

Chapter 15 - POLICE

***Cross reference** – Police alarm systems, § 3-19 et seq.; court costs, § 2-126 et seq.

***State law reference** – Police, Code of Virginia, § 15.2-1701 et seq.

ARTICLE I. - IN GENERAL

Secs. 15-1 – 15-18. - Reserved.

ARTICLE II. - DIVISION OF POLICE

***Cross reference** – Administration, ch. 2; officers and employees, § 2-48 et seq.

DIVISION 1. - GENERALLY

Sec. 15-19. - Physical examinations of police officers.

The county manager or his authorized representative is hereby authorized and directed to employ such physicians and establish such procedures as may be necessary for the performance of the physical examination of every police officer who shall enter the service of the division of police of the county.

(Code 1980, § 16-1; Code 1995, § 15-31)

State law reference – Pensions and retirement of police officers, Code of Virginia, § 51.1-807 et seq.; disabilities resulting from activities in discharge of duty, Code of Virginia, § 51.1-813.

Sec. 15-20. - Employment of off-duty police officers and deputy sheriffs.

Upon individual application to, and approval by, the chief of police or the sheriff, as appropriate, police officers and deputy sheriffs may engage in off-duty employment, including employment which may occasionally require such officers to use their police powers in the performance of such employment, subject to such rules, regulations and conditions applying to such off-duty employment as the chief of police and sheriff, respectively, may prescribe for their departments.

(Code 1995, § 15-32; Ord. No. 948, § 1, 5-14-1997)

Secs. 15-21 – 15-43. - Reserved.

DIVISION 2. - RECORDS, PERMITS AND SERVICES

Sec. 15-44. - Conformance with state law.

The provisions of this division shall be implemented in such a manner that the provisions of the Government Data Collection and Dissemination Practices Act, Code of Virginia, § 2.2-3800 et seq., the provisions of the Virginia Freedom of Information Act, Code of Virginia, § 2.2-3700 et seq., and the provisions of Code of Virginia, title 16.1, ch. 11, art. 12 (Code of Virginia, § 16.1-299 et seq.) and Code of Virginia, §§ 19.2-388 – 19.2-390, will not be violated.

(Code 1980, § 16-2; Code 1995, § 15-51)

Sec. 15-45. - Disposition of fees.

All fees for services performed in accordance with this division shall be paid into the general fund of the county.

(Code 1980, § 16-8; Code 1995, § 15-52)

Sec. 15-46. - Records of arrests and disposition of cases.

(a) There shall be kept in the division of police such record of arrests and disposition of cases based thereon as the director of public safety shall require. The director may make such factual information contained in such record available to any governmental law enforcement officer or agent or authorized representatives of the armed forces of the United States, and such information shall be made available to such persons without charge. He may make such information available to other persons who may apply therefor in writing on forms prescribed by the director upon the payment of a fee of \$5.00 to defray the cost of providing such service; provided that the director receives written authorization from the party who is the subject of the investigation resulting in the request for information. The director shall be authorized to exempt organizations from paying the \$5.00 fee if, in his opinion, such organization provides services free of charge to the division of police which are reasonably adequate to offset the revenue to be derived from the fee imposed in this section. The director may waive the requirement of receiving written authorization upon terms approved by the county attorney designed to comply with title VI of the Consumer Credit Protection Act, 15 USC 1601 et seq.

(b) The director shall not make any such information available unless he is satisfied that the requesting party has a bona fide reason for making such a request.

(Code 1980, § 16-3; Code 1995, § 15-53)

State law reference – Arrest records, exceptions, Code of Virginia, §§ 2.2-3706, 15.2-1722; fee for records, Code of Virginia, § 2.2-3704.

Sec. 15-47. - Records of offenses reported.

There shall be kept in the division of police such record of offenses reported and the disposition thereof as the director of public safety shall require. The director may make such factual information contained in such record available to any governmental law enforcement officer or agent or authorized representatives of the armed forces of the United States, and such information shall be made available without charge to such persons. He may make such information available to all other persons who apply therefor in writing on forms prescribed by the director upon payment of a fee of \$10.00 to defray the cost of providing such service; provided, however, that such information shall not contain the identity of any suspects or persons charged with the offense. The director shall not make any such information available unless he is satisfied that the requesting party has a bona fide reason for making such a request and the director receives written authorization from the party who is the subject of the investigation resulting in the request for information. The director may waive the requirement of receiving written authorization upon terms approved by the county attorney designed to comply with title VI of the Consumer Credit Protection Act, 15 USC 1601 et seq.

(Code 1980, § 16-4; Code 1995, § 15-54)

State law reference – Arrest records, exceptions, Code of Virginia, §§ 2.2-3706, 15.2-1722; fee for records, Code of Virginia, § 2.2-3704.

Sec. 15-48. - Fingerprinting.

Unless otherwise provided in this Code or in the Code of Virginia, a fee of \$10.00 for the first card and \$5.00 for each successive card shall be charged for recording fingerprint impressions on fingerprint cards when requested by any person. Such fee shall be used to aid in defraying the cost of providing such service. No fee shall be charged an applicant for county employment, nor shall a fee be charged for such service performed at the request of an agency of the county government or another law enforcement officer or agent or authorized representative of the armed forces of the United States.

