

ORDINANCE NO. 2518

AN ORDINANCE to amend the title of Chapter 19; to add new sections numbered 19-001 and 19-002; to amend Sections 19-01 and 19-1; to add a new section numbered 19-1.1; to amend Sections 19-2, 19-3 and 19-4; to add a new section numbered 19-4.1; to amend Sections 19-5 and 19-6; and to add new sections numbered 19-11, 19-11.1 and 19-12, all of Chapter 19 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 19 formerly related to JUNK DEALERS, ANTIQUE DEALERS AND CANVASSERS and now relates to JUNK DEALERS, ANTIQUE DEALERS, CANVASSERS, PAWNBROKERS AND DEALERS IN SECONDHAND ARTICLES, COINS, GOLD, SILVER, PLATINUM, GEMS AND SEMIPRECIOUS STONES, which new Section 19-001 relates to POLICY, which new Section 19-002 relates to APPLICATION, which Section 19-01 formerly related to DEFINITION OF ANTIQUE DEALER and now relates to DEFINITIONS, which Section 19-1 formerly related to PERMIT FOR ENGAGING IN BUSINESS OF JUNK DEALER, ANTIQUE DEALER OR CANVAS-SER--REQUIRED and now relates to PERMIT REQUIRED FOR ENGAGING IN OR CONDUCTING BUSINESS, which new Section 19-1.1 relates to APPLICATION FOR PERMIT, which Section 19-2 formerly related to SAME--ISSUANCE; RENEWAL; REVOCATION and which now relates to ISSUANCE, which Section 19-3 relates to RECORD OF TRANSACTIONS, which Section 19-4 relates to REPORTS TO POLICE, which new Section 19-4.1 relates to INSPECTION OF PREMISES, which Section 19-5 formerly related to ARTICLES TO BE RETAINED TEN DAYS AFTER REPORT and now relates to ARTICLES TO BE RETAINED FIFTEEN DAYS AFTER REPORT, which Section 19-6 relates to PROHIBITIONS, which new Section 19-11 relates to REVOCATION, which new Section 19-11.1 relates to APPEALS and which new Section 19-12 relates to PENALTY.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the title of Chapter 19 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended to read as follows:

JUNK DEALERS, ANTIQUE DEALERS, CANVASSERS,
PAWNBROKERS AND DEALERS IN SECONDHAND ARTICLES,
COINS, GOLD, SILVER, PLATINUM, GEMS
AND SEMIPRECIOUS STONES

Section 2. That Chapter 19 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding a new section numbered 19-001 to read as follows:

Sec. 19-001. Policy.

It is hereby declared to be the policy of the City of Alexandria, in the exercise of its police power for the protection of the safety, health and welfare of its citizens to regulate the purchase and sale of junk, antiques, secondhand articles, coins, gold, silver, platinum, gems and semiprecious stones by pawnbrokers and other dealers.

Section 3. That Chapter 19 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding a new section numbered 19-002 to read as follows:

Sec. 19-002. Application.

This chapter shall be applicable to the principals of any entity performing any activity regulated by this chapter and to their agents and employees and to persons forming a partnership for the purpose of engaging in any activity subject to regulation by this chapter. No person shall be exempt from the provisions of this chapter by reason of association temporarily with any dealer or permit holder or by reason of conducting temporary or transient business in connection with or as part of the business in the name of any dealer or permit holder. Every dealer or permit holder shall be liable for all the penalties provided for violation of any provision of this chapter, whether such violation be committed by himself or his agent, clerk or employee.

Section 4. That Sections 19-01 and 19-1 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby are amended and reordained to read as follows:

Sec. 19-01. Definitions.

Antique dealer. Any dealer as defined herein who engages in the business or occupation of selling, bartering or exchanging any painting, furniture, china or other object painted or made more than fifty (50) years prior to the date of sale, which is valuable primarily by reasons of age, scarcity or the skill and craftsmanship of the artist or artisan.

Canvasser. Any person who shall canvass for the purpose of buying any junk or any other like commodity for any junk dealer, or for sale to such junk dealer or to another.

Chief of police. The Chief of the Alexandria Police Department or his designee.

Dealer. Any person, firm, partnership, corporation, and any principal, employee, agent or servant thereof, regularly engaged in or conducting business for the purchase, sale, barter, exchange or pawn of junk, antiques, secondhand articles, coins, gold, silver, platinum, gems and semiprecious stones.

Engaged in or conducting business. The purchase, sale, barter or exchange of any item aforesaid, including the advertising therefor and including such business conducted by an established dealer in a permanent location and including any temporary, transient or itinerant business.

Established dealer. Any dealer as defined herein duly licensed on November 1, 1980, and for the sixty- (60) day period immediately prior thereto, to conduct business at a fixed location in Alexandria, Virginia, for profit.

Itinerant dealer. Any dealer as defined herein who engages in any temporary or transient business conducted in a shop, room, hotel room, motel room or other premises rented for any duration less than thirty (30) consecutive days or used on a temporary basis.

Junk dealer. Any dealer as defined herein who engages in the purchase, sale, barter or exchange of any kind of secondhand articles, junk, rags, rag cullings, bones, bottles, scrap, metals, metal drosses, steel, iron, old lead pipe, old bathroom fixtures, old rubber, old rubber articles or other like commodities, except paper, and except furniture, clothes, shoes and stoves intended to be resold for use as such.

Pawnbroker. Any person who shall in any manner lend or advance money or other things for profit on the pledge or possession of personal property, or other valuable things, other than securities or written evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Secondhand articles. Any item of personal property or object of value, previously owned or used, which is not purchased or sold as new. Secondhand articles do not include property purchased by one licensed, established merchant from another within or without the City of Alexandria in the normal course of business.

Sec. 19-1. Permit required for engaging in or conducting business.

