

ADOPTED

JUL 7 1986

ORDINANCE NO. 160

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMALS AND FOWL; CHAPTER 4A, DANCE HALLS; CHAPTER 9, LICENSES; CHAPTER 12, OUTDOOR GATHERINGS; AND CHAPTER 13, OFFENSES-MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING THE FOLLOWING SECTIONS: SECTION 3-2. DISPOSITION OF CARCASSES; SECTION 4A-4. INVESTIGATION PRIOR TO HEARING OR TO ISSUANCE OF PERMIT; SECTION 4A-16. RIGHT OF ENTRY OF SHERIFF'S DEPARTMENT; SECTION 9-55. DETECTIVE AGENCIES AND WATCHMEN; SECTION 9-118. SAME-REFERRAL OF APPLICATION TO CERTAIN ADMINISTRATIVE OFFICERS; SECTION 9-123.1. RIGHT OF INSPECTION; SECTION 9-131. PERMIT REQUIRED; METHOD OF OBTAINMENT; RENEWAL; SECTION 9-133. RECORDS TO BE KEPT; INSPECTION THEREOF; SECTION 12-6. CONDITIONS PRECEDENT TO GRANTING OF PERMIT; PLANS, STATEMENTS, APPROVALS, ETC., TO ACCOMPANY APPLICATION FOR PERMIT; AND SECTION 13-12. SAME-DUTY OF LAW ENFORCEMENT OFFICERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 3, Animals and Fowl; Chapter 4A, Dance Halls; Chapter 9, Licenses; Chapter 12, Outdoor Gatherings; and Chapter 13, Offenses-Miscellaneous, of the Code of the County of James City, Virginia, are hereby amended and reordained by amending the following sections: Section 3-2. Disposition of carcasses; Section 4A-4. Investigation prior to hearing or to issuance of permit; Section 4A-16. Right of entry of police department; Section 9-55. Detective agencies and watchmen; Section 9-118. Same-Referral of application to certain administrative officers; Section 9-123.1. Right of inspection; Section 9-131. Permit required; method of obtainment; renewal; Section 9-133. Records to be kept; inspection thereof; Section 12-6. Conditions precedent to granting of permit; plans, statements, approvals, etc., to accompany application for permit; and Section 13-12. Same-Duty of law enforcement officers.

Chapter 3 - Animals and Fowl

Article I. In General

Section 3-2. Disposition of carcasses.

(a) The owner of any animal or fowl which has died from any cause shall forthwith cremate or bury the carcass thereof in a lawful and sanitary manner. If he fails to do so within twenty-four (24) hours after notice by the police department, dog warden or other county officer, the county shall have such carcass so disposed of by its own agents or employees, in which event the expenses therefor shall be chargeable to and paid by the owner of such carcass and may be collected as taxes and levies are collected.

(b) As used in this section, the word "owner" shall include any person having a right of property in an animal or fowl, and any person who keeps or harbors an animal or fowl or who has it in his care, or who acts as its custodian, and a person who permits an animal or fowl on or about any premises occupied by him.

State law references—Authority of board of supervisors to enact this section, Code of Va., Section 15.1-11(1); additional state law as to disposition of animal and fowl carcasses, Code of Va., Section 18.2-510; additional state law as to disposition of dog carcasses, Code of Va., Section 29-213.90, similar state laws definition of "owner" as applied to dogs, Code of Va., Section 29-213.36.

Chapter 4A - Dance Halls

Article I. In General

Section 4A-4. Investigation prior to hearing or to issuance of permit.

The county administrator shall, in all instances, prior to the issuance of a permit under Section 4A-5, cause a copy of the application to be forwarded to the offices of the fire chief, chief of police, and zoning administrator and any other department or official who in his judgment would be affected by such application or might have comments pertaining thereto.

Article II. Conditions and Restrictions

Section 4A-16. Right of entry of police department.

Members of the police department or sheriff's department may enter any dance hall, operated pursuant to a license for which a permit was obtained under the provisions of this chapter, at all hours to insure that the peace and quiet of the county is preserved.