(Code 1980, § 16-5; Code 1995, § 15-55; Ord. No. 1082, § 1, 11-8-2005)

State law reference – Authority to fingerprint certain persons and set fees, Code of Virginia, § 19.2-392.

Sec. 15-49. - Photographs.

(a) There shall be kept in the division of police files of photographs made during the course of police investigations. The director may make copies of such photographs available to parties involved in civil litigation and their attorneys. No such copies shall be made available until all criminal charges have been disposed of in the various courts and the period of time set for appeals has expired. Copies shall not be furnished until a charge of \$10.00 per copy has been paid.

(b) Nothing contained in this section shall require the division of police to cause photographs to be made of every report investigated. This section is intended only to provide for furnishing of copies of those photographs which may be available.

(Code 1980, § 16-6; Code 1995, § 15-56)

State law reference – Authority to set fees for photographs of traffic accidents, Code of Virginia, § 46.2-381.

Sec. 15-50. - Traffic accident reports.

(a) There shall be kept in the division of police such record of traffic accidents as the director of public safety shall require. The director may make copies of such reports available to any person directly involved or injured in a particular accident, or as a result thereof, their attorney or other authorized representative, any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident or any party who suffered property damage as a result thereof. The fee shall be \$5.00 per copy, to defray the cost of providing such service.

(b) Copies of accident reports furnished to other governmental units shall be made without charge.

(c) The provisions of this section shall only apply to the standard report form provided by the state department of motor vehicles and shall not be construed to include any supplemental reports made by the investigating police officer or statements made by witnesses.

(Code 1980, § 16-7; Code 1995, § 15-57)

Cross reference – Traffic and vehicles, ch. 22.

State law reference – Accident reports, copies, Code of Virginia, § 46.2-380; accident reports required by county, Code of Virginia, § 46.2-381.

Sec. 15-51. - Concealed handgun permit.

- (a) A fee of \$35.00 shall be charged for conducting an investigation pursuant to Code of Virginia, § 18.2-308 of an applicant for a concealed handgun permit.
- (b) No fee shall be charged for the issuance of such permit to a person who has retired from service as:
- (1) A magistrate in the Commonwealth;
 - (2) A special agent with the Alcoholic Beverage Control Board or as a law-enforcement officer with the Department of State Police, the Department of Game and Inland Fisheries, or a sheriff or police department, bureau or force of any political subdivision of the Commonwealth, after completing 15 years of service or after reaching age 55;
 - (3) A law-enforcement officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S. Marshals Service or Naval Criminal Investigative Service, after completing 15 years of service or after reaching age 55;
 - (4) A law-enforcement officer with any police or sheriff's department within the United States, the District of Columbia or any of the territories of the United States, after completing 15 years of service; or
 - (5) A law-enforcement officer with any combination of the agencies listed in subsections (b)(2) through (b)(4) of this section, after completing 15 years of service.

(Code 1995, § 15-58; Ord. No. 902, § 1, 7-12-1995; Ord. No. 971, § 1, 3-25-1998; Ord. No. 1115, § 1, 10-23-2007)

Cross reference – Weapons, § 13-56 et seq.

State law reference – When carrying concealed weapons lawful, Code of Virginia, § 18.2-308.

Secs. 15-52 – 15-75. - Reserved.**ARTICLE III. - UNCLAIMED PERSONAL PROPERTY**

***Cross reference** – Disposition of unclaimed bicycles and mopeds, § 22-284.

***State law reference** – Authority of the county to dispose of unclaimed property, Code of Virginia, § 15.2-1719.

Sec. 15-76. - 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:

Unclaimed personal property means any personal property belonging to another which has been acquired by a law enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the state treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Code of Virginia, § 55-210.1 et seq.).

(Code 1980, § 16-20; Code 1995, § 15-81)

State law reference – Similar provisions, Code of Virginia, § 15.2-1719.

Sec. 15-77. - When sale or retention by division of police authorized.

In accordance with Code of Virginia, § 15.2-1719, whenever unclaimed personal property has been in the possession of the division of police and unclaimed for a period of more than 60 days, the chief of police or his duly authorized agent may cause the property to be sold at public sale or retained for use by the division of police.

(Code 1980, § 16-19; Code 1995, § 15-82; Ord. No. 947, § 1, 5-14-1997)

State law reference – Authority to so provide, Code of Virginia, § 15.2-1719.

Secs. 15-78 – 15-103. - Reserved.**ARTICLE IV. - DEALERS IN PRECIOUS METALS AND GEMS**

***Cross reference** – License tax, § 20-350 et seq.

***State law reference** – Dealers in precious metals, Code of Virginia, § 54.1-4100 et seq.; local ordinances regulating dealers in precious metals and gems, Code of Virginia, § 15.2-4111.

