum included in the Agenda Packet.

The Board and staff generally discussed the materials and appearance of the new roof, the warranties on the work and third-party inspections of the installation.

2. Request for Deferral - Skiffes Creek Switching Station - First Regular Meeting in January 2016

A motion to Approve was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

Mr. Kennedy requested that the new Board members be given the opportunity to get up-to-speed on the case and that latitude be given if they request a deferral for more time.

I. BOARD REQUESTS AND DIRECTIVES

The Board members generally discussed their activities in the community and throughout the region since the previous Board meeting.

J. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

The Williamsburg Harvest Celebration (WHC) will be November 11-15. As a part of WHC, there will be two events on November 13-14 at Jamestown Beach Event Park, 2205 Jamestown Road that may cause some traffic impacts or noise for the surrounding area. The fourth annual ChowderFest will be held on November 13, 6-9 p.m. This event will feature live music and may cause some congestion in the Jamestown Road corridor near the Jamestown-Yorktown Ferry. On November 14 from 5:30-10 p.m., James City County will host Bountiful Brews & Bites, an outdoor festival with live music, food trucks, children's activities and fireworks. Greensprings Road will be closed from its intersection with 4-H Club Road and Jamestown Road, and traffic will be rerouted down 4-H Club Road during the event. This event may also cause congestion in the Jamestown Road corridor near the ferry. The fireworks will begin at 9:30 p.m. and last approximately 10 minutes.

James City County residents are invited to attend the next Neighborhood Leaders Forum on November 17, 6:30 p.m. at the James City County Recreation Center, 5301 Longhill Road. To RSVP for the meeting, please call 757-259-4986.

James City County offices and the Williamsburg-James City County Courthouse will be closed in observance of Veteran's Day on November 11. James City County Recreation Center, Abram Frink Jr. Community Center, Convenience Centers, Garbage Transfer Station and libraries will remain open.

K. PUBLIC COMMENT

1. Mr. William Wallace, 3512 Fieldcrest Court, addressed the Board regarding rumble strips installed on Route 5. He provided the Board with a citizen petition to have them removed.
2. Ms. Linda Wallace-Cody, 3085 Friendship Drive, addressed the Board expressing gratitude for the community attendance at Chickahominy Community Day.

L. CLOSED SESSION

M. ADJOURNMENT

1. Adjourn until 4 p.m. on November 24, 2015, for the Work Session

A motion to Adjourn was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

At 8:03 p.m., Mr. Hipple adjourned the Board.

Bryan J. Hill
County Administrator

ITEM SUMMARY

DATE: 11/24/2015
TO: The Board of Supervisors
FROM: Ryan Ashe, Interim Fire Chief
SUBJECT: Grant Award - Citizen Preparedness - \$18,420

The James City County Fire Department's Emergency Management Division has been awarded a grant from the Commonwealth of Virginia Department of Emergency Management (VDEM) in the amount of \$18,420 to support citizen preparedness through the James City County Community Emergency Response Team (JCC CERT) program.

Staff recommends adoption of the attached resolution to appropriate funds.

ATTACHMENTS:

	Description	Type
▣	memo	Cover Memo
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	11/6/2015 - 10:19 AM
Publication Management	Burcham, Nan	Approved	11/6/2015 - 10:38 AM
Legal Review	Gowdy, Michelle	Approved	11/6/2015 - 11:09 AM
Board Secretary	Mellen, Sue	Approved	11/13/2015 - 2:57 PM
Board Secretary	Kinsman, Adam	Approved	11/16/2015 - 5:04 PM
Board Secretary	Fellows, Teresa	Approved	11/16/2015 - 6:13 PM

MEMORANDUM

DATE: November 24, 2015
TO: The Board of Supervisors
FROM: Ryan Ashe, Interim Fire Chief
SUBJECT: Grant Award - Citizen Preparedness - \$18,420

The James City County Fire Department's Emergency Management Division has been awarded a grant from the Commonwealth of Virginia Department of Emergency Management (VDEM) in the amount of \$18,420 to support citizen preparedness through the James City County Community Emergency Response Team (JCC CERT) program.

The grant is a 2015 State Homeland Security Program (SHSP) grant awarded by VDEM using funds from the United States Department of Homeland Security Federal Emergency Management Agency.

The JCC CERT program trains residents to be prepared for a range of hazards, to safely respond in emergencies until professional responders arrive, and to support Emergency Management through specific volunteer support activities including community outreach, specific tasks in emergency operations and support to the Emergency Operations Center in activations and exercises.

The JCC CERT program has been active since 2003 and trained more than 400 residents. There are seven neighborhood JCC CERT teams as well as a cadre of active at-large volunteers.

Through the SHSP grant, the Emergency Management Division's JCC CERT program will recruit new volunteers; provide basic and advanced training for volunteers; conduct skills based drills and exercises to maintain and enhance volunteer capabilities; provide volunteers with basic equipment and supplies; and continue to train and deploy specially trained JCC CERT volunteers as force multipliers in actual emergencies as well as activations and exercises.

This grant requires no local match.

Staff recommends adoption of the attached resolution to appropriate funds.

RA/nb
GA-CERT2015-mem

Attachment

RESOLUTION

GRANT AWARD - CITIZEN PREPAREDNESS - \$18,420

WHEREAS, James City County Fire Department’s Emergency Management Division has been awarded a grant in the amount of \$18,420 from the Commonwealth of Virginia Department of Emergency Management (VDEM) to support citizen preparedness through the James City County Community Emergency Response Team (JCC CERT) program; and

WHEREAS, the grant is a 2015 State Homeland Security Program grant awarded by VDEM using funds from the United States Department of Homeland Security Federal Emergency Management Agency; and

WHEREAS, the funds will be used to support citizen preparedness through the JCC CERT program; and

WHEREAS, the JCC CERT program seeks to increase the safety, preparedness and resiliency of County residents; and

WHEREAS, the grant requires no match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation to the Special Projects/Grants fund:

Revenue:

Citizen Preparedness - SHSP - VDEM	<u>\$18,420</u>
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Expenditure:

Citizen Preparedness - SHSP - VDEM	<u>\$18,420</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of November, 2015.

ITEM SUMMARY

DATE: 11/24/2015
TO: The Board of Supervisors
FROM: Ryan Ashe, Interim Fire Chief
SUBJECT: Grant Awards - Interregional Rail Emergency Plan - \$67,500

The James City County Fire Department's Emergency Management Division has been awarded two grants totaling \$67,500 from the Commonwealth of Virginia Department of Emergency Management (VDEM) for development of an Interregional Rail Emergency Plan in cooperation with New Kent County.

Staff recommends adoption of the attached resolution to appropriate funds.

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	11/6/2015 - 10:19 AM
Publication Management	Burcham, Nan	Approved	11/6/2015 - 10:31 AM
Legal Review	Gowdy, Michelle	Approved	11/6/2015 - 11:08 AM
Board Secretary	Mellen, Sue	Approved	11/13/2015 - 2:59 PM
Board Secretary	Kinsman, Adam	Approved	11/16/2015 - 5:04 PM
Board Secretary	Fellows, Teresa	Approved	11/16/2015 - 6:13 PM

MEMORANDUM

DATE: November 24, 2015

TO: The Board of Supervisors

FROM: Ryan Ashe, Interim Fire Chief

SUBJECT: Grant Awards - Interregional Rail Emergency Plan - \$67,500

The James City County Fire Department's Emergency Management Division has been awarded two grants totaling \$67,500 from the Commonwealth of Virginia Department of Emergency Management (VDEM) for development of an Interregional Rail Emergency Plan in cooperation with New Kent County.

The grants include a 2015 State Homeland Security Program (SHSP) grant in the amount of \$42,500 and a 2014 Supplemental Local Emergency Management Performance (SLEMPG) grant in the amount of \$25,000. Both grants are awarded by VDEM using funds from the United States Department of Homeland Security Federal Emergency Management Agency.

James City County is bisected by rail lines entering through New Kent and exiting into Newport News. These rail lines carry both passenger trains and hazardous materials shipments including Bakken crude oil. The rail lines travel through New Kent County before entering James City County where they travel through heavily commercialized and residential areas parallel to major roadways including Routes 60 and 143 and Interstate 64 into Newport News.

These grants will enable New Kent County and James City County to collaborate in the development of an Interregional Rail Emergency Plan to comprehensively address mass casualty and hazardous material events in the area of our shared border. Because each of the counties are in different state regions, this initiative will bring stakeholders in both regions into a single process to ensure more effective coordination and planning, support development of local rail emergency plans and enhance local and interregional response.

The SLEMPG grant requires a local or in-kind match of \$25,000 which will be met through staff time and other in-kind support provided by the Emergency Management Division and other stakeholders participating in the project. The SHSP grant does not require a local match.

Staff recommends adoption of the attached resolution to appropriate funds.

