

Chapter 13
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Chapter 13
ITINERANT DEALERS AND SALESMEN

Article 1. Dealers in Precious Metals and Gems.¹

Sec. 13-1-1. Itinerant dealer defined.

Itinerant dealer within the meaning of this article is a person, firm, partnership, or corporation who shall engage in any temporary or transient business in the county for the purchase of gold, silver, platinum, or any precious or semi-precious metals, gems or semi-precious stones. (Comp. 1974, ch. 15; Ord. 12-3-80; Ord. 11-18-15)

Sec. 13-1-2. Permit - - Required.

No itinerant dealer may purchase gold, silver, platinum, or any precious or semi-precious metals, gems or semi-precious stones without a permit as provided by this article. (Comp. 1974, ch. 15; Ord. 12-3-80; Ord. 11-18-15)

Sec. 13-1-2.1. Same - - Issuance; contents; fee generally.²

Permits required by this article shall be issued by the sheriff or his designee to any person, who has not been convicted of a felony or crime of moral turpitude within the past seven (7) years, who meets all other requirements of this chapter, including payment of the two hundred dollar (\$200) application fee, and who has not had a permit denied or revoked under any ordinance or law similar in substance to provisions of this Chapter. The permit shall designate the premises on which the permittee shall conduct his business and specify the dates upon which the business may be conducted. (Comp. 1974, ch. 15; Ord. 12-3-80; Ord. 11-18-15)

Sec. 13-1-2.2. Same - - Nontransferable; fee not to be prorated; posting of permit.³

A permit issued under this article shall be a personal privilege and shall not be transferable. This permit shall be valid for one year from the date issued and may be renewed

¹ For state law regulating dealers in precious metals and gems, see Code of Va., § 54.1-4100 et seq.

² For state law reference, see Code of Va., § 54.1-4108.

³ For state law reference, see Code of Va., §§ 54.1-4108 and 54.1-4111.

in the same manner the permit was initially obtained with an annual permit fee of two hundred dollars (\$200). There shall not be any abatement of the fee for such permit by reason of the fact that the permittee shall have exercised the privilege for any period of less than that for which it was granted. The permit shall be placed or posted so as to be visible to the public at the principal entrance of the place of business.

If the application for a permit is denied by the sheriff's department, upon request, the sheriff's department shall provide a written statement of the facts and reasons for the denial. (Comp. 1974, ch. 15; Ord. 12-3-80; Ord. 11-18-15)

Sec. 13-1-2.3. Same - - False statement on application voids permit.

Any false statement made on the application form for a permit under this Article voids the permit *ab initio*. (Comp. 1974, ch. 15; Ord. 12-3-80)

Sec. 13-1-2.4. Same - - Application for permit; requirement of a bond or letter of credit.⁴

To obtain a permit, the dealer shall file with the sheriff's department an application form which includes:

- (A) The dealer's full name and any aliases;
- (B) The dealer's residence and phone numbers;
- (C) The dealer's age and date of birth;
- (D) The dealer's sex and fingerprints;
- (E) The name, address and telephone number of the dealer's employer, if any; and
- (F) The location of the dealer's place of business.

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 with the application.

The dealer shall submit a two hundred dollar (\$200) fee along with the completed application.

⁴ For state law reference, see Code of Va., § 54.1-4108.

The sheriff may waive the permit fee for retail merchants not required to be licensed as pawnbrokers under Code of Virginia section 54.1-400 et seq., provided that the retail merchant has a permanent place of business and purchases of precious metals and gems do not exceed five percent (5%) of the retail merchant's annual business.

Upon receipt of such permit, every dealer shall enter into a recognizance to the county, in accordance with the requirements of the Code of Virginia section 54.1-4106, 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 Chapter. 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.
(Ord. 11-18-15)

Sec. 13-1-3. Seller's identification to be ascertained.

The permittee shall ascertain the name, address and age of the sellers 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. The permittee shall further obtain a statement of ownership from the seller as provided in this chapter. (Comp. 1974, ch. 15; Ord. 12-3-80; Ord. 11-18-15)

Sec. 13-1-4. Hours of operation; inspection by authorized officials; melting, defacing, etc., precious metals; certain local businesses exempt from Article.⁵

No purchase of such items or articles of precious metals shall be made by any person except between the hours of 9 A.M. and 5 P.M. and such business shall be open at all times to inspection by any revenue or police officer of the federal, state or county governments. The dealer or his employee shall permit the officer to examine all records required by this Chapter 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.

If the business of the dealer is not operated without interruption, with Saturdays, Sundays, and recognized holidays excepted, the dealer shall notify the sheriff's department of all closing 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.