Sec. 15-104. - 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 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; 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 definition of "dealer" shall not include persons engaged in the following:

- (1) Purchases of precious metals or gems directly from other dealers, manufacturers, wholesalers for retail or wholesale inventories, provided that the selling dealer has complied with the provisions of this article.
- (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 or dealers, or by mail originating outside the state.
- (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 byproduct.

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

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

(Code 1980, § 12-148.1; Code 1995, § 15-110)

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

Sec. 15-105. - Penalties.

(a) *Criminal penalty.* Any person 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) *Revocation of permit.* Upon the first conviction by any court of a person for violation of any provision of this article, the chief of police may revoke his permit to engage in business as a dealer under this article for a period of one full year from the date the conviction becomes final. Such revocation shall be mandatory upon a second conviction.

(Code 1980, § 12-148.10; Code 1995, § 15-111)

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

State law reference— Similar provisions, Code of Virginia, § 54.1-4110; penalty for misdemeanors, Code of Virginia, § 18.2-11.

Sec. 15-106. - Exemptions.

(a) The chief of police or his designee may waive by written notice implementation of any one or more of the provisions of this article, except section 15-113, 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) The provisions of this article do not apply to the sale or purchase of coins.

(c) The provisions of this article do 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.

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

Sec. 15-107. - Permit.

(a) *Required.* No person shall engage in the county in the activities of a dealer without first obtaining a permit from the chief of police.

(b) *Application; issuance; fee.* To obtain a permit, the dealer shall file with the chief of police an application form which shall include the dealer's full name, aliases, address, age, date of birth, sex, fingerprints and photograph; 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 an application fee of \$200.00, the dealer shall be issued a permit by the chief of police or his designee, provided that the applicant has not been convicted of a felony or a 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 this article.

(c) *Duration; renewal.* The permit shall be valid for 12 months from the date thereof 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.

(d) *Inspection of weighing devices.* Before a permit may be issued, the dealer must have all weighing devices used in the business inspected and approved by local or state weights and measures officials and present written evidence of such approval to the chief of police.

(e) *Notification of business closings; location of business.* 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.

(Code 1980, § 12-148.9; Code 1995, § 15-112)

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

Sec. 15-108. - Bond or letter of credit required.

(a) Every dealer shall secure a permit as required by section 15-107, and each dealer, at the time of obtaining this permit and before the permit shall be operative, shall enter into a recognizance to the county secured by a corporate surety authorized to do business in the state, 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 state 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.

(Code 1980, § 12-148.7; Code 1995, § 15-113)

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

Sec. 15-109. - Private action for recovery on bond or letter of credit.

Any person aggrieved by the misconduct of any dealer who has 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.

(Code 1980, § 12-148.8; Code 1995, § 15-114)

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

Sec. 15-110. - Records of transactions; furnishing of copies of records to police.

(a) Every dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems and of each transaction involving the removal of precious metals or gems from any manufactured article not then owned by the dealer. The records 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, workplace, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, and other identifying marks of the seller or of the person

for whom the service of removal of precious metals or gems from any manufactured article not then owned by the dealer is performed.

(4) Verification of the identification 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.

(5) A statement of ownership from the seller.

(6) A receipt bearing the legible handwritten signature of the seller or the person for whom the service of removal is performed, acknowledging such sale or service.

(7) A digital image of the form of identification used by the person involved in the transaction, and a digital image of precious metals and gems purchased from each seller.

(8) A digital image of the seller or of the person for whom the service of removal of precious metals or gems is performed. The photograph shall show, at a minimum, the part of the body from the chest to the top of the head of such person. The photograph shall be no smaller than 1½ inches by 1½ inches in size.

(b) The information required by subsections (a)(1) through (3) and (a)(6) of this section shall appear on each bill of sale for all precious metals and gems purchased by the dealer.

(c) Every dealer shall also furnish to the chief of police, within 24 hours of the time of purchase or service of removal, in an electronic format prescribed by the chief of police, the information required by subsections (a)(1) through (8), together with any bill of sale.

(Code 1980, § 12-148.2; Code 1995, § 15-115)

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

Sec. 15-111. - Examination of records and property; seizure of stolen property.

Every dealer or his employee shall admit to his place of business during regular business hours the chief of police or his designee or any law-enforcement officer of the state or federal government. The dealer or his employee shall permit the officer to:

(1) 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

(2) Search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen.

(Code 1980, § 12-148.2:1; Code 1995, § 15-116)

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

Sec. 15-112. - Credentials and statement of ownership required from sellers.

No dealer shall purchase precious metals or gems without first ascertaining the identity of the seller by requiring an identification issued by a government agency with a picture of the seller thereon and at least one other corroborating means of identification, and obtaining a statement of ownership from the seller.

(Code 1980, § 12-148.3; Code 1995, § 15-117)

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

Sec. 15-113. - Prohibited purchases.

- (a) No dealer shall purchase precious metals or gems from any seller who is under 18 years of age.
- (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.

(Code 1980, § 12-148.4; Code 1995, § 15-118)

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

Sec. 15-114. - Retention of purchases and serviced items by dealer.

A dealer shall retain all precious metals or gems purchased for a minimum of 15 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 retention period, the dealer shall not sell, alter or dispose of the purchased items in whole or in part or remove them from the county. 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 15 calendar days after receiving such article and precious metals or gems.