RA/nb
GA-Rail2015-mem

Attachment

RESOLUTION

GRANT AWARDS - INTERREGIONAL RAIL EMERGENCY PLAN - \$67,500

WHEREAS, the James City County Fire Department’s Emergency Management Division has been awarded two grants totaling \$67,500 from the Commonwealth of Virginia Department of Emergency Management (VDEM) for development of an Interregional Rail Emergency Plan in cooperation with New Kent County; and

WHEREAS, the grants include a 2015 State Homeland Security Program (SHSP) grant in the amount of \$42,500 and a 2014 Supplemental Local Emergency Management Performance (SLEMPG) grant in the amount of \$25,000, both using funds from the United States Department of Homeland Security Federal Emergency Management Agency; and

WHEREAS, the funds will be used to develop a plan to address the impacts of a rail emergency along the rail line passing through James City County and New Kent County; and

WHEREAS, the SLEMPG grant requires a local or in-kind match of \$25,000 which will be met through staff time and other in-kind support provided by the Emergency Management Division and other stakeholders participating in the project; and

WHEREAS, the SHSP grant does not require a local match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of these grants and the following appropriation to the Special Projects/Grants fund:

Revenues:

Interregional Rail Emergency Plan - SHSP - VDEM	\$42,500
Interregional Rail Emergency Plan - SLEMPG - VDEM	<u>25,000</u>
Total	<u>\$67,500</u>

Expenditures:

Interregional Rail Emergency Plan - SHSP - VDEM	\$42,500
Interregional Rail Emergency Plan - SLEMPG - VDEM	<u>25,000</u>
Total	<u>\$67,500</u>

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	___	___	___
MCGLENNON	___	___	___
ONIZUK	___	___	___
KENNEDY	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of November, 2015.

GA-Rail2015-res

ITEM SUMMARY

DATE: 11/24/2015
TO: The Board of Supervisors
FROM: Ryan Ashe, Interim Fire Chief
SUBJECT: Grant Awards - Mass Care Shelter Assessment - \$62,500

The James City County Fire Department's Emergency Management Division has been awarded two grants totaling \$62,500 from the Commonwealth of Virginia Department of Emergency Management (VDEM) for the assessment of potential mass care shelters within James City County.

Staff recommends adoption of the attached resolution to appropriate funds.

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	11/6/2015 - 10:19 AM
Publication Management	Burcham, Nan	Approved	11/6/2015 - 10:28 AM
Legal Review	Gowdy, Michelle	Approved	11/6/2015 - 11:06 AM
Board Secretary	Mellen, Sue	Approved	11/17/2015 - 8:24 AM
Board Secretary	Kinsman, Adam	Approved	11/17/2015 - 12:22 PM
Board Secretary	Fellows, Teresa	Approved	11/17/2015 - 12:24 PM

MEMORANDUM

DATE: November 24, 2015
TO: The Board of Supervisors
FROM: Ryan Ashe, Interim Fire Chief
SUBJECT: Grant Awards - Mass Care Shelter Assessment - \$62,500

The James City County Fire Department's Emergency Management Division has been awarded two grants totaling \$62,500 from the Commonwealth of Virginia Department of Emergency Management (VDEM) for the assessment of potential mass care shelters within James City County.

The grants include a 2015 State Homeland Security Program (SHSP) grant in the amount of \$22,500 and a 2014 Supplemental Local Emergency Management Performance (SLEMPG) grant in the amount of \$40,000. Both grants are awarded by VDEM using funds from the United States Department of Homeland Security Federal Emergency Management Agency.

These grants will 1) fund the development of a local shelter standard and criteria reflecting best practices from other hurricane vulnerable locations as well as applicable building codes; 2) use that standard and criteria to survey potential shelter facilities; and 3) identify retrofits necessary to upgrade non-usable facilities to hurricane shelter status.

In a major storm it is anticipated that thousands of evacuees from Hampton Roads and northeast North Carolina will seek shelter along the primary evacuation routes of I-64 and Routes 60, 143 and 17 (when diverted from York due to rising water). If evacuees are unable to clear in time, James City County may be faced with overwhelming shelter demand.

The assessment completed under this grant will identify which facilities can - currently or with retrofits - serve as hurricane shelters. This is a critical step toward reducing the shelter capacity gap in James City County.

The SLEMPG grant requires a local or in-kind match of \$40,000 which will be met through staff time and other in-kind support provided by the Emergency Management Division and other stakeholders participating in the project. The SHSP grant does not require a local match.

Staff recommends adoption of the attached resolution to appropriate funds.

RA/nb
GA-Shelter2015-mem

Attachment

RESOLUTION

GRANT AWARDS - MASS CARE SHELTER ASSESSMENT - \$62,500

WHEREAS, the James City County Fire Department’s Emergency Management Division has been awarded two grants totaling \$62,500 from the Commonwealth of Virginia Department of Emergency Management (VDEM) for the assessment of potential mass care shelters within James City County; and

WHEREAS, the grants include a 2015 State Homeland Security Program (SHSP) grant in the amount of \$22,500 and a 2014 Supplemental Local Emergency Management Performance (SLEMPG) grant in the amount of \$40,000, both using funds from the United States Department of Homeland Security Federal Emergency Management Agency; and

WHEREAS, the funds will be used to develop a local shelter standard and criteria, evaluate potential shelters and identify retrofits necessary to upgrade facilities to hurricane shelter status; and

WHEREAS, the SLEMPG grant requires a local or in-kind match of \$40,000 which will be met through staff time and other in-kind support provided by the Emergency Management Division and other stakeholders participating in the project; and

WHEREAS, the SHSP grant does not require a local match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of these grants and the following appropriation to the Special Projects/Grants fund:

Revenues:

Mass Care Shelter Assessment - SHSP - VDEM	\$22,500
Mass Care Shelter Assessment - SLEMPG - VDEM	<u>40,000</u>
Total	<u>\$62,500</u>

Expenditures:

Mass Care Shelter Assessment - SHSP - VDEM	\$22,500
Mass Care Shelter Assessment - SLEMPG - VDEM	<u>40,000</u>
Total	<u>\$62,500</u>

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of November, 2015.

GA-Shelter2015-res

ITEM SUMMARY

DATE: 11/24/2015
TO: The Board of Supervisors
FROM: Michelle M. Gowdy, County Attorney
SUBJECT: Ordinances to Repeal and Update Certain County Code Sections

Ordinances to amend and reordain Chapter 2, Administration - Section 2-12, Chapter 12, Licenses – Section 12-72. Pawnbrokers, Chapter 12, Licenses - Article VI, Secondhand Articles, Division 1, Buyers of Gold, Silver, Diamonds and Jewelry, and Chapter 15, Offenses – Miscellaneous – Section 15-37. Guest register generally.

ATTACHMENTS:

	Description	Type
▣	memorandum	Cover Memo
▣	ord chap 12 pawnbrokers	Ordinance
▣	ord chap 12 pawnbrokers final	Ordinance
▣	ord chap 12 gold	Ordinance
▣	ord chap 12 gold final	Ordinance
▣	ord chap 2 liability	Ordinance
▣	ord chap 2 liability final	Ordinance
▣	ord chap 15 miscellaneous	Ordinance
▣	ord chap 15 miscellaneous final	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Gowdy, Michelle	Approved	11/5/2015 - 11:09 AM
Publication Management	Burcham, Nan	Approved	11/6/2015 - 3:52 PM
Legal Review	Gowdy, Michelle	Approved	11/6/2015 - 4:13 PM
Board Secretary	Fellows, Teresa	Approved	11/10/2015 - 11:03 AM
Board Secretary	Kinsman, Adam	Approved	11/16/2015 - 5:05 PM
Board Secretary	Fellows, Teresa	Approved	11/16/2015 - 6:14 PM

MEMORANDUM

DATE: November 24, 2015

TO: The Board of Supervisors

FROM: Michelle M. Gowdy, County Attorney

SUBJECT: Ordinances to Repeal and Update Certain County Code Sections

At the Board's August work session, discussion was held about updating and revising certain sections and chapters of the County Code. Certain revisions require repealing and deleting portions of the County Code. The attached ordinances continue the process of amending and removing outdated County Code sections.

1. Chapter 2, Administration - Section 2-12. Required personal liability insurance on privately owned automobiles used on County business. This section of the County Code has not been updated since 1952 and the process of obtaining verification of private insurance policies has not been implemented by the County. The Code of Virginia requires drivers to have insurance or pay a fee as an uninsured motorist. Furthermore, the use of personal vehicles by employees for County business is regulated by County Administration's Administrative Regulation 15, which states that in the event of an accident, the vehicle owner's insurance coverage applies. County Code Section 2-12 is therefore unnecessary. The attached ordinance amends Chapter 2, Administration, Article IV, Officers and Employees, Division 1 – Generally, by deleting and reserving Section 2-12, Required personal liability insurance on privately owned automobiles used on county business.
2. Chapter 12, Licenses – Section 12-72. Pawnbrokers. This section is out of date and requires amendment in order to comply with Virginia Code. The major changes deal with bonding as described in Virginia Code § 54.1-4003. The attached ordinance more fully sets out the requirements of pawnbroker operations in multiple sections for the convenience of the reader. Due to the addition of new Sections 12-73 through 12-79, the previous Section 12-78.1, Repair, personal business and other services, has been renumbered with new number 12-80 and Sections 12-81 and 12-82 have been reserved for future use.
3. Chapter 12, Licenses - Article VI, Secondhand Articles, Division 1, Buyers of Gold, Silver, Diamonds and Jewelry. This Division has not been updated since 1982 and it does not currently comply with Virginia Code § 54.1-4100, et. seq. The most significant changes include permit requirements, purchase record information that is required to be kept, and an extension of the time period certain items are required to be retained. To simplify the revisions, the attached ordinance deletes and replaces the entire Division, and Sections 12-141 and 12-142 have been reserved for future use.
4. Chapter 15, Offenses – Miscellaneous – Section 15-37. Guest register generally. On June 22, 2015, the United States Supreme Court decided a case regarding the guest register of a hotel. The finding indicated that a hotel cannot be forced to provide the guest register. The hotel may consent to provide it and may not be criminally charged for refusing to disclose the register to a public safety officer. The attached ordinance removes the requirement for a guest register to be subject to inspection at all times by any public safety officer.

