

Article IV – Precious Metals

Chapter 14 – Businesses

Division 1 – Generally

Sec. 14-141. – 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, dealer, gems, precious metals and other applicable terms shall have the meanings specified in Code of Virginia, § 54.1-4111, which is incorporated in this section by reference.

(Ord. of 6-9-1991, § 1)

Sec. 14-142. – Records.

(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 such purchase shall be retained by the seller for not less than 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, 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 and time of receiving the items purchased; and

(3) The name, address, age, sex, driver's license number or number from any other government-issued identification, and

signature of the seller.

(b) The information required by subsection (a) 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, or if the purchase was made outside the county, to the chief law enforcement officer of the locality in which the purchase was made.

(Ord. of 6-9-1991, § 2(a), (b))

Sec. 14-143. – Right of entry of enforcement officers.

Every dealer shall admit to his place of business during regular business hours the sheriff or his sworn designee, or any law enforcement official of the state or federal government. The dealer 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 or official 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.

(Ord. of 6-9-1991, § 2(c))

Sec. 14-144. – 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, and at least one other corroborating means of identification and obtaining a statement of ownership from the seller.

(Ord. of 6-9-1991, § 3)

Sec. 14-145. – 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 6-9-1991, § 4)

Sec. 14-146. – 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 or the chief law enforcement officer of the locality in which the purchase is made. 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.

(Ord. of 6-9-1991, § 5)

Sec. 14-147. – Record of disposition.

Each dealer shall keep and maintain for at least 24 months an accurate and legible record of the name and address of the person to which he sells any precious metal or gem in its original form after the waiting period required by section

14-146. This record shall also show the name and address of the seller from whom the dealer purchased such item.

(Ord. of 6-9-1991, § 6)

Sec. 14-148. – Bond or letter of credit required of dealers when permit obtained.

(a) Every dealer shall secure a permit as required by section 14-171; 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 the 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 in the sum of \$10,000.00, such letter of credit to be approved by the sheriff.

(b) Any such bond or letter of credit furnished to the county shall meet the requirements of Code of Virginia, § 54.1-4106.

(c) 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 6-9-1991, § 7)

Sec. 14-149. – 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 article, he may maintain an action for recovery in any court of proper jurisdiction against such dealer and his surety. Recovery against the surety shall be only for that amount of the judgment, if any, which is unsatisfied by the dealer.

(Ord. of 6-9-1991, § 8)

Sec. 14-150. – Exemptions.

(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 14-145 for particular numismatic, gem, or antique exhibitions or craft shows sponsored by nonprofit organization, 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) The provisions of this article shall not apply to the sale or purchase of coins.

(c) The provisions of this article shall not 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 6-9-1991, §§ 10, 12)

Sec. 14-151. – 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.

(b) Upon the first conviction by any court of a dealer for violation of any provision of this article, the sheriff may revoke the dealer's permit to engage in business under this article for a period of one full year from the date the conviction becomes final. Such revocation shall be mandatory for two full years from the date the conviction becomes final upon a second conviction.

(Ord. of 6-9-1991, § 11; Ord. of 6-28-2011(3))

Secs. 14-152–14-170. – Reserved.

Division 2 – Permit

Sec. 14-171. – Required.

No person shall engage in the activities of a dealer in the county without first obtaining a permit from the sheriff.

(Ord. of 6-9-1991, § 9(a))

Sec. 14-172. – Method of obtaining.

(a) To obtain a permit required by this article, the dealer shall file with the sheriff an application form which shall include:

- (1) The dealer's full name, any aliases, address, age, date of birth, sex and fingerprints;
- (2) The name, address and telephone number of the applicant's employer, if any; and
- (3) The location of the dealer's place of business.

(b) Upon filing this application and the payment of an application fee to the treasurer of the county, and providing proof of payment to the sheriff, the dealer shall be issued a permit by the sheriff or his designee, 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.

(Ord. of 6-9-1991, § 9(b))

Sec. 14-173. – Approval of weighing devices.

Before a permit under this article 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.

(Ord. of 6-9-1991, § 9(c))

Sec. 14-174. – Renewal; transferability.

(a) A permit under this article 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.

(b) No permit shall be transferable.

(Ord. of 6-9-1991, § 9(d))

Sec. 14-175. – Permanent location required.

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 6-9-1991, § 9(e))

Secs. 14-176–14-205. – Reserved.