(Code 1980, § 12-148.5; Code 1995, § 15-119)

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

Sec. 15-115. - Records of sales.

Each dealer shall maintain for at least 24 months an accurate and legible record of the name and address of the person to whom he sells any precious metal or gem in its original form after the waiting period required by section 15-114. This record shall also show the name and address of the seller from whom the dealer purchased such item.

(Code 1980, § 12-148.6; Code 1995, § 15-120)

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

Secs. 15-116 – 15-143. - Reserved.**ARTICLE V. - PAWNBROKERS**

***Cross reference** – License tax, § 20-50 et seq.

***State law reference** – Pawnbrokers, Code of Virginia, § 54.1-4000 et seq.

Sec. 15-144. - 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:

Pawnbroker means any person who lends or advances money or other things for profit on the pledge and possession of personal property or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the property or other things back to the seller at a stipulated price.

(Code 1980, § 12-148.11; Code 1995, § 15-150; Ord. No. 979, § 1, 8-12-1998)

State law reference—Similar provisions, Code of Virginia, § 54.1-4000.

Sec. 15-145. - Penalties.

- (a) *Criminal penalty.* Any licensed pawnbroker who violates any of the provisions of this article, except as otherwise provided in section 15-146, shall be guilty of a class 4 misdemeanor.
- (b) *Suspension or revocation of license.* In addition to the penalty provided in subsection (a) of this section, the court may revoke or suspend the pawnbroker's license for second and subsequent offenses.
- (c) *Violation of Virginia Consumer Protection Act.* Any violation of this article shall constitute a prohibited practice in accordance with Code of Virginia, § 59.1-200, and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (Code of Virginia, § 59.1-196 et seq.).
- (Code 1980, § 12-148.17; Code 1995, § 15-151; Ord. No. 979, § 2, 8-12-1998)*

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

State law reference—Similar provisions, Code of Virginia, § 54.1-4014; penalty for class 4 misdemeanor, Code of Virginia, § 18-11.

Sec. 15-146. - License.

- (a) *Required.* No person shall engage in the business of a pawnbroker without first obtaining a license from the chief of police.
- (b) *Application; issuance.* Prior to the issuance of the license, the applicant shall furnish to the chief of police an order of the circuit court issued pursuant to Code of Virginia, § 54.1-4001, as amended, authorizing the county to issue the license, and evidence of a bond meeting the requirements set out in section 15-151. In addition, the applicant shall complete an application on a form furnished by the chief of police which shall require the applicant to furnish:
- (1) His full name, aliases, address, date of birth, driver's license number, sex, fingerprints and photograph;
 - (2) The name, address and telephone number of the applicant's employer;
 - (3) A sworn statement or affirmation disclosing any criminal convictions or any pending criminal charges whether within or without the Commonwealth;
 - (4) The proposed location of the applicant's place of business;
 - (5) A statement of whether the applicant will purchase, sell or take possession of firearms; and
 - (6) Certification from the director of planning or his designee that operation of the business of a pawnbroker at the proposed location is a permitted use of the premises.

Upon furnishing the court order, filing the application and paying an application fee of \$200.00, the applicant shall be issued a license by the chief of police. The license may be denied if the applicant has been denied a license or has had a license revoked under any ordinance similar in substance to this article.

- (c) *Duration; renewal; transfer.* The license shall be valid for 12 months from the date thereof, and may be renewed in the same manner as the initial license was obtained, with an annual license fee of \$200.00. No license shall be transferable.
- (d) *Location of business.* The license shall designate the building in which the licensee shall carry on business. No person shall engage in the business of a pawnbroker in any location other than the one designated in his license, except with consent of the circuit court which authorized issuance of the license and upon written notification of the chief of police.

(e) *Penalty.* Any person who violates the provisions of this section shall be guilty of a class 1 misdemeanor. Each day's violation shall constitute a separate offense.

(Code 1980, § 12-148.12; Code 1995, § 15-152; Ord. No. 979, § 3, 8-12-1998)

State law reference – License issuance, requirements, Code of Virginia, § 54.1-4001.

Sec. 15-147. - Limitation on number of pawnshops.

Not more than ten places in the county shall be licensed where the business of a pawnbroker may be conducted, none of which shall be located closer than one mile to any other.

(Code 1980, § 12-148.13; Code 1995, § 15-153)

State law reference – Authority to establish limitation on number of pawnshops, Code of Virginia, § 54.1-4002.

Sec. 15-148. - Records of transactions; credentials of persons pawning goods.

