

ADOPTED

NOV 24 1980

ORDINANCE NO. 16A-6

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, BY ADDING A NEW ARTICLE, ARTICLE VI, ENTITLED, SECOND-HAND ARTICLES.

BE IT ORDAINED, by the Board of Supervisors, that the Code of the County of James City be and the same is, hereby, amended to add a new article, Article VI, entitled, Second-Hand Articles.

CHAPTER 9

LICENSES

Article VI. Second-Hand Articles

Division I - Buyers of Gold, Silver, Diamonds and Jewelry

Section 9-130 Permit required.

No person shall engage in the business in the County of buying, acquiring or selling second-hand manufactured articles composed wholly or in part of precious gemstones, semi-precious gemstones, gold, silver, platinum or other precious metals and no person shall canvass in the County for the purchase, acquisition or sale of any such articles for any person engaged in such business, without first obtaining a permit therefore from the County Administrator. If any person desiring to engage in such business or to canvass therefore shall produce to the County Administrator satisfactory evidence of his good character to carry on such business or to canvass therefore, such County Administrator shall grant a permit; otherwise, he shall not grant it.

Section 9-131 Application for permit.

(a) Forms; information required. Application for permits issued hereunder shall be made upon blank forms prepared and made available by the County Administrator and shall state:

- (1) The full name, age, residence, present and previous address of the applicant;
- (2) A specific description of the location of the principal place of business of the applicant;
- (3) The number of years work experience the applicant has had and the names and addresses of all previous employers for the past ten years, together with job descriptions.
- (4) The length of time applicant has been a bona fide resident of the State of Virginia and any other residences the applicant has had for the preceding ten years.
- (5) If the applicant be a corporation, other than a corporation whose shares are traded on a national or regional stock exchange, the names and addresses of all officers, directors and shareholders of said corporation and the state of incorporation and the date of formation of said corporation.
- (6) Such other information as the County Administrator shall find reasonably necessary to effectuate the general purpose of this chapter and to make a fair determination of whether the terms of this chapter have been complied with.

(b) Fingerprints and photographs. The application required hereunder shall be accompanied by an identifier issued by a governmental agency with a picture of the applicant and by a full set of fingerprints of the applicant if the applicant be a partnership or other unincorporated venture, or the manager of a business operation in the city if the applicant be a corporation.

(c) Application fee. The application required shall be accompanied by an application fee of twenty-five dollars (\$25.00).

Section 9-132 Investigation by chief of police.

Within fifteen (15) days after receipt of an application as provided for herein, the County Administrator shall cause the chief of police to conduct an investigation of the applicant and his proposed operation.

Section 9-133 Standards for issuance of permit.

The County Administrator shall issue a permit hereunder when he finds:

- (a) That the applicant is of good moral character;
- (b) That the applicant has never been convicted of any felony or any offense against the decency and morals of the community.
- (c) That the permit provided by the County Administrator has been completed in full.

Section 9-134 Notice of rejection of permit application.

The County Administrator shall act upon the permit application within thirty (30) days after the filing thereof. If the County Administrator disapproves the application, he shall mail to the applicant within forty (40) days after the date upon which the application was filed a notice of his action stating the reasons for his denial of the permit.

Section 9-135 Appeal from denial of permit.

Any person aggrieved by such denial shall have the right to appeal the denial of such permit to the Board of Supervisors. The appeal shall be taken within ten (10) days after the date upon which notice of the denial was issued. The Board of Supervisors shall act upon the appeal within forty (40) days after its receipt.

Section 9-136 Permit fees.

A permit shall be issued to a successful applicant upon payment of a permit fee of fifty dollars (\$50.00) and upon

presentation of a bond with corporate surety, cash bond or letter of credit from a bank, any of which assurances shall be approved to form by the county attorney and shall be payable to the County in the penal sum of five thousand dollars (\$5,000.00) and conditioned upon full observance of the terms of this chapter. If any person as a result of an action in the County be aggrieved by the misconduct of any licensee, and shall recover against him therefore, any such person may, after the return unsatisfied, either in whole or in part, of any execution upon such judgment, maintain actions in his own name upon the bond.

