Chapter 10

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ARTICLE I. IN GENERAL

Secs. 10-1—10-25. Reserved.

ARTICLE II. PRECIOUS METALS DEALERS*

Sec. 10-26. 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:

(1) 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 chapter.

(2) Purchases of precious metals or gems from a qualified fiduciary who is disposing of the assets of an estate being administered by the fiduciary.

(3) Acceptance by a retail merchant of trade-in merchandise previously sold by the retail merchant to the person presenting that merchandise for trade-in.

(4) Repairing, restoring, or designing jewelry by a retail merchant, if such activities are within his normal course of business.

(5) 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.

(6) 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.

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

***State law reference**—Precious metals dealer, Code of Virginia, § 54.1-4100 et seq.

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

Cross reference—Definitions generally, § 1-2.

State law reference—Similar provisions, Code of Virginia, § 54.1-4100 et seq.

Sec. 10-27. Exemptions from chapter.

(a) The sheriff or his designee may waive by written notice implementation of any one or more of the provisions of this article, except section 10-33, for particular numismatic, gem, 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.

(b) Neither the provisions of this chapter nor any local ordinances dealing with the subject matter of this chapter shall apply to the sale or purchase of coins.

(c) Neither the provisions of this article nor any local ordinance dealing with the subject matter of this chapter shall apply to any bank, branch thereof, trust company or bank holding company, or any wholly owned subsidiary thereof, engaged in buying and selling gold and silver bullion.

(Ord. of 11-18-1980, § 3)

State law reference—Similar provisions, Code of Virginia, § 54.1-4109.

Sec. 10-28. 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 and shall be punished as provided in section 1-15.

(b) Upon the first conviction of a dealer for violation of any provision of this article, the sheriff 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.

(Ord. of 11-18-1980, § 10)

State law reference—Similar provisions, Code of Virginia, § 54.1-4110.

Sec. 10-29. Records to be kept; copy furnished to local authorities.

(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 at least 24 months and 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, 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;

(2) The date, time, and place of receiving the items purchased;

(3) The full name, residence address, work place, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, and other identifying marks;

(4) 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 exhibited, the issuing agency, and the number thereon; and

(5) A statement of ownership from the seller.

(b) The information required by subsections (a)(1)—(3) of this section 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 sheriff.
(Ord. of 11-18-1980)

State law reference—Similar provisions, Code of Virginia, § 54.1-4101.

Sec. 10-30. 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 sheriff 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 him to be missing or known or believed by him to have been stolen.

State law reference—Similar provisions, Code of Virginia, § 54.1-4101.1.

Sec. 10-31. Credentials and statement of ownership required from seller.

(a) 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.

(b) The county shall determine the contents of the statement of ownership.

State law reference—Similar provisions, Code of Virginia, § 54.1-4102.

Sec. 10-32. Dealer to retain purchases.

(a) The 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 sheriff. 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.

State law reference—Similar provisions, Code of Virginia, § 54.1-4104.

Sec. 10-33. 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.
(Ord. of 11-18-1980, § 7)

State law reference—Similar provisions, Code of Virginia, § 54.1-4103.

Sec. 10-34. Record of disposition.

Each dealer shall 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 10-32. This record shall also show the name and address of the seller from whom the dealer purchased the item.
(Ord. of 11-18-1980, § 6)

State law reference—Similar provisions, Code of Virginia, § 54.1-4105.

Sec. 10-35. Bond or letter of credit required of dealers when permit obtained.

(a) Every dealer shall secure a permit as required by section 10-37 and each dealer at the time of obtaining such permit shall enter into a recognizance to the county secured by a corporate surety authorized to do business in this 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 a letter of credit in favor of the county for $10,000.00.

(b) 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.
(Ord. of 11-18-1980, § 8)

State law reference—Similar provisions, Code of Virginia, § 54.1-4106.

Sec. 10-36. 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.
(Ord. of 11-18-1980, § 8)

State law reference—Similar provisions, Code of Virginia, § 54.1-4107.

Sec. 10-37. Permit required; method of obtaining permit; no convictions 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 10-26 without first obtaining a permit from the sheriff.

(b) To obtain a permit, the dealer shall file with the sheriff an application form which includes the dealer's full name, any aliases, address, age, date of birth, sex, 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 application fee, the dealer shall be issued a permit by the sheriff, provided that the applicant has not been convicted of a felony or crime of moral turpitude within seven years prior to the date of 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 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 officials and present written evidence of such approval to the sheriff.

(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 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 sheriff 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. of 11-18-1980, § 3)

State law reference—Similar provisions, Code of Virginia, § 54.1-4108.

Secs. 10-38—10-60. Reserved.

ARTICLE III. SOLICITORS*

DIVISION 1. IN GENERAL

Sec. 10-61. Definition.

For the purposes of this chapter, the term "solicitor" means a person who goes from door to door visiting multi-family or single-family dwellings for the following purposes:

(1) To sell any goods, wares, merchandise or services or accept subscriptions or orders therefore.

***Editor's note**—Ord. No. 07-05, adopted October 4, 2007, repealed the former Art. III, §§ 10-61—10-68, and enacted a new Art. III as set out herein. The former Art. III pertained to peddlers, solicitors, and itinerant merchants and derived from Ord. of 4-18-1978.

State law references—State Law References: Authority of county to regulate door-to-door vendors, Code of Virginia, §§ 15.1-37.3:1, 15.1-37.3:2; solicitation of contributions, § 57-48 et seq.