(a) Every pawnbroker shall keep at his place of business an accurate and legible record of each loan or transaction occurring in the course of his business, including transactions in which secondhand goods, wares or merchandise are purchased for resale. The account shall be recorded at the time of the loan or transaction on a form approved by the chief of police and shall include:

- (1) A description, serial number, and a written statement of ownership signed by the pledgor of the goods, articles or things pawned or pledged or received on account of money loaned thereon or purchased for resale;
- (2) The time, date and place of the transaction;
- (3) The amount of money loaned thereon at the time of the pledge or paid as the purchase price;
- (4) The rate of interest to be paid on such loan;
- (5) The fees charged by the pawnbroker, itemizing each fee charged;
- (6) The full name, residence address, telephone number and driver's license number or other form of identification of the person pawning or pledging or selling the goods, articles or things, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks of such person;
- (7) Verification of the identification by the exhibition of a government-issued identification card bearing a photograph of the person pawning, pledging, or selling the goods, article, or thing, 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 digital image of the form of identification used by the person involved in the transaction;
- (9) As to loans, the terms and conditions of the loan, including the period for which any such loan may be made; and
- (10) All other facts and circumstances respecting such loan or purchase.

(b) A pawnbroker may maintain at his place of business an electronic record of each transaction involving goods, articles or things pawned or pledged or purchased. If maintained electronically, a pawnbroker shall retain the electronic records for at least one year after the date of the transaction and make such electronic records available to any duly authorized law-enforcement officer upon request.

(c) For each loan or transaction, a pawnbroker may charge a service fee for making the daily electronic reports to the appropriate law-enforcement officers required by section 15-149, creating and maintaining the electronic records required under this section, and investigating the legal title to property being pawned

or pledged or purchased. Such fee shall not exceed five percent of the amount loaned on such item or paid by the pawnbroker for such item or \$3.00, whichever is less.

(d) No goods, article, or thing shall be pawned or pledged or received on account of money loaned or purchased for resale if the original serial number affixed to the goods, article, or thing has been removed, defaced, or altered.

(e) Every pawnbroker shall comply with regulations promulgated by the superintendent of state police specifying:

- (1) The nature of the particular description for the purposes of subsection (a)(6) of this section; and
- (2) The nature of identifying credentials of the person pawning, pledging, or selling the goods, article or thing. Such identifying credentials shall be examined by the pawnbroker and an appropriate record thereof retained.

(Code 1980, § 12-148.14; Code 1995, § 15-154; Ord. No. 979, § 4, 8-12-1998)

State law reference—Similar provisions, Code of Virginia, § 54.1-4009.

Sec. 15-149. - Daily reports to police; content.

Every pawnbroker shall prepare a daily report of all goods, articles or things pawned or pledged with him or sold to him that day and file such report by noon of the following day with the chief of police. The report shall include the pledgor's or seller's name, residence and driver's license number or other form of identification, a photograph or digital image of the form of identification used by the pledgor or seller, and a description of the goods, articles or things pledged or sold. A pawnbroker shall compile and maintain the daily report in an electronic format and shall file the required daily reports electronically with the appropriate law-enforcement officer through use of any electronic means of reporting approved by the law-enforcement officer.

(Code 1980, § 12-148.15; Code 1995, § 15-155; Ord. No. 979, § 5, 8-12-1998)

State law reference—Similar provisions, Code of Virginia, § 54.1-4010.

Sec. 15-150. - Examination of records and property; seizure of stolen goods.

(a) Every pawnbroker and every employee of the pawnbroker shall admit to the pawnbroker's place of business, during regular business hours, any duly authorized county law-enforcement officer, the chief of police or his designee or any law-enforcement official of the state or federal government. The pawnbroker or employee shall permit the officer to:

- (1) Examine all records required by this article or Code of Virginia, title 54.1, ch. 40 (Code of Virginia, § 54.1-4000 et seq.), as amended, and any article listed in a record which is believed by the officer to be missing or stolen; and
- (2) Search for and seize any article known to him to be missing, or known or believed by him to have been stolen.

(b) However, the officer shall not take possession of any article without providing to the pawnbroker a receipt.

(Code 1980, § 12-148.16; Code 1995, § 15-156; Ord. No. 979, § 6, 8-12-1998)

State law reference—Similar provisions, Code of Virginia, § 54.1-4011.

Sec. 15-151. - Bond required; private action on bond.

(a) No person shall be licensed as a pawnbroker or engage in the business of a pawnbroker without having in existence a bond with surety in the minimum amount of \$50,000.00 to secure the payment of any judgment recorded under the provisions of subsection (b) of this section.

(b) Any person who recovers a judgment against a licensed pawnbroker for the pawnbroker's misconduct may maintain an action in his own name upon the bond of the pawnbroker if the execution issued upon such judgment is wholly or partially unsatisfied.

(Code 1995, § 15-157; Ord. No. 979, § 7, 8-12-1998)

State law reference – Similar provisions, Code of Virginia, § 54.1-4003.

Sec. 15-152. - Memorandum to be given pledgor; fee; lost ticket charge.

Every pawnbroker shall at the time of each loan deliver to the person pawning or pledging anything a memorandum or note, signed by him, containing the information required by section 15-148. A lost-ticket fee of \$5.00 may be charged, provided that the pawner is notified of the fee on the ticket.

State law reference – Similar provisions, Code of Virginia, § 54.1-4004.

Sec. 15-153. - Sale of goods pawned.