Staff recommends adoption of the attached ordinances.

MMG/nb
OrdinancesRepeal-mem

Attachments

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 12, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIFIC BUSINESSES AND ACTIVITIES, BY REPEALING AND DELETING SECTION 12-72, PAWNBROKERS, AND BY ADDING NEW SECTION 12-72, DEFINITION OF PAWNBROKER; SECTION 12-73, LICENSE, FEE AND BOND OR LETTER OF CREDIT REQUIRED; SECTION 12-74, RECORDS TO BE KEPT; SECTION 12-75, DAILY REPORTS; SECTION 12-76, PROPERTY PAWNED OR PURCHASED NOT TO BE DISFIGURED OR CHANGED; SECTION 12-77, OFFICERS MAY EXAMINE RECORDS OR PROPERTY; SECTION 12-78, DUTY TO ALLOW REMOVAL OF STOLEN PROPERTY; SECTION 12-79, VIOLATION OF ARTICLE, AND BY RENUMBERING SECTION 12-78.1, REPAIR, PERSONAL, BUSINESS AND OTHER SERVICES, WITH NEW NUMBER 12-80.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 12, Licenses, is hereby amended and reordained by amending Article II, Specific Businesses and Activities, by amending Section 12-72, Definition of pawnbroker, Section 12-73, License, fee and bond or letter of credit required; Section 12-74, Records to be kept; Section 12-75, Daily reports, Section 12-76, Property pawned or purchased not to be disfigured or changed; Section 12-77, Officers may examine records or property; Section 12-78, Duty to allow removal of stolen property; Section 12-79, Violation of article; and Section 12-80, Repair, personal, business and other services.

Chapter 12. Licenses

Article II. Specific Businesses and Activities

~~Sec. 12-72. Pawnbrokers.~~

- ~~(a) Pawnbroker defined. For the purpose of this section, a "pawnbroker" shall be deemed to mean any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.~~
- ~~(b) Application required; fee; information required. Any person desiring to operate as a pawnbroker in the county shall make application to the commissioner of the revenue. Such application shall be accompanied by a nonrefundable application fee of \$100.00 to cover administrative costs and investigations. The applicant for the pawnbroker's license shall furnish the following:~~
- ~~(1) Copy of application for county business license;~~
 - ~~(2) Copy of birth certificate;~~
 - ~~(3) Copy of driver's license or other proof of residence;~~
 - ~~(4) List of criminal convictions of the applicant, if any, other than traffic offenses, listing the place of each such conviction; and~~
 - ~~(5) Finger imprints prepared and certified by the James City County Police Department or authorized Virginia law enforcement agency.~~
- ~~(c) Issuance of license. The commissioner of the revenue may issue a pawnbroker license upon receipt of the following:~~

- ~~(1) Statement from the zoning administrator, or his designee, that conduct of a pawnbroker business in the location proposed is in conformity with the county code;~~
 - ~~(2) Statement from the chief of police, or his designee, that applicant's list of criminal convictions, if any, is accurate; and~~
 - ~~(3) Order of authorization from the judge of the circuit court.~~
- ~~(d) Renewal. A pawnbroker license shall continue automatically on timely renewal of a business license. The renewal of the business license shall be accompanied by an update to the statement of criminal convictions and a release form authorizing a criminal records check. At any time the commissioner of the revenue becomes aware of a felony conviction, the commissioner may petition the circuit court for review of the authorization to issue a license.~~
- ~~(e) Annual tax. Every person engaging in the business of a pawnbroker shall be licensed as a personal service enterprise and pay such amount as required by section 12-21.~~
- ~~(f) Proratability and transferability. No license issued under this section shall be proratable or transferable.~~
- ~~(g) Ledger of transactions required. Every person issued a license to operate a pawnbroker business in the county shall keep a complete and accurate ledger which contains, for each transaction, a description of the goods; the time and date transferred; and the name, address, phone number and social security number of the person pawning personal property or other valuable things with the pawnbroker. The ledger shall be open to inspection by the chief of police.~~

~~(Ord. No. 16A-7, 11-16-81; Ord. No. 16A-10, 12-2-85; Ord. No. 16A-17, 4-6-92; Ord. No. 16A-20, 11-26-96; Ord. No. 16A-29, 7-26-11)~~

~~State Law reference — Pawnbrokers, Code of Va., § 54.1-4001 et seq.~~

~~Sees. 12-73 — 12-78. — Reserved.~~

Sec. 12-72. Definition of pawnbroker.

A “pawnbroker” is any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Sec. 12-73. License, fee and bond or letter of credit required.

It shall be unlawful for any person to engage in the practice of being a pawnbroker as herein defined without first obtaining a license to do so from the commissioner of the revenue and authorization from the circuit court. Upon submission of an application for a license, a \$200 nonrefundable application fee shall be paid to the treasurer’s office and proof of such payment shall accompany the application. Said license shall meet the provisions of Va. Code 54.1-4001 of the Code of Virginia (1950) as amended, including, but not limited to, the applicant’s date of birth, designation as to the exact location that such business shall be conducted and information sufficient to the chief of police to prove the good character of the applicant. Good character of the applicant shall include but not be limited to the following: fingerprinting and criminal history check and a valid county business license. Such license must be

renewed annually and is required of each person employed in the pawnbroker business. The renewal fee is the same as the application fee.

With the license, the pawnbroker shall post a bond or letter of credit in favor of the board of supervisors by a financial institution authorized to do business in the commonwealth, in the sum of \$50,000, conditioned upon due observance of the terms of this article.

Sec. 12-74. Records to be kept.

Every pawnbroker shall be required to keep at his place of business an accurate and legible record, in English, of each loan or transaction in the course of his business. The account shall be recorded at the time of the loan or transaction and shall include:

- (a) A description, serial number and a statement of ownership of the goods, article or thing pawned or pledged or received on account of money loaned thereon or purchased for resale;*
- (b) The time, date and place of transaction;*
- (c) The amount of money loaned thereon at the time of pledging the same or paid as the purchase price;*
- (d) The rate of interest to be paid on such loan;*
- (e) The fees charged by the pawnbroker, itemizing each fee charged;*
- (f) The full name, residence address, telephone number, and driver's license number or other form of identification of the person pawning or pledging or selling the goods, article or thing, together with a particular description, including the height, weight, date of birth, gender, hair and eye color, and any other identifying marks of such person;*
- (g) Verification of the identification by the exhibition of a government-issued identification card such as a driver's license or military identification card. The record shall contain the type of identification card exhibited, the issuing agency and the number thereon;*
- (h) As to loans, the terms and conditions of the loan, including the period for which any such loan may be made; and*
- (i) All other facts and circumstances respecting such loan or purchase.*

The superintendent of the state police shall promulgate regulations specifying the nature of the particular description for the purposes of subsection (f) above.

The superintendent of the state police shall promulgate regulations specifying the nature of identifying credentials of the person pawning or pledging the goods. Such credentials shall be examined by the pawnbroker and an appropriate record retained thereof.

Sec. 12-75. Daily reports.

Every pawnbroker may be required to prepare a daily report of all goods, articles or things pawned or pledged with him that day and file such report by noon of the following day with the chief law enforcement officer of the county designated by the commonwealth's attorney to receive it. The report, if required, shall follow the provisions of section 54.1-4010 of the Code of Virginia, as amended.

Sec. 12-76. Property pawned or purchased not to be disfigured or changed.

No property received on deposit or pledged or purchased by any pawnbroker shall be disfigured or its identity destroyed or affected in any manner (i) so long as it continues in pawn or in the possession of the

pawnbroker while in pawn, or (ii) in an effort to obtain a serial number or other information for identification purposes.

Sec. 12-77. Officers may examine records or property.

Every pawnbroker and every employee of the pawnbroker shall admit to the pawnbroker's place of business during regular business hours the chief of police, his designee or deputy of the jurisdiction where the business is being conducted, or any law enforcement official of the state or federal government, and shall permit such officer to examine all records required by this article and any article listed in a record which is believed by the officer to be missing or stolen.

Sec. 12-78. Duty to allow removal of stolen property.

Every pawnbroker shall allow, after obtaining a proper receipt, the removal of any merchandise suspected of being, or identified as, stolen property by any local, state or federal law enforcement officer.

Sec. 12-79. Violation of Article.