⁵ For state law reference, see Code of Va., §§ 54.1-4101, 54.1-4101.1, 54.1-4104, and 54.1-4108.

No articles consisting of such precious metals or gems shall be melted down, defaced or changed in composition until a minimum of fifteen (15) calendar days from the date on which a copy of the bill of sale is received by the sheriff's office. 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 in which the purchase was made.

If the 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 fifteen calendar days after receiving such article and precious metals or gems.

Banking institutions engaged in the buying and selling of gold and silver bullion and the sale and purchase of coins are excluded from the operation of this Chapter.

The sheriff's office may also waive, by written notice, implementation of this Chapter, with the exception of Section 13-1-6 of this Code, for 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.

(Comp. 1974, ch. 15; Ord. 12-3-80; Ord. 11-18-15)

Sec. 13-1-5. Information required on bills of sale; disposition of copies thereof.⁶

Every person permitted under this Article shall maintain adequate records to reflect the following information. The required information to be furnished is:

- (1) The name, address, sex and phone number of the permittee and his employer;
- (2) A complete description of the articles or precious metal purchased by the permittee to include all names, initials, serial numbers, or other identifying marks or monograms on each item purchased;
- (3) The make, model number and license number of the motor vehicles owned or used by the permittee and his employer;
- (4) The true weight or carat of such items made of precious metals or gems, the unit, as well as the total price paid, and the basis of such price paid the seller;
- (5) The date, time, and place of receiving the items purchased;

⁶For state law reference, see Code of Va., § 54.1-4101.

- (6) The full name, residence address, workplace, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, and other identifying marks of the person selling the precious metals or gems;
- (7) Verification of the identification of the seller by the exhibition of a government-issued identification card bearing a photograph of the person selling the precious metals or gems, 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;
- (8) A statement of ownership from the seller; and
- (9) A digital image of the form of identification used by the person involved in the transaction.

Each dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems, as described above. This record shall be retained for at least twenty-four (24) months.

The dealer shall have three (3) copies of the bill of sale: one copy of which is to be retained by the dealer, one copy to be mailed or delivered daily to the sheriff's department before 6 p.m. on the date of purchase, and one copy to be delivered to the seller of such precious metals or gems and articles made thereof.

(Comp. 1974, ch. 15; Ord. 12-3-80; Ord. 11-18-15)

Sec. 13-1-5.1. Record of disposition.

Each dealer shall maintain for at least twenty-four (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 13-1-4 of this Code. This record shall also show the name and address of the seller from whom the dealer purchased the item.

(Ord. 11-18-15)

Sec. 13-1-6. Purchases from minors and non-owners.

No purchase of any article made of precious metals shall be made in this county from any person under the age of eighteen (18) years and no purchase shall be made from anyone other than the owner of such article made of precious metals, unless the seller has written

authority from the owner permitting and directing such sale, duly authenticated. (Comp. 1974, ch. 15; Ord. 12-3-80)

Sec. 13-1-7. Penalties; first and subsequent violations.

(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 of a dealer for violation of any provision of this Chapter, the sheriff's department may revoke the dealer's permit for one (1) full year from the date the conviction becomes final. Such revocation shall be mandatory for two (2) full years from the date the conviction becomes final upon a second conviction.

(Ord. 11-18-15)

Article 2. Book, Magazine, Etc., Sales People.⁷

Sec. 13-2-1. Registration and permit - - Required.

It shall be unlawful for any person to sell books, magazines, periodicals, tracts and similar publications, or solicit subscriptions to the same, within the county, without first registering with the sheriff's office of this county, furnishing the information required by this article and obtaining the permit hereby required. (Min. Bk. 5, p. 453; Comp. 1974, ch. 15)

Sec. 13-2-1.1. Same - - Information to be furnished; issuance and duration of permit; to be exhibited on request.

Every person referred to in Section 13-2-1 of this Article shall furnish to the sheriff's office his name, temporary address, permanent address, the name of the firm or company, if any, which he represents, the address of such firm or company and the credentials furnished such person by such firm or company. Upon receiving such information the sheriff's office shall provide such person with a written permit showing that such person has duly registered, which permit shall be valid for a period of twelve (12) months from the date thereof, and which permit shall be exhibited by such person upon request by any person solicited. (Min. Bk. 5, p. 453; Comp. 1974, ch. 15)

⁷ For state law authorizing the county to regulate solicitors and peddlers generally, see Code of Va., § 15.2-913. For state law authorizing the county to regulate charitable and civic organizations soliciting within the county, see Code of Va., § 57-63.

Sec. 13-2-2. Exemptions from Article.

School children of the county shall be exempt from the requirements of this Article.
(Min. Bk. 5, p. 453; Comp. 1974, ch. 15)