No pawnbroker shall sell any pawn or pledge item until it has been in his possession for the minimum term set forth in the memorandum, but not less than 30 days, plus a grace period of 15 days and a statement of ownership is obtained from the pawner. If a motor vehicle is pawned, the owner of the motor vehicle shall comply with the requirements of Code of Virginia, § 46.2-637. In the event of default by the pawner, the pawnbroker must comply with the requirements of Code of Virginia, § 46.2-633. Otherwise, the pawnbroker must comply with the requirements of Code of Virginia, § 46.2-636 et seq. All sales of items pursuant to this section may be made by the pawnbroker in the ordinary course of his business.

State law reference – Similar provisions, Code of Virginia, § 54.1-4005.

Sec. 15-154. - Interest chargeable.

(a) No pawnbroker shall ask, demand or receive a greater rate of interest than ten percent per month on a loan of \$25.00 or less, or seven percent per month on a loan of more than \$25.00 and less than \$100.00, or five percent per month on a loan of \$100.00 or more, secured by a pledge of tangible personal property. No loan shall be divided for the purpose of increasing the percentage to be paid the pawnbroker. Loans may be renewed based on the original loan amount. Loans may not be issued that compound the interest or storage fees from previous loans on the same item.

(b) An annual percentage rate computed and disclosed under the provisions of the federal Truth in Lending Act shall not be deemed a violation of this section.

State law reference – Similar provisions, Code of Virginia, § 54.1-4008.

Sec. 15-155. - Property pawned or purchased not to be disfigured or changed.

No property received on deposit or pledged or purchased by any pawnbroker shall be disfigured or its identity destroyed or affected in any manner:

- (1) So long as it continues in pawn or in the possession of the pawnbroker while in pawn; or
- (2) In an effort to obtain a serial number or other information for identification purposes.

State law reference – Similar provisions, Code of Virginia, § 54.1-4012.

Sec. 15-156. - Care of tangible personal property; evaluation fee.

(a) Pawnbrokers shall store, care for and protect all of the tangible personal property in the pawnbroker's possession and protect the property from damage or misuse. Nothing in this article shall be construed to mean that pawnbrokers are insurers of pawned property in their possession.

(b) A pawnbroker may charge a monthly storage fee for any items requiring storage, which fee shall not exceed five percent of the amount loaned on such item.

State law reference – Similar provisions, Code of Virginia, § 54.1-4013.

Secs. 15-157 – 15-180. - Reserved.**ARTICLE VI. - ADULT BUSINESSES**

***Cross reference** – Massage establishments, ch. 12; obscenity and nudity, § 13-84 et seq.; license tax, § 20-350 et seq.

Sec. 15-181. - Definitions.

The following words, terms and phrases, when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult bookstore or adult video store means an establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices or similar media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult business means any adult bookstore, adult video store, adult model studio, adult motel, adult movie theater, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons.

Adult entertainment means dancing, modeling or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes, slides, photographs, CD-ROMs, DVD-ROMs, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult merchandise means magazines, books, other periodicals, videotapes, films, motion pictures, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or, lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

Adult model studio means a commercial establishment, including a lingerie store or novelty store, in which a person performs or simulates specified sexual activities, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons.

Adult motel means a motel, hotel, or similar commercial establishment that:

- (1) Provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television;
- (2) Offers a sleeping room for rent for a time period of less than ten hours; or
- (3) Allows a tenant or occupant to subrent the sleeping room for a time period of less than ten hours.

Adult movie theater means an enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons, excluding movies that have been rated "G," "PG," "PG-13," or "R" by the Motion Picture Association of America.

Adult nightclub means a restaurant, bar, club, or similar establishment that regularly features adult entertainment.

Adult store means an establishment having adult merchandise as a substantial or significant portion of its stock-in-trade.

Employee means an individual working or performing services for any adult business, including any independent contractor who provides services on behalf of any adult business to the patrons of such business, whether or not the individual receives any remuneration, gratuity, or tips of any kind, or pays the permittee or manager for the right to perform or entertain in the adult business.

Live entertainment means entertainment provided in person including, but not limited to, musical performances, music played by disc jockeys, public speaking, dramatic performances, dancing, modeling, or comedy performances.

Specified anatomical areas means less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means human genitals in a state of sexual stimulation or arousal; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast, including masturbation.

(Code 1995, § 15-157; Ord. No. 992, § 1, 10-12-1999; Ord. No. 1024, § 1, 3-12-2002)

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

Sec. 15-182. - Permit required from chief of police – Application; issuance; duration; renewal.