- (a) Unless otherwise specifically provided, a violation of any provision of this article shall constitute a class 1 misdemeanor. Each days' violation shall constitute a separate offense.*
- (b) In addition to any penalty that may be imposed for a violation of this article, the judge of a court of competent jurisdiction may revoke or suspend the pawnbroker's license for second and subsequent offenses.*

~~Sec. 12-78.1.~~ ~~12-80.~~ **Repair, personal, business and other services.**

- (a) Maximum rate. The maximum rate for a local license tax imposed upon a person engaged in a repair, personal or business service or any other business or occupation not specifically listed or excepted from Code of Virginia, section 58.1-3703 shall be such amount provided in section 12-21.
- (b) Repair service. The repairing, renovating, cleaning or servicing of some article or item of personal property for compensation is a repair service, unless the service is specifically provided for under another section.
- (c) Personal service. Any service rendered for compensation either upon or for persons, animals or personal effects is a personal service, unless the service is specifically provided for under another section.
- (d) Business service. Any service rendered for compensation to any business, trade, occupation or governmental agency is a business service, unless the service is specifically provided for under another section.
- (e) Commission merchants. Any person buying or selling any kind of goods, wares or merchandise for another on commission is a commission merchant and is engaged in a business service.
- (f) Photographers. Photographers who have no place of business in Virginia may be subject to local license taxation so long as the tax is not in excess of the tax imposed on photographers by the state.
- (g) Sign painting. Sign painting is a service unless the sign is painted on the side of a building or any other structure assessed as realty, in which case the sign painting is contracting.
- (h) Amusements. An amusement is a type of entertainment or show for which compensation is received and that is not specifically provided for under another section of these guidelines.

(Ord. No. 16A-7, 11-16-81; Ord. No. 16A-9, 4-22-85; Ord. No. 16A-19, 1-10-96; Ord. No. 16A-20, 11-26-96)

Secs. 12-81-12-82. Reserved.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of November, 2015.

Chp12-LicensePawnbrokers-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 12, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIFIC BUSINESSES AND ACTIVITIES, BY REPEALING AND DELETING SECTION 12-72, PAWNBROKERS, AND BY ADDING NEW SECTION 12-72, DEFINITION OF PAWNBROKER; SECTION 12-73, LICENSE, FEE AND BOND OR LETTER OF CREDIT REQUIRED; SECTION 12-74, RECORDS TO BE KEPT; SECTION 12-75, DAILY REPORTS; SECTION 12-76, PROPERTY PAWNED OR PURCHASED NOT TO BE DISFIGURED OR CHANGED; SECTION 12-77, OFFICERS MAY EXAMINE RECORDS OR PROPERTY; SECTION 12-78, DUTY TO ALLOW REMOVAL OF STOLEN PROPERTY; SECTION 12-79, VIOLATION OF ARTICLE, AND BY RENUMBERING SECTION 12-78.1, REPAIR, PERSONAL, BUSINESS AND OTHER SERVICES, WITH NEW NUMBER 12-80.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 12, Licenses, is hereby amended and reordained by amending Article II, Specific Businesses and Activities, by amending Section 12-72, Definition of pawnbroker, Section 12-73, License, fee and bond or letter of credit required; Section 12-74, Records to be kept; Section 12-75, Daily reports, Section 12-76, Property pawned or purchased not to be disfigured or changed; Section 12-77, Officers may examine records or property; Section 12-78, Duty to allow removal of stolen property; Section 12-79, Violation of article; and Section 12-80, Repair, personal, business and other services.

Chapter 12. Licenses

Article II. Specific Businesses and Activities

Sec. 12-72. Definition of pawnbroker.

A “pawnbroker” is any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Sec. 12-73. License, fee and bond or letter of credit required.

It shall be unlawful for any person to engage in the practice of being a pawnbroker as herein defined without first obtaining a license to do so from the commissioner of the revenue and authorization from the circuit court. Upon submission of an application for a license, a \$200 nonrefundable application fee shall be paid to the treasurer’s office and proof of such payment shall accompany the application. Said license shall meet the provisions of Va. Code 54.1-4001 of the Code of Virginia (1950) as amended, including, but not limited to, the applicant’s date of birth, designation as to the exact location that such business shall be conducted and information sufficient to the chief of police to prove the good character of the applicant. Good character of the applicant shall include but not be limited to the following: fingerprinting and criminal history check and a valid county business license. Such license must be renewed annually and is required of each person employed in the pawnbroker business. The renewal fee is the same as the application fee.

With the license, the pawnbroker shall post a bond or letter of credit in favor of the board of supervisors by a financial institution authorized to do business in the commonwealth, in the sum of \$50,000, conditioned upon due observance of the terms of this article.

Ordinance to Amend and Reordain

Chapter 12. Licenses

Page 2

Sec. 12-74. Records to be kept.

Every pawnbroker shall be required to keep at his place of business an accurate and legible record, in English, of each loan or transaction in the course of his business. The account shall be recorded at the time of the loan or transaction and shall include:

- (a) A description, serial number and a statement of ownership of the goods, article or thing pawned or pledged or received on account of money loaned thereon or purchased for resale;
- (b) The time, date and place of transaction;
- (c) The amount of money loaned thereon at the time of pledging the same or paid as the purchase price;
- (d) The rate of interest to be paid on such loan;
- (e) The fees charged by the pawnbroker, itemizing each fee charged;
- (f) The full name, residence address, telephone number, and driver's license number or other form of identification of the person pawning or pledging or selling the goods, article or thing, together with a particular description, including the height, weight, date of birth, gender, hair and eye color, and any other identifying marks of such person;
- (g) Verification of the identification by the exhibition of a government-issued identification card such as a driver's license or military identification card. The record shall contain the type of identification card exhibited, the issuing agency and the number thereon;
- (h) As to loans, the terms and conditions of the loan, including the period for which any such loan may be made; and
- (i) All other facts and circumstances respecting such loan or purchase.

The superintendent of the state police shall promulgate regulations specifying the nature of the particular description for the purposes of subsection (f) above.

The superintendent of the state police shall promulgate regulations specifying the nature of identifying credentials of the person pawning or pledging the goods. Such credentials shall be examined by the pawnbroker and an appropriate record retained thereof.

Sec. 12-75. Daily reports.

Every pawnbroker may be required to prepare a daily report of all goods, articles or things pawned or pledged with him that day and file such report by noon of the following day with the chief law enforcement officer of the county designated by the commonwealth's attorney to receive it. The report, if required, shall follow the provisions of section 54.1-4010 of the Code of Virginia, as amended.

Sec. 12-76. Property pawned or purchased not to be disfigured or changed.

No property received on deposit or pledged or purchased by any pawnbroker shall be disfigured or its identity destroyed or affected in any manner (i) so long as it continues in pawn or in the possession of the pawnbroker while in pawn, or (ii) in an effort to obtain a serial number or other information for identification purposes.

Sec. 12-77. Officers may examine records or property.

Every pawnbroker and every employee of the pawnbroker shall admit to the pawnbroker's place of business during regular business hours the chief of police, his designee or deputy of the jurisdiction where the business is being conducted, or any law enforcement official of the state or federal government, and shall permit such officer to examine all records required by this article and any article listed in a record which is believed by the officer to be missing or stolen.

Sec. 12-78. Duty to allow removal of stolen property.

Every pawnbroker shall allow, after obtaining a proper receipt, the removal of any merchandise suspected of being, or identified as, stolen property by any local, state or federal law enforcement officer.

Sec. 12-79. Violation of Article.

- (a) Unless otherwise specifically provided, a violation of any provision of this article shall constitute a class 1 misdemeanor. Each days' violation shall constitute a separate offense.
- (b) In addition to any penalty that may be imposed for a violation of this article, the judge of a court of competent jurisdiction may revoke or suspend the pawnbroker's license for second and subsequent offenses.

Sec. 12-80. Repair, personal, business and other services.

- (a) Maximum rate. The maximum rate for a local license tax imposed upon a person engaged in a repair, personal or business service or any other business or occupation not specifically listed or excepted from Code of Virginia, section 58.1-3703 shall be such amount provided in section 12-21.
- (b) Repair service. The repairing, renovating, cleaning or servicing of some article or item of personal property for compensation is a repair service, unless the service is specifically provided for under another section.
- (c) Personal service. Any service rendered for compensation either upon or for persons, animals or personal effects is a personal service, unless the service is specifically provided for under another section.
- (d) Business service. Any service rendered for compensation to any business, trade, occupation or governmental agency is a business service, unless the service is specifically provided for under another section.
- (e) Commission merchants. Any person buying or selling any kind of goods, wares or merchandise for another on commission is a commission merchant and is engaged in a business service.
- (f) Photographers. Photographers who have no place of business in Virginia may be subject to local license taxation so long as the tax is not in excess of the tax imposed on photographers by the state.
- (g) Sign painting. Sign painting is a service unless the sign is painted on the side of a building or any other structure assessed as realty, in which case the sign painting is contracting.
- (h) Amusements. An amusement is a type of entertainment or show for which compensation is received and that is not specifically provided for under another section of these guidelines.
(Ord. No. 16A-7, 11-16-81; Ord. No. 16A-9, 4-22-85; Ord. No. 16A-19, 1-10-96; Ord. No. 16A-20, 11-26-96)

Secs. 12-81-12-82. Reserved.

