

JAN 11, 1982

ORDINANCE NO.16A-8

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 AMENDING ARTICLE VI
SECOND HAND ARTICLES, DIVISION, I, BUYERS OF GOLD, SILVER, DIAMONDS
AND JEWELRY.

BE IT ORDAINED by the Board of Supervisors of James City County that
Chapter 9, Licenses, of the Code of the County of James City be and the same is
hereby, amended and reordained by amending a section of Article VI, Second Hand
Articles, Division I, Buyers of Gold, Silver, Diamonds and Jewelry as follows:

Chapter 9, Licenses

Article VI, Second Hand Articles

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

Section 9-131. Definitions.

For the purposes of this chapter, the following definitions shall apply:

1. "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.

2. "Dealer" means 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 the provisions of this chapter.

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 previous 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 by-product.

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

4. "Precious Metals" means any item except coins composed in whole or in part of gold, silver, platinum, or platinum alloys.

Section 9-131. Permit Required; Method of Obtainment; Renewal.

No person shall engage in the activities of dealer as defined in Section 9-130 without first obtaining a permit from the Chief of Police.

B. To obtain a permit, the dealer shall file with the Sheriff 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 two-hundred dollar (\$200.00) fee, the Chief of Police shall within thirty 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 chapter.

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 two-hundred dollars (\$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.

Section 9-132. Bond or Letter of Credit Required.

Every dealer securing a permit pursuant to Section 9-131 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 ten thousand dollars (\$10,000.00), conditioned upon due observance of the terms of this chapter. 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 ten thousand dollars (\$10,000.00).

Section 9-133. 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 twenty-four 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 carot 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 of Section 9-133 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 twenty-four hours of the time of purchase to the Sheriff.

C. Every dealer shall admit to his premises during regular business hours the Chief of Police, or his sworn designee, or any law enforcement official of the State or Federal governments, and shall permit such law enforcement officer to examine all records required by this chapter, and to examine any article listed in a record which is believed by the officer or official to be missing or stolen.

Section 9-134. 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.

Section 9-135. Prohibited Purchases.

A. No dealer shall purchase precious metals or gems from any seller who is under the age of eighteen.

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.

Section 9-136. 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.

Section 9-137. Record of Disposition.

Each dealer shall keep and maintain for at least twenty-four 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 9-136. This record shall also show the name and address of the seller from whom the dealer purchased such item.

Section 9-138. 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.

Section 9-139. Exemptions from Chapter.

The Chief of Police or his designee, may waive by written notice implementation of any one or more of the provisions of this chapter, except Section 9-135, 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 chapter shall not apply to the sale or purchase of coins.

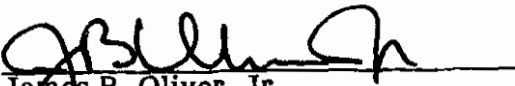
Section 9-140. Penalties, First and Subsequent Offenses.

A. Any person convicted of violating any of the provisions of this chapter 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 chapter, 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.


Abram Frink, Jr., Chairman
Board of Supervisors

ATTEST:


James B. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, this 11th
day of January 1982.