- (a) Every person either operating or desiring to operate an adult business, in addition to obtaining any required business license from the director of finance, shall apply to the chief of police, or his designee, for a permit to conduct such activity. Each such application shall be accompanied by a fee in the amount of \$200.00.
- (b) Information required on and with the permit application shall include, but not be limited to, the following:

- (1) The applicant's full name, age, sex, race, weight, height, hair and eye color, address, telephone number, date and place of birth and social security number.
 - (2) Names and addresses of references.
 - (3) 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.
 - (4) Whether the applicant holds or has held, in the name of this business or any other, any other permits under this article or a similar adult use ordinance from another locality within the past five years, and, if so, the names and locations of such other permitted businesses.
 - (5) Whether the applicant has been denied a permit or has had a permit revoked under any statute or ordinance requiring a permit to operate an adult business and, if so, when and where the denial or revocation occurred.
 - (6) Photograph and fingerprints of applicant.
 - (7) Name, including any fictitious names, and address of the business for which a permit is sought.
 - (8) A criminal records check of the applicant shall be provided by the applicant with the application, along with the applicant's written authorization to investigate whether the information provided by the applicant is true.
 - (9) A description of the intended business activity and, if adult entertainment is to be provided, a detailed description of such entertainment.
 - (10) Written declaration, dated and signed by the applicant, certifying that the information contained in the application is true and correct.
- (c) For a corporation, partnership or other legal entity, the term "applicant" includes each officer, director, partner or principal of the entity and the managers of the business.
- (d) The chief of police or his designee shall act on the application within 30 days of the filing of an application containing all the information required by this section, unless information requested from other law enforcement agencies is not received within that 30-day period, in which case the chief of police or his designee shall have an additional 30 days to act on the application. Upon the expiration of the applicable time period, unless the applicant requests and is granted a reasonable extension of time, the applicant may, at its option, begin operating the business for which the permit is sought, unless and until the chief of police or his designee notifies the applicant of a denial of the application and states the reasons for denial.
- (e) The applicant shall be issued a permit unless the county's investigation or the information furnished by the applicant shows any of the following:
- (1) The applicant has failed to provide information required by this article or has falsely answered a question.
 - (2) The applicant has been convicted of a felony within the past five years.
 - (3) The applicant has been convicted of a crime of moral turpitude or a crime involving the obscenity laws within the past three years.
 - (4) The applicant has been denied a permit or has had a permit revoked within the past 12 months under any statute or ordinance requiring a permit to operate an adult business.
 - (5) Failure of the applicant's business to comply with the county's business license, zoning, building, plumbing, utility, health, electric or fire prevention codes, or with any other applicable county or state laws or regulations.
 - (6) The application fee has not been paid.
- (f) If the application is denied, the chief of police or his designee shall notify the applicant of the denial and state the reasons for the denial.
- (g) The permit shall be valid for 12 months from the date thereof and may be renewed in the same manner

as it was initially obtained. The application fee for a renewal permit shall be \$100.00. No permit shall be transferable.

(h) Any changes in the ownership or principals of the business entity to which the permit is issued or in the managers of the business will automatically make the permit void. Such changes shall be reported to the chief of police or his designee, and a new application may be submitted for review.

(Code 1995, § 15-159; Ord. No. 992, § 1, 10-12-1999; Ord. No. 1024, § 2, 3-12-2002)

Sec. 15-183. - Same – Grounds for revocation.

The chief of police or his designee may revoke any permit issued pursuant to this article for the following:

- (1) Fraud, misrepresentation or any false or misleading statement contained in the application.
- (2) Conviction of the permittee for any felony, crime involving moral turpitude, or crime involving the obscenity laws after the permit is issued.
- (3) The permittee or an employee of the permittee has knowingly allowed possession, use or sale of illegal controlled substances in or on the premises.
- (4) The permittee or an employee of the permittee has knowingly allowed prostitution on the premises.
- (5) The permittee has refused to allow an inspection of the adult business premises as authorized by this article.
- (6) On two or more occasions within a 12-month period, employees of the adult business at the time of the offenses committed an offense in or on the permitted premises for which a conviction has been obtained constituting:
 - a. Aiding, abetting or harboring a runaway child;
 - b. Prostitution or promotion of prostitution;
 - c. Exposing minors to harmful materials;
 - d. Dissemination of obscenity;
 - e. Sexual assault; or
 - f. Violation of section 13-96.
- (7) The permittee is convicted of violations regarding any taxes or fees related to the adult business.
- (8) The permittee has failed to operate or manage an adult business in a peaceful and law-abiding manner.
- (9) The permittee or an employee of the permittee, except a permittee or employee of a permittee of an adult motel, has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual activity to occur in or on the permitted premises.
- (10) The permittee has been operating an adult business not approved under the applicable permit.
- (11) The permittee has failed to comply with the provisions of this article.
- (12) The permittee's business fails to comply with other applicable county or state laws or regulations.

(Code 1995, § 15-160; Ord. No. 992, § 1, 10-12-1999; Ord. No. 1024, § 3, 3-12-2002)

Sec. 15-184. - Procedure upon denial of an application or revocation of a permit.

(a) If the chief of police or his designee denies an application or revokes a permit, he shall notify the applicant or permittee in writing of such action, the reasons therefor, and the right to request a hearing. To

receive a hearing, the applicant or permittee must make a written hearing request which must be received by the chief of police or his designee within ten days of the date of the notice of denial or revocation. If a timely hearing request is not received by the chief of police or his designee, the decision of the chief of police or his designee shall be final. If a hearing is properly requested, it shall be held within ten days from receipt of the hearing request. The hearing shall be presided over by the chief of police or his designee. The applicant or permittee shall have the right to present evidence and argument or to have counsel do so. Within five days of the hearing, the chief of police or his designee shall render his decision which shall be final. A permittee must discontinue operation of its business when the decision to revoke the permit becomes final.