Chp12-LicensePawnbrokers-ord-final

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 12, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA BY REPEALING AND DELETING ARTICLE VI, SECONDHAND ARTICLES, DIVISION 1, BUYERS OF GOLD, SILVER, DIAMONDS AND JEWELRY, BY DELETING SECTION 12-130, DEFINITIONS; SECTION 12-131, PERMIT REQUIRED; METHOD OF OBTAINMENT; RENEWAL; SECTION 12-132, BOND OR LETTER OF CREDIT REQUIRED; SECTION 12-133, RECORDS TO BE KEPT; INSPECTION THEREOF; SECTION 12-134, CREDENTIALS REQUIRED FROM SELLER; SECTION 12-135, PROHIBITED PURCHASES; SECTION 12-136, DEALER TO RETAIN PURCHASES; SECTION 12-137, RECORD OF DISPOSITION; SECTION 12-138, PRIVATE ACTION ON BOND OR LETTER OF CREDIT; SECTION 12-139, EXEMPTIONS FROM ARTICLE; AND SECTION 12-140, PENALTIES, FIRST AND SUBSEQUENT OFFENSES; AND BY ADDING NEW SECTION 12-130, DEFINITIONS; SECTION 12-131, PERMIT REQUIRED; METHOD OF OBTAINING PERMIT; BOND OR LETTER OF CREDIT REQUIRED; NO CONVICTION OF CERTAIN CRIMES; APPROVAL OF WEIGHING DEVICES; RENEWAL; PERMANENT LOCATION REQUIRED; SECTION 12-132, CREDENTIALS AND STATEMENT OF OWNERSHIP REQUIRED FROM SELLER; SECTION 12-133, RECORDKEEPING; COPY FURNISHED TO LOCAL AUTHORITIES; SECTION 12-134, DEALER TO RETAIN PURCHASES; SECTION 12-135, RECORD OF DISPOSITION; SECTION 12-136, OFFICERS MAY EXAMINE RECORDS OR PROPERTY; WARRANTLESS SEARCH AND SEIZURE AUTHORIZED; SECTION 12-137, PROHIBITED PURCHASES; SECTION 12-138, EXEMPTIONS; SECTION 12-139, PENALTIES; AND SECTION 12-140, PRIVATE ACTION ON BOND OR LETTER OF CREDIT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 12, Licenses, is hereby amended and reordained by amending Article VI, Secondhand Articles, Division 1, Buyers of Gold, Silver, Diamonds and Jewelry, by amending Section 12-130, Definitions; Section 12-131, Permit required; method of obtaining permit; bond or letter of credit required; no conviction of certain crimes; approval of weighing devices; renewal; permanent location required; Section 12-132, Credentials and statement of ownership required from seller; Section 12-133, Recordkeeping; copy furnished to local authorities; Section 12-134, Dealer to retain purchases; Section 12-135, Record of disposition; Section 12-136, Officers may examine records or property; warrantless search and seizure authorized; Section 12-137, Prohibited purchases; Section 12-138, Exemptions; Section 12-139, Penalties; and Section 12-140, Private action on bond or letter of credit.

Chapter 12. Licenses

Article VI. - Secondhand Articles

Division 1. - Buyers of Gold, Silver, Diamonds and Jewelry

~~Sec. 12-130. - Definitions.~~

~~For the purposes of this article, the following definitions shall apply:~~

- ~~(1) Coin. Any piece of gold, silver or other metal fashioned into a prescribed shape, weight and degree of fineness, stamped by authority of a government with certain marks and devices, and having a certain fixed value as money.~~

~~(2) Dealer. Any person, firm, partnership or corporation engaged in the business of (i) purchasing secondhand precious metals or gems; (ii) removing in any manner precious metals or gems from manufactured articles not then owned by such person, firm, partnership, or corporation; or (iii) buying, acquiring, or selling precious metals or gems removed from such manufactured articles. "Dealer" shall mean all employers and principals on whose behalf a purchase is made, and any employee or agent who makes any such purchase for or on behalf of his employer or principal.~~

~~This definition shall not be construed so as to include persons engaged in the following:~~

- ~~(a) Purchases of precious metals or gems directly from other dealers, manufacturers or wholesalers for retail or wholesale inventories, provided the selling dealer has complied with the provisions of this article.~~
- ~~(b) Purchases of precious metals or gems from a duly qualified fiduciary who is disposing of the assets of the estate being administered by such fiduciary in the administration of an estate.~~
- ~~(c) Acceptance by a retail merchant of trade in merchandise previously sold by such merchant to the person presenting that merchandise for trade in.~~
- ~~(d) Repairing, restoring or designing jewelry by a retail merchant, if such activities are within his normal course of business.~~
- ~~(e) Purchases of precious metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers, dealers, or by mail originating outside the Commonwealth of Virginia.~~
- ~~(f) Persons regularly engaged in the business of purchasing and processing nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a byproduct.~~

~~(3) Gems. Any item containing precious or semiprecious stones customarily used in jewelry.~~

~~(4) Precious metals. Any item except coins composed in whole or in part of gold, silver, platinum or platinum alloys.~~

~~(Ord. No. 16A 8, 1-11-82)~~

Sec. 12-131. – Permit required; method of obtainment; renewal.

- ~~(a) No person shall engage in the activities of dealer as defined in section 12-130 without first obtaining a permit from the chief of police.~~
- ~~(b) To obtain a permit, the dealer shall file with the chief of police an application form which shall include the dealer's full name, any aliases, address, age, sex, photograph and fingerprints; the name, address and telephone number of the applicant's employer, if any; and the location of the dealer's place of business. Upon filing this application and the payment of a \$200.00 fee, the chief of police shall within 30 days conduct an investigation of the applicant and his proposed operation. If the applicant is found to be of good moral character and not to have been convicted of a felony or crime of moral turpitude within seven years prior to the date of application, a permit shall be granted. A permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to the provisions of this article.~~

- ~~(c) Before a permit may be issued, the dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures official and present written evidence of such approval to the chief of police.~~
- ~~(d) The permit shall be valid for one year from the date issued and may be renewed in the same manner as such permit was initially obtained with an annual fee of \$200.00. No permit shall be transferable.~~
- ~~(e) If the business of the dealer is not operated without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the chief of police of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.~~

~~(Ord. No. 16A 8, 1-11-82; Ord. No. 160, 7-7-86)~~

~~Sec. 12-132. Bond or letter of credit required.~~

~~Every dealer securing a permit pursuant to section 12-131 shall, at the time of obtaining such permit, enter into a recognizance to the county secured by a corporate surety authorized to do business in the commonwealth, in the penal sum of \$10,000.00, conditioned upon due observance of the terms of this article. In lieu of a bond, a dealer may cause to be issued by a bank authorized to do business in the Commonwealth of Virginia a letter of credit in favor of the county in the sum of \$10,000.00.~~

~~(Ord. No. 16A 8, 1-11-82)~~

~~Sec. 12-133. Records to be kept; inspection thereof.~~

- ~~(a) Every dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems. The record of each purchase shall be retained by the dealer for not less than 24 months. These records shall set forth the following:
 - ~~(1) A complete description of all precious metals or gems purchased from each seller. The description shall include all names, serial numbers or other identifying marks or monograms on each item purchased, the true weight or karat of any gem and the price paid for each item;~~
 - ~~(2) The date and time of receiving the items purchased; and~~
 - ~~(3) The name, address, age, sex, race, driver's license number or social security number and signature of the seller.~~~~
- ~~(b) The information required by paragraph (a) shall appear on each bill of sale for all precious metals and gems purchased by a dealer, and a copy shall be mailed or delivered within 24 hours of the time of purchase to the chief of police.~~
- ~~(c) Every dealer shall admit to his premises during regular business hours the chief of police, his sworn designee, the sheriff, or his sworn designee, or any other law enforcement official of the state or federal governments, and shall permit such law enforcement officer to examine all records required by this article, and to examine any article listed in a record which is believed by the officer to be missing or stolen.~~

~~(Ord. No. 16A 8, 1-11-82; Ord. No. 160, 7-7-86)~~

~~Sec. 12-134. Credentials required from seller.~~

~~No dealer shall purchase precious metals or gems without first ascertaining the identity of the seller by requiring an identification issued by a governmental agency with a photograph of the seller thereon, and at least one other corroborating means of identification.~~

~~(Ord. No. 16A 8, 1-11-82)~~

~~Sec. 12-135. Prohibited purchases.~~

- ~~(a) No dealer shall purchase precious metals or gems from any seller who is under the age of 18.~~
- ~~(b) No dealer shall purchase precious metals or gems from any seller who the dealer believes or has reason to believe is not the owner of such items, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale. Additionally, no dealer shall purchase any such items from any seller who the dealer believes or has reason to believe is intoxicated at the time of the proposed sale.~~

~~(Ord. No. 16A 8, 1-11-82)~~

~~Sec. 12-136. Dealer to retain purchases.~~

- ~~(a) A dealer shall retain all precious metals or gems purchased for a minimum of ten calendar days from the date on which a copy of the bill of sale is received by the chief of police. Until the expiration of this period, the dealer shall not sell, alter or dispose of a purchased item in whole or in part, or remove it from the county.~~
- ~~(b) If a dealer performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of ten calendar days after receiving such article and precious metals or gems.~~

~~(Ord. No. 16A 8, 1-11-82)~~

~~Sec. 12-137. Record of disposition.~~

~~Each dealer shall keep and maintain for at least 24 months an accurate and legible record of the name and address of the person, firm, or corporation to which he sells any precious metal or gem in its original form after the waiting period required by section 12-136. This record shall also show the name and address of the seller from whom the dealer purchased such item.~~

~~(Ord. No. 16A 8, 1-11-82)~~

~~Sec. 12-138. Private action on bond or letter of credit.~~

~~If any person shall be aggrieved by the misconduct of any dealer who has violated the provisions of this chapter, he may maintain an action for recovery in any court of proper jurisdiction against such dealer and his surety; provided that recovery against the surety shall be only for that amount of the judgment, if any, which is unsatisfied by the dealer.~~

~~(Ord. No. 16A 8, 1-11-82)~~

Sec. 12-139. Exemptions from article.