Section 9-137 Conditions of permit.

(a) Transferability. Permits issued hereunder shall not be transferable.

(b) Revocation and suspension. A permit issued hereunder shall be subject to revocation or suspension by the County Administrator for violation of any of the provisions of this chapter, upon withdrawal of security on the required bond or misconduct by the permittee or his employees, after reasonable notice and an opportunity to be heard has been given the permittee. The County Administrator shall immediately notify any permittee, by personal service or by certified mail, return receipt requested, of such suspension or revocation. The permittee shall have ten (10) days from the date of service in which to appeal the revocation or suspension to the Board of Supervisors in accordance with Section 9-135 hereinabove.

(c) Renewal period. The County Administrator shall issue a renewal permit to any permittee whose permit has not been

suspended or revoked at the time of expiration, upon receipt of the permit fee required hereinabove, the required assurance and upon completion by the permittee of the permit application required in Section 9-131 above. If, in the opinion of the County Administrator, the photograph of the applicant on file no longer adequately resembles the applicant, then the County Administrator may require a current photograph of the applicant.

(d) Term of permit. Permits issued hereunder shall expire on the last day of the twelfth month after the month of issuance.

Section 9-138 Records required and holding period for goods.

(a) Every person engaged in the business of buying, acquiring or selling second-hand manufactured articles composed wholly or in part of precious gemstones, semi-precious gemstones, gold, silver, platinum or other precious metals shall before purchasing any of said items require the seller thereof to produce an identifier containing a photograph of the seller issued by a governmental agency and shall not purchase any of such articles from a seller who does not produce such identifier in proper order. In addition, such buyer shall keep a permanent book, in which shall be legibly printed in ink in English at the time of the transaction, an accurate account of every such article purchased, acquired or sold and the name, residence and description of the person selling, delivering or purchasing the same and the type of identification produced. Such book shall at all times be open to the inspection of the County Administrator or any police officer or deputy sheriff of the County.

(b) Every person engaged in the business of buying, acquiring or selling second-hand manufactured articles composed wholly or in part of precious gemstones, semi-precious gemstones, gold, silver, platinum or other precious metals of any kind or description whatsoever shall furnish daily to the County Administrator, upon blanks to be prescribed by him, full and complete list of all such articles bought, acquired or sold by such person prior to the close of the next business day, which list shall contain a full description of such articles, together with all marks, numbers, prints, letters and monograms on such articles, and the names and addresses of the parties from whom such articles were purchased or acquired.

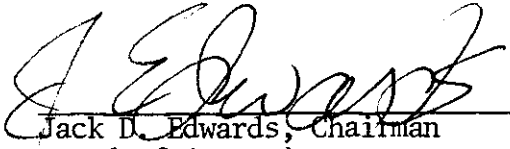
(c) Every person engaged in such business shall retain in his possession, open to the inspection of the County Administrator, or any police officer or deputy sheriff of the County all such articles purchased or acquired by such person for at least five days before disposing of the same.

(d) No person licensed under the provisions of this section shall purchase any of the articles herein mentioned from a minor, or from any person who is at the time intoxicated, or from a receiver of stolen property, or from any person he has reason to suspect to be such.

(e) This section shall not apply to any person engaged in the business of full time retail merchant in the County and who purchases or acquires any of the above-named articles or items of property as a trade-in on any merchandise; nor shall this section apply to the resale of such trade-in article or item of property.


Section 9-139 Violations.

Violation of any requirement of this article shall be a misdemeanor. Each day's violation shall be a separate offense; each offense shall be punished by a fine of up to one thousand dollars (\$1,000.00), or by confinement in jail for up to one year, either or both.



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



James H. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors, James City County,
Virginia, this 24th day of November, 1980.

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