Chapter 9 - Licenses

Article II. Specific Businesses and Activities

Section 9-55. Detective agencies and watchmen.

(a) Every person operating a detective agency, or engaged in a business as a detective, shall pay an annual license tax of thirty dollars (\$30.00) or thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts, whichever is the greater amount.

No license shall be issued hereunder unless and until there is presented to the commissioner of revenue a certificate or permit from the chief of police of this county, recommending the applicant as a person of good moral character with no police record.

(b) Every person operating a business or agency furnishing watchmen, including ship watching for compensation, shall pay an annual license tax of thirty dollars (\$30.00) or thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts, whichever is the greater amount.

Article V. Massage Parlors

Section 9-118. Same-Referral of application to certain administrative officers.

The director shall refer such application to the county administrator within five (5) days of its receipt. The county administrator shall forward copies of such application to the administrative offices of the county charged with the enforcement of the building, plumbing, electric and fire prevention codes. A copy of such application shall also be referred to the police department. Each department shall, within ten (10) days inspect the premises proposed to be operated as a massage parlor and make written recommendations to the county administrator concerning compliance with the codes that they administer.

Section 9-123.1. Right of inspection.

The police department or the sheriff's department and the department of public health shall, from time to time, at least twice a year, make an inspection of each massage parlor granted a permit under the provisions of this article for the purposes of determining whether the provisions of this article are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

Article VI. Secondhand Articles

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

Section 9-131. Permit required; method of obtainment; renewal.

(a) 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 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 two hundred dollar (\$200.00) fee, the chief of police shall within thirty (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 (7) 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 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 9-133. 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 (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) 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 (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.

Chapter 12 - Outdoor Gatherings

Section 12-6. Conditions precedent to granting of permit; plans, statements, approvals, etc., to accompany application for permit.

No permit shall be issued under this chapter unless the following conditions are met and the following plans, statements, and approvals are submitted to the board of supervisors with the application:

- (a) Hours of operation: No stage presentation, entertainment or music shall take place at an outdoor gathering between the hours of 11:00 p.m. and 9:00 a.m.; no activity involving the use of any means of sound amplification shall be permitted between the hours of 11:00 p.m. and 9:00 a.m.
- (b) Admission by ticket only: The applicant under this chapter shall not admit, and shall prevent the entrance to the premises on which the outdoor gathering is held, any person who does not possess a ticket, except a peace officer or other public official in the performance of his duties. The permittee shall not sell, give or distribute a greater number of tickets than the number which the permit allows to attend. The permittee shall not admit any persons to an outdoor gathering if such admission would result in a greater number of persons present than allowed by the permit.
- (c) Water supply: The applicant shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the outdoor gathering. The location and type of water facilities on the premises shall be approved by the health department prior to the issuance of a permit under this chapter.
- (d) Toilet and-or lavatory facilities: The applicant shall provide a statement and plan concerning adequate toilet and-or lavatory facilities. A description of the type (flush type or portable chemical) and number of toilets available shall be provided. This plan shall be approved by the health department.