The chief of police or his designee, may waive by written notice implementation of any one or more of the provisions of this article, except section 12-135, for particular numismatic gems or antique exhibitions or craft shows sponsored by nonprofit organizations, provided that the purpose of the exhibitions is nonprofit in nature, notwithstanding the fact that there may be casual purchases and trades made at such exhibitions. Additionally, the provisions of this article shall not apply to the sale or purchase of coins.

(Ord. No. 16A 8, 1-11-82)

Sec. 12-140. Penalties, first and subsequent offenses.

- (a) Any person convicted of violating any of the provisions of this article shall be guilty of a Class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense, he shall be guilty of a Class 1 misdemeanor.
- (b) Upon the first conviction by any court of a dealer for violation of any provision of this article, the chief of police may revoke his permit to engage in business as a dealer under this chapter for a period of one full year from the date the conviction becomes final. Such revocation shall be mandatory upon a second conviction.

(Ord. No. 16A 8, 1-11-82)

Sec. 12-130. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coin – means any piece of gold, silver or other metal fashioned into a prescribed shape, weight and degree of fineness, stamped by authority of a government with certain marks and devices, and having a certain fixed value as money.

Dealer – means any person, firm, partnership or corporation engaged in the business of purchasing secondhand precious metals or gems; removing in any manner precious metals or gems from manufactured articles not then owned by the person, firm, partnership or corporation; or buying, acquiring or selling precious metals or gems removed from manufactured articles. The term “dealer” includes all employers and principals on whose behalf a purchase is made, and any employee or agent who makes any purchase for or on behalf of his employer or principal. The term “dealer” shall not include persons engaged in the following:

- (a) Purchases of precious metals or gems directly from other dealers, manufacturers or wholesalers for retail or wholesale inventories, provided that the selling dealer has complied with the provisions of this article.*
- (b) Purchases of precious metals or gems from a qualified fiduciary who is disposing of the assets of an estate being administered by a fiduciary.*
- (c) Acceptance by a retail merchant of trade-in merchandise previously sold by the retail merchant to the person presenting that merchandise for trade-in.*
- (d) Repairing, restoring or designing jewelry by a retail merchant, if such activities are within his normal course of business.*

- (e) Purchases of precious metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers, dealers or by mail originating outside the commonwealth.
- (f) Persons regularly engaged in the business of purchasing and processing nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a byproduct.

Gems – means any item containing precious or semiprecious stones customarily used in jewelry.
Precious metals – means any item except coins, composed, in whole or in part, of gold, silver, platinum or platinum alloys.

Seller – means one who sells precious metals or gems and includes one who gives precious metals and gems as security for loans.

Sec. 12- 131. Permit required; method of obtaining permit; bond or letter of credit required; no conviction of certain crimes; approval of weighing devices; renewal; permanent location required.

- (a) No person shall engage in the activities of a dealer as defined in Section 12-130 without first obtaining a permit from the chief of police of James City County.
- (1) To obtain a permit, the dealer shall file with the chief of police an application for such permit. The application, which can be obtained from the police department, shall include the dealer's full name, any aliases, address, age, date of birth, sex, name, address and telephone number of the applicant's employer, if any; and the location of the dealer's place of business. The applicant shall be fingerprinted and photographed and a background investigation shall be conducted to determine the applicant's criminal record.
- (2) Upon filing this application, the completion of the background investigation and upon the payment of a \$200.00 application fee to the treasurer's office and proof of payment provided to the chief of police, the dealer shall be issued a permit by the chief of police, provided that the applicant has not been convicted of a felony or crime of moral turpitude within seven years prior to the date of the application. The permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to the provisions of this chapter.
- (b) With the permit application, the pawnbroker shall post a bond or letter of credit in favor of the Board of Supervisors by a financial institution authorized to do business in the Commonwealth, in the sum of \$10,000, conditioned upon due observance of the terms of this article. A single bond upon an employer or principal may be written or a single letter of credit issued to cover all employees and all transactions occurring at a single location.
- (c) Before a permit may be issued, the dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures officials and present written evidence of such approval to the chief of police or his designee.
- (d) This permit shall be valid for one year from the date issued and may be renewed in the same manner as such permit was initially obtained with the payment of an annual permit fee of \$200.00. No permit shall be transferable.
- (e) If the business of the dealer is not operated without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the chief of police of all closings and reopening's of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.
- (f) Each permit holder shall be issued a number by the chief of police and such number must appear on all transaction report forms filed by the permit holder.

Sec. 12-132. Credentials and statement of ownership required from seller.

No dealer shall purchase precious metals or gems without first ascertaining the identity of the seller by requiring an identification issued by a governmental agency with a photograph of the seller thereon, and at least one other corroborating means of identification, and obtaining a statement of ownership from the seller.

The board of supervisors may determine the contents of the statement of ownership.

Sec. 12- 133 Recordkeeping; copy furnished to local authorities.

Every dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems. The record of each purchase shall be retained by the dealer for at least 24 months and shall set forth the following:

- (a) A complete description of all precious metals or gems purchased from each seller. The description shall include all names, initials, serial numbers or other identifying marks or monograms on each item purchased, the true weight or carat of any gem, and the price paid for each item;*
- (b) The date, time and place of receiving the items purchased;*
- (c) The full name, residence address, workplace, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, and other identifying marks of the person selling the precious metals or gems;*
- (d) Verification of the identification by the exhibition of a government-issued identification card bearing a photograph of the person selling the precious metals or gems, such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;*
- (e) A statement of ownership from the seller; and*
- (f) A digital image of the form of identification used by the person involved in the transaction.*

The information required by (a)-(f) above shall appear on each bill of sale for all precious metals and gems purchased by a dealer. One copy of such bill is to be retained by the dealer, one copy is to be mailed or delivered within 24 hours of the time of purchase to the chief of police or his designee and one copy shall be delivered to the seller of such precious metals or gems. If the purchase or loan occurs during the weekend or holiday then the delivery to the chief of police or his designee shall be made no later than 10:00 a.m. of the next regular county business day.

Sec. 12-134. Dealer to retain purchases.

The dealer shall retain all precious metals or gems purchased or held as security for a minimum of 15 calendar days from the time of filing the bill of sale with the chief of police or his designee. Until the expiration of this period, the dealer shall not sell, alter or dispose of a purchased item in whole or in part, or remove it from the county.

If the dealer performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of 15 calendar days after receiving such article and precious metals or gems.

Sec. 12-135. Record of disposition.

Each dealer shall keep and maintain for at least 24 months an accurate and legible record of the name and address of the person to which he sells any precious metals or gems in their original form after the waiting period required by section 12-134. This record shall also show the name and address of the seller from whom the dealer purchased such item.

Sec. 12-136. Officers may examine records or property; warrantless search and seizure authorized.

Every dealer or his employee shall admit to his place of business during regular business hours the chief of police or his designee or any law enforcement officer of the state or federal government. The dealer or his employee shall permit the officer to examine all records required by this article and any article listed in a record which is believed by the officer to be missing or stolen, and search for and take into possession any article known to be missing, or known or believed by him to have been stolen.

Sec. 12-137. Prohibited purchases.

No dealer shall purchase precious metals or gems from any seller who is under the age of 18. No dealer shall purchase precious metals or gems from any seller who the dealer believes, or has reason to believe, is not the owner of such item, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale.

Sec. 12-138. Exemptions.

The chief of police or his designee, may waive by written notice, implementation of any one or more of the provisions of this article, except those provisions of section 12-137 may not be waived, for particular numismatic, gem, or antique exhibitions or craft shows sponsored by nonprofit organizations, provided that the purpose of the exhibition is nonprofit in nature, notwithstanding the fact that there may be casual purchases and trades made at such exhibitions.

This article shall not apply to any bank, branch thereof, trust company or bank holding company, or any wholly owned subsidiary, engaged in buying and selling gold and silver bullion.

This article shall not apply to the sale or purchase of coins.

Sec. 12-139. Penalties.

Any person convicted of violating any of the provisions of this article shall be guilty of a class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense he shall be guilty of a class 1 misdemeanor.

Upon the first conviction of a dealer for violation of any provision of this article, the chief of police may revoke the dealer's permit for one full year from the date the conviction becomes final. Such revocation shall be mandatory upon a second conviction.

Sec. 12-140. Private action on bond or letter of credit.

Any person aggrieved by the misconduct of any dealer which violated the provisions of this article may maintain an action for recovery in any court of proper jurisdiction against the dealer and his surety. Recovery against the surety shall be only for that amount of the judgment which is unsatisfied by the dealer.

Secs. 12-141-12-142. Reserved.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of November, 2015.

