

ADOPTED

NOV 24 2015

ORDINANCE NO. 16A-30

Board of Supervisors
James City County, VA

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.~~

~~Secs. 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.

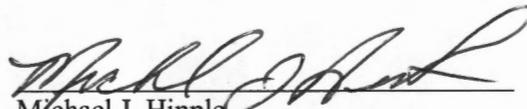
- (a) Unless otherwise specifically provided, a violation of any provision of this article shall constitute a class 1 misdemeanor. Each days' violation shall constitute a separate offense.*
- (b) In addition to any penalty that may be imposed for a violation of this article, the judge of a court of competent 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.

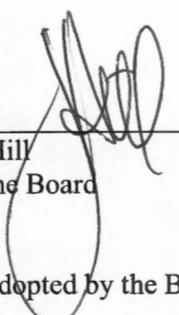
- (a) Maximum rate. The maximum rate for a local license tax imposed upon a person engaged in a repair, personal or business service or any other business or occupation not specifically listed or excepted from Code of Virginia, section 58.1-3703 shall be such amount provided in section 12-21.*
- (b) 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KENNEDY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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