(2) To accept or request donations for any charitable purpose.
(Ord. No. 07-05, 10-4-2007)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 10-62. Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 1 misdemeanor.
(Ord. No. 07-05, 10-4-2007)

Cross references—Penalty for Class 1 misdemeanor, § 1-11; arrest procedures, § 1-12.

Sec. 10-63 Entering premises under false pretenses.

No person shall enter into or upon a residential premises in the county under false pretenses or for the purpose of soliciting orders for the sale of goods, wares, merchandise or services or to solicit for any other purpose.
(Ord. No. 07-05, 10-4-2007)

Sec. 10-64. Entering posted premises.

No person shall enter upon any residential premises for soliciting, when the owner or occupant has displayed a "No Soliciting" sign on such premises.
(Ord. No. 07-05, 10-4-2007)

Sec. 10-65. Remaining on premises after request to leave.

No solicitor shall remain in or on any residential premises after the owner or occupant has requested such person to leave.
(Ord. No. 07-05, 10-4-2007)

Sec. 10-66. Employment of overly aggressive or abusive tactics.

No solicitor shall employ overly aggressive or abusive sales tactics.
(Ord. No. 07-05, 10-4-2007)

Secs. 10-67—10-80. Reserved.

DIVISION 2. PERMIT

Sec. 10-81. Required; exceptions.

(a) It shall be unlawful for any person to engage in the practice of soliciting in the county without a current permit issued pursuant to this article.

(b) The provisions of this section shall not apply to:

(1) Any person who visits any residence at the request or invitation of the owner or occupant thereof.

(2) Unpaid members of any civic, religious or charitable organization who have an approved means of identification provided by the organization represented.

(3) Persons soliciting subscriptions to any newspaper for home delivery within the county.

(4) Route deliverymen who make deliveries at least once a week to regular customers and whose solicitation is only incidental to their regular deliveries.

(5) Persons selling fresh farm products.

(6) Persons licensed by the state under the provisions of Code of Virginia, title 38.1 (Insurance).

(7) Charitable organizations exempted by Code of Virginia, § 57-63.

(Ord. No. 07-05, 10-4-2007)

Sec. 10-82. Application.

(a) Any person desiring a permit required by this article shall file an application therefor with the sheriff. Such application shall contain the following information:

(1) The name, local and permanent addresses, age, race, weight, height, color of hair and eyes and any other distinguishing physical characteristics of the applicant.

(2) The nature or purpose for which solicitations will be made and the nature of the goods, wares, merchandise or services offered for sale.

(3) The name and permanent address of the employer or organization represented.

(4) A statement as to whether the applicant has been convicted of any felony or misdemeanor, and if so, the nature of the offense, when and where convicted and the penalty or punishment assessed therefore.

(b) It shall be unlawful for any person to knowingly give false information or fail to provide correct information in an application filed pursuant to this section.

(Ord. No. 07-05, 10-4-2007)

Sec. 10-83. Fee.

A fee of $20.00 to cover the costs of investigation of the applicant and processing of the application shall be paid to the sheriff when the application for a permit under this article is filed. Such fee shall not be returnable under any circumstances.

(Ord. No. 07-05, 10-4-2007)

Case law reference—Authority for above fee, Code of Virginia, § 15.2-913.

Sec. 10-84. Issuance.

Upon the filing of a proper application and payment of the prescribed fee, the sheriff shall issue a permit required by this article, unless the application shows that the applicant has been convicted of a felony or any crime involving moral turpitude.

(Ord. No. 07-05, 10-4-2007)

Sec. 10-85. Term.

A permit issued under this article shall be valid for one year from the date of issuance, unless earlier revoked as provided in this article.
(Ord. No. 07-05, 10-4-2007)

Sec. 10-86 To be carried on person and displayed upon demand.

A person to whom a permit is issued under this article shall carry the permit with him at all times while engaged in soliciting, and shall display the same to any person who shall demand to see the same while he is so engaged.
(Ord. No. 07-05, 10-4-2007)

Sec. 10-87. Revocation.

(a) A permit issued under this article may be revoked by the sheriff, if the holder thereof violates any provision of this chapter or is convicted of a felony or any crime involving moral turpitude. No permit shall be so revoked, until the sheriff has conducted a hearing on the matter at which the permittee shall be entitled to appear, in person or by attorney, and present evidence on his behalf. Notice of the time and place of such hearing shall be given the permittee by personal service or by certified or registered mail directed to his local address, as shown on the permit application, at least five days prior to the hearing.

(b) A person whose permit is revoked pursuant to this section may appeal such action to the board of supervisors, by filing a written notice of appeal within five days after the revocation. The board shall hear the appeal at its next regularly scheduled meeting following receipt of the notice.
(Ord. No. 07-05, 10-4-2007)

Secs. 10-88—10-90. Reserved.

ARTICLE IV. POOL HALLS

Sec. 10-91. Days and hours of operation.

All pool halls in the county shall close by 11:00 p.m., Monday through Saturday and no pool hall may open before 8:00 a.m. No pool hall may operate on Sunday.
(Ord. of 10-19-1976, § 1)

Sec. 10-92. Penalty for violation.

The management or operation of a pool hall or allowing it to be managed or operated in violation of this section shall be a class 4 misdemeanor punishable as provided in section 1-15.
(Ord. of 10-19-1976, § 2)

Chapters 11—13

RESERVED