Chp12-LicenseBuyersGold-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 12, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA BY REPEALING AND DELETING ARTICLE VI, SECONDHAND ARTICLES, DIVISION 1, BUYERS OF GOLD, SILVER, DIAMONDS AND JEWELRY, BY DELETING SECTION 12-130, DEFINITIONS; SECTION 12-131, PERMIT REQUIRED; METHOD OF OBTAINMENT; RENEWAL; SECTION 12-132, BOND OR LETTER OF CREDIT REQUIRED; SECTION 12-133, RECORDS TO BE KEPT; INSPECTION THEREOF; SECTION 12-134, CREDENTIALS REQUIRED FROM SELLER; SECTION 12-135, PROHIBITED PURCHASES; SECTION 12-136, DEALER TO RETAIN PURCHASES; SECTION 12-137, RECORD OF DISPOSITION; SECTION 12-138, PRIVATE ACTION ON BOND OR LETTER OF CREDIT; SECTION 12-139, EXEMPTIONS FROM ARTICLE; AND SECTION 12-140, PENALTIES, FIRST AND SUBSEQUENT OFFENSES; AND BY ADDING NEW SECTION 12-130, DEFINITIONS; SECTION 12-131, PERMIT REQUIRED; METHOD OF OBTAINING PERMIT; BOND OR LETTER OF CREDIT REQUIRED; NO CONVICTION OF CERTAIN CRIMES; APPROVAL OF WEIGHING DEVICES; RENEWAL; PERMANENT LOCATION REQUIRED; SECTION 12-132, CREDENTIALS AND STATEMENT OF OWNERSHIP REQUIRED FROM SELLER; SECTION 12-133, RECORDKEEPING; COPY FURNISHED TO LOCAL AUTHORITIES; SECTION 12-134, DEALER TO RETAIN PURCHASES; SECTION 12-135, RECORD OF DISPOSITION; SECTION 12-136, OFFICERS MAY EXAMINE RECORDS OR PROPERTY; WARRANTLESS SEARCH AND SEIZURE AUTHORIZED; SECTION 12-137, PROHIBITED PURCHASES; SECTION 12-138, EXEMPTIONS; SECTION 12-139, PENALTIES; AND SECTION 12-140, PRIVATE ACTION ON BOND OR LETTER OF CREDIT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 12, Licenses, is hereby amended and reordained by amending Article VI, Secondhand Articles, Division 1, Buyers of Gold, Silver, Diamonds and Jewelry, by amending Section 12-130, Definitions; Section 12-131, Permit required; method of obtaining permit; bond or letter of credit required; no conviction of certain crimes; approval of weighing devices; renewal; permanent location required; Section 12-132, Credentials and statement of ownership required from seller; Section 12-133, Recordkeeping; copy furnished to local authorities; Section 12-134, Dealer to retain purchases; Section 12-135, Record of disposition; Section 12-136, Officers may examine records or property; warrantless search and seizure authorized; Section 12-137, Prohibited purchases; Section 12-138, Exemptions; Section 12-139, Penalties; and Section 12-140, Private action on bond or letter of credit.

Chapter 12. Licenses

Article VI. - Secondhand Articles

Division 1. - Buyers of Gold, Silver, Diamonds and Jewelry

Sec. 12-130. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coin – means any piece of gold, silver or other metal fashioned into a prescribed shape, weight and degree of fineness, stamped by authority of a government with certain marks and devices, and having a certain fixed value as money.

Dealer – means any person, firm, partnership or corporation engaged in the business of purchasing secondhand precious metals or gems; removing in any manner precious metals or gems from manufactured articles not then owned by the person, firm, partnership or corporation; or buying, acquiring or selling precious metals or gems removed from manufactured articles. The term “dealer” includes all employers and principals on whose behalf a purchase is made, and any employee or agent who makes any purchase for or on behalf of his employer or principal. The term “dealer” shall not include persons engaged in the following:

- (a) Purchases of precious metals or gems directly from other dealers, manufacturers or wholesalers for retail or wholesale inventories, provided that the selling dealer has complied with the provisions of this article.
- (b) Purchases of precious metals or gems from a qualified fiduciary who is disposing of the assets of an estate being administered by a fiduciary.
- (c) Acceptance by a retail merchant of trade-in merchandise previously sold by the retail merchant to the person presenting that merchandise for trade-in.
- (d) Repairing, restoring or designing jewelry by a retail merchant, if such activities are within his normal course of business.
- (e) Purchases of precious metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers, dealers or by mail originating outside the commonwealth.
- (f) Persons regularly engaged in the business of purchasing and processing nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a byproduct.

Gems – means any item containing precious or semiprecious stones customarily used in jewelry.

Precious metals – means any item except coins, composed, in whole or in part, of gold, silver, platinum or platinum alloys.

Seller – means one who sells precious metals or gems and includes one who gives precious metals and gems as security for loans.

Sec. 12-131. Permit required; method of obtaining permit; bond or letter of credit required; no conviction of certain crimes; approval of weighing devices; renewal; permanent location required.

- (a) No person shall engage in the activities of a dealer as defined in Section 12-130 without first obtaining a permit from the chief of police of James City County.
 - (1) To obtain a permit, the dealer shall file with the chief of police an application for such permit. The application, which can be obtained from the police department, shall include the dealer’s full name, any aliases, address, age, date of birth, sex, name, address and telephone number of the applicant’s employer, if any; and the location of the dealer’s place of business. The applicant shall be fingerprinted and photographed and a background investigation shall be conducted to determine the applicant’s criminal record.
 - (2) Upon filing this application, the completion of the background investigation and upon the payment of a \$200.00 application fee to the treasurer’s office and proof of payment provided to the chief of police, the dealer shall be issued a permit by the chief of police, provided that the applicant has not been convicted of a felony or crime of moral turpitude within seven years prior to the date of the application. The permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to the provisions of this chapter.
- (b) With the permit application, the pawnbroker shall post a bond or letter of credit in favor of the Board of Supervisors by a financial institution authorized to do business in the Commonwealth,

in the sum of \$10,000, conditioned upon due observance of the terms of this article. A single bond upon an employer or principal may be written or a single letter of credit issued to cover all employees and all transactions occurring at a single location.

- (c) Before a permit may be issued, the dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures officials and present written evidence of such approval to the chief of police or his designee.
- (d) This permit shall be valid for one year from the date issued and may be renewed in the same manner as such permit was initially obtained with the payment of an annual permit fee of \$200.00. No permit shall be transferable.
- (e) If the business of the dealer is not operated without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the chief of police of all closings and reopening's of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.
- (f) Each permit holder shall be issued a number by the chief of police and such number must appear on all transaction report forms filed by the permit holder.

Sec. 12-132. Credentials and statement of ownership required from seller.

No dealer shall purchase precious metals or gems without first ascertaining the identity of the seller by requiring an identification issued by a governmental agency with a photograph of the seller thereon, and at least one other corroborating means of identification, and obtaining a statement of ownership from the seller.

The board of supervisors may determine the contents of the statement of ownership.

Sec. 12-133. Recordkeeping; copy furnished to local authorities.

Every dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems. The record of each purchase shall be retained by the dealer for at least 24 months and shall set forth the following:

- (a) A complete description of all precious metals or gems purchased from each seller. The description shall include all names, initials, serial numbers or other identifying marks or monograms on each item purchased, the true weight or carat of any gem, and the price paid for each item;
- (b) The date, time and place of receiving the items purchased;
- (c) The full name, residence address, workplace, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, and other identifying marks of the person selling the precious metals or gems;
- (d) Verification of the identification by the exhibition of a government-issued identification card bearing a photograph of the person selling the precious metals or gems, such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;
- (e) A statement of ownership from the seller; and
- (f) A digital image of the form of identification used by the person involved in the transaction.

The information required by (a)-(f) above shall appear on each bill of sale for all precious metals and gems purchased by a dealer. One copy of such bill is to be retained by the dealer, one copy is to be mailed or delivered within 24 hours of the time of purchase to the chief of police or his designee and one copy shall be delivered to the seller of such precious metals or gems. If the purchase or loan occurs during the

weekend or holiday then the delivery to the chief of police or his designee shall be made no later than 10:00 a.m. of the next regular county business day.

Sec. 12-134. Dealer to retain purchases.

The dealer shall retain all precious metals or gems purchased or held as security for a minimum of 15 calendar days from the time of filing the bill of sale with the chief of police or his designee. Until the expiration of this period, the dealer shall not sell, alter or dispose of a purchased item in whole or in part, or remove it from the county.

If the dealer performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of 15 calendar days after receiving such article and precious metals or gems.

Sec. 12-135. Record of disposition.

Each dealer shall keep and maintain for at least 24 months an accurate and legible record of the name and address of the person to which he sells any precious metals or gems in their original form after the waiting period required by section 12-134. This record shall also show the name and address of the seller from whom the dealer purchased such item.

Sec. 12-136. Officers may examine records or property; warrantless search and seizure authorized.

Every dealer or his employee shall admit to his place of business during regular business hours the chief of police or his designee or any law enforcement officer of the state or federal government. The dealer or his employee shall permit the officer to examine all records required by this article and any article listed in a record which is believed by the officer to be missing or stolen, and search for and take into possession any article known to be missing, or known or believed by him to have been stolen.

Sec. 12-137. Prohibited purchases.

No dealer shall purchase precious metals or gems from any seller who is under the age of 18. No dealer shall purchase precious metals or gems from any seller who the dealer believes, or has reason to believe, is not the owner of such item, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale.

Sec. 12-138. Exemptions.

The chief of police or his designee, may waive by written notice, implementation of any one or more of the provisions of this article, except those provisions of section 12-137 may not be waived, for particular numismatic, gem, or antique exhibitions or craft shows sponsored by nonprofit organizations, provided that the purpose of the exhibition is nonprofit in nature, notwithstanding the fact that there may be casual purchases and trades made at such exhibitions.

This article shall not apply to any bank, branch thereof, trust company or bank holding company, or any wholly owned subsidiary, engaged in buying and selling gold and silver bullion.

This article shall not apply to the sale or purchase of coins.

Sec. 12-139. Penalties.