(b) When an imminent threat of substantial harm to public health or safety requires such action, the chief of police or his designee may immediately revoke a permit issued under this article by so stating in a written notice to the permittee. When action is taken pursuant to this subsection, the permittee shall immediately discontinue operation of its business, but shall have the right to a hearing as stated in subsection (a) of this section.

(Code 1995, § 15-160.1; Ord. No. 1024, § 4, 3-12-2002)

Sec. 15-185. - Availability of prompt judicial review.

After denial of an initial or renewal application or after revocation of a permit by the chief of police or his designee, the applicant or permittee may seek prompt judicial review of such administrative action in the circuit court of the county. Any such request for judicial review shall be filed within 30 days of when the administrative action becomes final. The county will facilitate the applicant's obtaining prompt review.

(Code 1995, § 15-161; Ord. No. 992, § 1, 10-12-1999; Ord. No. 1024, § 5, 3-12-2002)

Sec. 15-186. - Inspection.

(a) In addition to any existing legal authority, representatives of county departments shall have the authority to inspect an adult business for the purpose of determining compliance with the provisions of this article.

(b) The provisions of subsection (a) of this section shall not apply to sleeping rooms of an adult motel which are currently being rented by a customer.

(Code 1995, § 15-162; Ord. No. 1024, § 6, 3-12-2002)

Sec. 15-187. - Regulations pertaining to adult businesses providing adult entertainment.

(a) For purposes of this section, adult entertainment is defined as dancing, modeling or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

(b) No person shall provide adult entertainment for patrons of an adult business except upon a stage located in an area open to all patrons of the business. The stage shall be at least 18 inches above the level of the floor and separated by a distance of at least three feet from the nearest area occupied by patrons. No patron shall be permitted within three feet of the stage while the stage is occupied by an entertainer.

(c) The adult business shall provide separate dressing room facilities for female and male entertainers which shall not be occupied or used in any way by anyone other than them.

(d) The adult business shall provide entertainers access between the stage and the dressing rooms which is completely separated from the patrons. If separate access is not physically feasible, the establishment shall provide a walk aisle at least four feet wide for entertainers between the dressing room area and the stage with a railing, fence or other barrier separating the patrons and the entertainers which prevents any

physical contact between patrons and entertainers.

(e) No entertainer shall have physical contact with any patron and no patron shall have physical contact with any entertainer while in or on the premises of the adult business.

(f) No patron shall directly pay or give any gratuity to any entertainer. A patron who wishes to pay or give a gratuity to an entertainer shall place the gratuity in a container that is at all times located separately from the entertainers for the purpose of preventing any physical contact between a patron and an entertainer. No entertainer shall solicit any gratuity from any patron.

(g) Patrons must be at least 18 years of age.

(h) No operator or manager of an adult business shall cause or allow an entertainer to contract to or engage in any entertainment such as a "couch," a "straddle," or "lap" dance with a patron while in or on the premises of an adult business. No entertainer shall contract to or engage in a "couch," "straddle," or "lap" dance with a patron while in or on the establishment premises. For purposes of this subsection, the term "couch," "straddle," or "lap" dance is defined as an employee of the establishment intentionally touching any patron while engaged in any specified sexual activity or other activity intended for the sexual stimulation or titillation of patrons, or the exposure of any specified anatomical area.

(i) This section shall not apply to an employee of an establishment who, while acting as a waiter, waitress, host, hostess, or bartender, comes within three feet of a patron. No employee shall engage in any specified sexual activity or other activity intended for the sexual stimulation or titillation of patrons, or expose any specified anatomical area while acting as a waiter, waitress, host, hostess, or bartender.

(Code 1995, § 15-163; Ord. No. 1024, § 7, 3-12-2002)

Sec. 15-188. - Regulations pertaining to adult motels.

(a) Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in section 15-181.

(b) No person who is in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have an adult business permit shall rent or subrent a sleeping room to a person, and within ten hours from the time the room is rented, rent or subrent the same sleeping room again.

(c) For purposes of subsection (b) of this section, the terms rent or subrent mean the act of permitting a room to be occupied for any form of consideration.

(Code 1995, § 15-164; Ord. No. 1024, § 8, 3-12-2002)

Sec. 15-189. - Transfer of permit prohibited.

(a) A permittee shall not operate an adult business at any place other than at the address designated in the approved permit.

(b) A permittee shall not transfer its permit to another person.

(Code 1995, § 15-165; Ord. No. 1024, § 9, 3-12-2002)

Sec. 15-190. - Public nudity prohibited.

Nothing in this article shall be construed to permit any conduct which violates section 13-96.

(Code 1995, § 15-166; Ord. No. 1024, § 10, 3-12-2002)

Sec. 15-191. - Violations of article provisions.

Except as permitted in section 15-182(d), operation of an adult business without a permit is

prohibited.

(Code 1995, § 15-167; Ord. No. 1024, § 11, 3-12-2002)