- (e) Waste management: The pickup and removal of refuse, trash, garbage and rubbish from the site of an outdoor gathering shall be at least once a day and more often if required by the health department. Removal of all trash and refuse shall be at the permittee's expense. The applicant shall clean up the premises and remove all trash and debris therefrom within forty-eight (48) hours after the conclusion of the gathering. A security bond or certified check in a total amount of five thousand dollars (\$5,000.00) shall be required if attendance is expected to exceed one thousand (1,000) persons. An additional amount of five hundred dollars (\$500.00) shall be required for each additional five hundred (500) persons over one thousand (1,000).
- (f) Medical facilities: Adequate medical facilities shall be provided as required by the department of public health and the EMS coordinator.
- (g) Fire protection: The applicant shall provide a plan for adequate fire protection as approved by the fire chief. It shall be provided at the applicant's own expense.
- (h) Traffic and parking control: The applicant shall provide adequate ingress and egress to the outdoor gathering premises. Adequate parking shall also be provided. The chief of police and fire chief shall approve the traffic control and parking plans.
- (i) Security: At least one off-duty county sheriff's deputy or policeman for each five hundred (500) attendees approved in the permit shall be in attendance during all performances; the applicant shall bear the costs thereof.
- (j) Food: A plan for the adequate provision and handling of food shall be provided and shall be approved by the county health officer.
- (k) Illumination: A statement shall be provided specifying whether any outdoor lights or lighting is to be utilized, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the gathering is located.
- (l) Noise: Noise levels resulting from the gathering shall not be unreasonably audible beyond the property on which the gathering is held. The applicant shall submit a written statement specifying the expected noise level at the perimeter of the property.
- (m) Communication system: If the premises are without a phone, the applicant shall make arrangements, approved by the chief of police and fire chief, for other means of communication.
- (n) Promoters, financial security: The applicant shall provide the names and addresses of all persons acting as promoters, proprietors, presenters or financial backers of the outdoor gathering, together

with financial statements of such persons, sufficient to give assurance of the ability of such persons to meet the conditions of the permit and respond in damages which may rise out of the outdoor gathering, or shall provide evidence of adequate liability insurance as approved by the county attorney.

- (o) Dates and hours of gathering: The applicant shall provide the date or dates and hours during which the outdoor gathering is to be conducted, together with an estimate or schedule of the dates and hours of performances, entertainments or other events.
- (p) Type and nature of gathering: The applicant shall provide a description of the gathering and the type and nature of the performances, entertainment or floor shows, together with the names of the expected performers.
- (q) Site plan: The applicant shall furnish a site plan showing:
 - (1) The areas for performances or activities and grandstands or seats, showing the location of all aisles for pedestrian travel and other crowd-control measures.
 - (2) All physical facilities existing or to be constructed on the premises, including, but not limited to, fences, ticket booths, grandstands and stages.
 - (3) The location, capacity and nature of all temporary lighting, sound and public address facilities.
 - (4) The location, capacity and nature of all temporary water, toilet and all other public health-related facilities.
 - (5) Vehicle ingress, egress, and parking plan.


Chapter 13 - Offenses - Miscellaneous

Section 13-12. Same--Duty of law enforcement officers.


Whenever any police or other officer charged with the duty of enforcing the laws of this state or the ordinances of this county shall discover or have his attention called to the fact that any minor under the age of eighteen years is in or on any street, park, vacant lot, playground, wharf, dock, place of amusement or is in or upon any other public place, whether of like kind or not, between the hours of 12:00 Midnight and 5:00 a.m. of the following day, the officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of such minor is in violation of any of the provisions of section 13-11. If such investigation reveals that such presence of such minor is in violation of any of the provisions of section 13-11, then the officer shall take the name and address of such minor and the name and address of the parent, guardian or other person having the care and

custody of such minor, and shall issue a summons or otherwise notify such minor and such parent, guardian or other person having the care and custody of such minor, in writing, to appear before the judge of the juvenile and domestic relations court of the county at a time to be specified in such summons or notice, to be there dealt with according to the provisions of sections 13-10 to 13-12 and the laws of the state applicable thereto. The officer shall also order such minor to forthwith proceed to his home or place of abode; and should such minor refuse or fail so to do, the officer shall take such minor to his home or place of abode should he deem such advisable.

Should any such minor refuse to give such officer his name and address or the name and address of his parent, guardian or other adult person having the care and custody of such minor, such officer shall take such minor to the James City County Law Enforcement Center or to the Williamsburg city police headquarters and there detain him until such time as he can be turned over to the officers of the juvenile and domestic relations court of the county to be dealt with in the manner required by law. (9-30-65, Sections 3, 4.)


William F. Brown, Chairman
Board of Supervisors

ATTEST:


James B. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,
this 7th day of July, 1986.

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<u>SUPERVISOR</u>	<u>VOTE</u>
BROWN	AYE
DEPUE	AYE
MAHONE	AYE
TAYLOR	AYE
Edwards	Absent