Any person convicted of violating any of the provisions of this article shall be guilty of a class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense he shall be guilty of a class 1 misdemeanor.

Upon the first conviction of a dealer for violation of any provision of this article, the chief of police may revoke the dealer's permit for one full year from the date the conviction becomes final. Such revocation shall be mandatory upon a second conviction.

Sec. 12-140. Private action on bond or letter of credit.

Any person aggrieved by the misconduct of any dealer which violated the provisions of this article may maintain an action for recovery in any court of proper jurisdiction against the dealer and his surety. Recovery against the surety shall be only for that amount of the judgment which is unsatisfied by the dealer.

Secs. 12-141-12-142. Reserved.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 1 – GENERALLY, BY DELETING AND RESERVING SECTION 2-12, REQUIRED PERSONAL LIABILITY INSURANCE ON PRIVATELY OWNED AUTOMOBILES USED ON COUNTY BUSINESS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Article IV, Officers and Employees, Division 1 – Generally, by deleting and reserving Section 2-12, Required personal liability insurance on privately owned automobiles used on county business.

Sec. 2-12. ~~Required personal liability insurance on privately owned automobiles used on county business.~~ *Reserved.*

~~Each county officer and employee who uses his personal automobile at any time on county business shall file with the board of supervisors a certificate of insurance showing that he has in effect a liability insurance policy on such personal automobile in the minimum amount of \$25,000.00 because of bodily injury to or death of any one person and, subject to such limit for one person, in the amount of \$30,000.00 because of bodily injury to or death of two or more persons in any one accident, and in the minimum amount of \$5,000.00 because of injury to or destruction of property in any one accident. (Ord. of 7-7-52)~~

~~**State Law reference**—For state motor vehicle law definition of "financial responsibility," see Code of Va., § 46.1-1, subsec. (8).~~

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

VOTES
AYE NAY ABSTAIN

JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Bryan J. Hill
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of November, 2015.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 1 – GENERALLY, BY DELETING AND RESERVING SECTION 2-12, REQUIRED PERSONAL LIABILITY INSURANCE ON PRIVATELY OWNED AUTOMOBILES USED ON COUNTY BUSINESS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Article IV, Officers and Employees, Division 1 – Generally, by deleting and reserving Section 2-12, Required personal liability insurance on privately owned automobiles used on county business.

Sec. 2-12. Reserved.

Chp2-ReqdPersonalLiabilityIns-ord-final

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES - MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA BY AMENDING SECTION 15-37, GUEST REGISTER GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses - Miscellaneous, is hereby amended and reordained by amending Section 15-37, Guest register generally.

Chapter 15. Offenses - Miscellaneous

Sec. 15-37. Guest register generally.

- (a) Every person conducting any lodging place in the county shall at all times keep and maintain therein a guest register, in which shall be inscribed, electronically, or with indelible ink, the name and home address of each guest or person renting or occupying a room or camping space therein, as well as the guest's vehicle description and license plate information. Such register shall be signed by the person renting a room or camping space, or by someone signing by his or her authority or the person's identity is electronically verified. The proprietor of such lodging place, or his or her agent, shall thereupon enter or write, electronically, or with indelible ink, opposite such name so registered, the number of each room or camping space assigned to and occupied by such guest, together with the date(s) when such room or camping space is rented. Until all of the aforesaid entries have been made in such register, no guest shall be suffered or permitted to occupy any room in such lodging place. When the occupant of a room or camping space so rented vacates and surrenders the same, it shall be the duty of the proprietor of the lodging place, or his or her agent, to maintain for one year, a record of the date(s) when such room or camping space was vacated and surrendered.
- (b) The register required by this section ~~shall be subject to inspection at any and all~~ *may be made available at* reasonable times ~~by to~~ any public safety officer in the performance of his or her duties *at the owner's discretion. If the owner refuses to provide the register, inspection will be subject to a search warrant.*
- (c) The guest vehicle parking area of every lodging place shall be accessible at any and all reasonable times to any public safety officer in the performance of his or her duties.
- (d) Lodging place means any bed and breakfast, campground, condominium, hotel, inn, motel, rooming house, time share business, tourist cabin, tourist camp, tourist home, or similar establishment within the county which offers lodging, for compensation, to any transient.
- (e) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

State Law reference - Code of Va., § 35.1-9.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

VOTES

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	___	___	___
MCGLENNON	___	___	___
ONIZUK	___	___	___
KENNEDY	___	___	___
HIPPLE	___	___	___

Bryan J. Hill
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of November, 2015.

Chp15-OffensesMiscellaneous-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES - MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA BY AMENDING SECTION 15-37, GUEST REGISTER GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses - Miscellaneous, is hereby amended and reordained by amending Section 15-37, Guest register generally.

Chapter 15. Offenses - Miscellaneous

Sec. 15-37. Guest register generally.

- (a) Every person conducting any lodging place in the county shall at all times keep and maintain therein a guest register, in which shall be inscribed, electronically, or with indelible ink, the name and home address of each guest or person renting or occupying a room or camping space therein, as well as the guest's vehicle description and license plate information. Such register shall be signed by the person renting a room or camping space, or by someone signing by his or her authority or the person's identity is electronically verified. The proprietor of such lodging place, or his or her agent, shall thereupon enter or write, electronically, or with indelible ink, opposite such name so registered, the number of each room or camping space assigned to and occupied by such guest, together with the date(s) when such room or camping space is rented. Until all of the aforesaid entries have been made in such register, no guest shall be suffered or permitted to occupy any room in such lodging place. When the occupant of a room or camping space so rented vacates and surrenders the same, it shall be the duty of the proprietor of the lodging place, or his or her agent, to maintain for one year, a record of the date(s) when such room or camping space was vacated and surrendered.
- (b) The register required by this section may be made available at reasonable times to any public safety officer in the performance of his or her duties at the owner's discretion. If the owner refuses to provide the register, inspection will be subject to a search warrant.
- (c) The guest vehicle parking area of every lodging place shall be accessible at any and all reasonable times to any public safety officer in the performance of his or her duties.
- (d) Lodging place means any bed and breakfast, campground, condominium, hotel, inn, motel, rooming house, time share business, tourist cabin, tourist camp, tourist home, or similar establishment within the county which offers lodging, for compensation, to any transient.
- (e) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

State Law reference - Code of Va., § 35.1-9.

ITEM SUMMARY

DATE: 11/24/2015
TO: The Board of Supervisors
FROM: Bryan J. Hill, County Administrator
SUBJECT: County Administrator's Report

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/17/2015 - 12:24 PM

MEMORANDUM

DATE: November 24, 2015
TO: The Board of Supervisors
FROM: Bryan J. Hill, County Administrator
SUBJECT: County Administrator's Report

The following is a summary of activities that took place November 4, 2015 through November 17, 2015:

November 4, 2015 (Wednesday)

- Met with Doug Powell, JCSA manager and Mike Vergakis, JCSA engineer
- Attended Hampton Roads Planning District Commission CAO meeting in Norfolk
- WMBG Radio Spot

November 5, 2015 (Thursday)

- Met Jacobi Cherry, Lois Hornsby Middle School student
- Met with Jody Puckett, communications director and Ania Eckhardt, administrative coordinator
- Attended FMS Bowling Night, staff event

November 6, 2015 (Friday)

- Met with Department of Environmental Quality, Doug Powell, JCSA manager and Mike Vergakis, JCSA engineer

November 7, 2015 (Saturday)

- Attended Greater Hampton Roads Regional Crime Lines' annual Top Cop awards ceremony

November 10, 2015 (Tuesday)

- Attended Board of Supervisors meeting

November 11, 2015 (Wednesday)

- Attended Kiwanis meeting

November 12, 2015 (Thursday)

- Met with Brett Lewis, communications specialist; video shoot: Board meeting recap
- Executive Leadership Team meeting
- Met with Brad Rinehimer, police chief

County Administrator's Report

November 24, 2015

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November 13, 2015 (Friday)

- Met with Sue Mellen, FMS director
- Met with Jody Puckett, communications director and Latara Branch, civic engagement coordinator
- Met with Tracy Herner
- Met with Steven Constantino, WJCC Schools superintendent
- Met with Craig Larson, Cornerstone Hospitality and Adam Kinsman, assistant county administrator
- Attended 2015 Mid-Atlantic Paralyzed Veterans of America Colonial Invitational Wheelchair Basketball Tournament; ceremonial tip-off and game

November 14, 2015 (Saturday)

- Attended 2015 Mid-Atlantic Paralyzed Veterans of America Colonial Invitational Wheelchair Basketball Tournament
- Attended Mt. Gilead Baptist Church event
- Attended Bountiful, Brews & Bites event

November 15, 2015 (Sunday)

- Attended 2015 Mid-Atlantic Paralyzed Veterans of America Colonial Invitational Wheelchair Basketball Tournament

November 16, 2015 (Monday)

- Attended Historic Triangle Collaborative meeting
- Met with Tara Woodruff, accounting director
- Met with Angie Gilliam, HR director

November 17, 2015 (Tuesday)

- Met with David Nice, Volunteer Fire Department chief
- Met with Doug Powell, JCSA manager
- Attended Neighborhood Leaders Forum

BJH/ab

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ITEM SUMMARY

DATE: 11/24/2015
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Adjourn until 6:30 pm on December 8, 2015 for the Regular Meeting

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/17/2015 - 2:03 PM