It shall be unlawful for any persons to engage in any activity subject to regulation by this chapter without first obtaining a permit therefor from the chief of police as specified herein. Such permit shall be necessary in addition to any required business license.

Section 5. That Chapter 19 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained by adding a new section numbered 19-1.1 to read as follows:

Sec. 19-1.1. Application for permit.

Applicants for a permit under this chapter, whether a person, firm or corporation, shall file a written, sworn application on a form provided by the chief of police, signed by the applicant if an individual, by all partners if a partnership and by the president if a corporation, with the chief of police showing:

(a) The name or names of the principals, agents and employees of the applicant's business during the time that it is proposed that it will be carried on in the City of Alexandria; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (as proprietor, agent, employee or otherwise); the name and the address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state it is incorporated;

(b) The fingerprints of the principals, agents or employees of the applicant's business, and other evidence which establishes to the satisfaction of the chief of police the good character of such persons to carry on the business of a dealer;

(c) The place or places in the City of Alexandria where it is proposed to carry on the applicant's business, and the length of time during which it is proposed that said business shall be conducted;

(d) The place or places, other than the permanent place of business of the applicant, where the applicant within the six (6) months next preceding the date of said application conducted an itinerant business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(e) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers;

(f) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;

(g) Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative; and

(h) Such other information as to the identity or character of the person or persons having the management or supervision of the applicant's business or the method or plan of doing such business as the chief of police may deem proper to fulfill the purpose of this ordinance in the protection of the public good.

Every applicant for a permit shall post with the chief of police a surety bond in favor of the city in the amount of ten thousand dollars (\$10,000.00), which bond shall not be accepted unless it be with a corporate surety licensed to do business in Virginia and unless it is conditioned that the applicant shall comply fully with all applicable provisions of federal, state and local laws, rules and regulations concerning the activity for which the applicant is to be licensed, and that the property purchased by any resident of the city doing business with the applicant is guaranteed to be in accordance with the specifications, standards and conditions represented to the purchaser by the applicant. A blanket bond otherwise meeting the requirements of this section shall be accepted.

Any person aggrieved by any act of the principal named in such bond in violation of the provisions of this chapter may proceed on such bond against the principal or surety therein, or both. In lieu of posting said bond, the dealer may post cash or a letter of credit from a recognized Virginia financial institution, the terms of which are satisfactory to the chief of police.

The application shall state thereon that "It is unlawful for any person to make a false statement on this application." Any false statement made on the application form will void the application ab initio and constitute a misdemeanor punishable under section 19-12.

Section 6. That Sections 19-2, 19-3 and 19-4 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby are amended and reordained to read as follows:

Sec. 19-2. Issuance.

Upon receipt of an application for a permit in accordance with the provisions of section 19-1.1, the chief of police shall cause such investigation of the applicant's business responsibility or moral character to be made as he deems necessary for the protection of the public good. Unless the chief of police determines otherwise after his investigation, he shall within thirty (30) days following the date of the filing of the application issue the applicant a permit hereunder. The chief of police may, after investigation and finding that the health, safety or welfare of the public so demand, refuse to issue a permit to an applicant for reasons including, but not limited to the following:

(a) conviction of any felony within the five (5) years immediately preceding the date of filing of the application;

(b) conviction of any crime within the five (5) years immediately preceding the date of the filing of the application involving moral turpitude;

(c) fraud, misrepresentation or false statement of material or relevant facts contained in the application; or

(d) that the applicant has engaged in a fraudulent transaction or enterprise.

(e) The chief of police may refuse to issue a permit or may revoke a permit issued to any canvasser who fails to obtain a canvasser's license as required by section 54-829 of the Code of Virginia or to any junk dealer who fails to obtain a license as required by section 54-825 of the Code of Virginia.

An applicant for a permit may, in the discretion of the chief of police, be issued a temporary permit within seventy-two (72) hours after filing the application based upon a preliminary investigation by the chief of police, which permit shall remain in effect until the issuance, or denial, of a permit as herein provided.

The chief of police shall mail to the applicant, by certified mail, a written statement of his decision on each application together with a brief statement of his reasons therefor. In the event the chief of police denies a permit, he shall notify the applicant in writing within thirty (30) days of the filing of the application. A confidential record of the investigation shall be kept on file by the chief of police.

The permit issued hereunder shall be a personal privilege and shall not be transferable, nor shall there be any abatement of the tax for such permit by reason of the fact that the permit holder shall have exercised the privilege for any period of less than it was granted.

The issuance of a permit to any itinerant dealer shall specify the date or dates upon which the business may be conducted. A fee of ten dollars (\$10.00) per day shall be charged, and the permit shall be issued only for the period specified in the application. A fee for the issuance of a permit to an established dealer in the amount of ten dollars (\$10.00) shall be charged and said permit shall be renewed annually.

The permit issued under this ordinance shall be posted conspicuously in each place of business named therein. Each person receiving such permit shall place over the principal entrance of his place of business a sign designating that he is a licensed dealer.

Appeals from the decision of the chief of police shall be made in accordance with section 19-11.1.

Sec. 19-3. Record of transactions.

Every dealer shall keep at his place of business, or carry with him while conducting business, a permanently bound book in which shall be legibly recorded with ink in the English language, at the time of each transaction within the Commonwealth of Virginia in the course of his business, an accurate account of each transaction, except as to the sale of goods by him of newspapers, magazines or other waste paper, rags, bones and clothing. The record shall set forth an accurate description of the goods, articles or things purchased, bartered, exchanged or received, the name, residence and description of the person selling, bartering or exchanging the same, the license number and state of origin of the automobile in which the goods, articles or things were delivered and the permit number if the goods can be purchased, sold, bartered or exchanged only under a permit issued by the chief of police. The description of the person required by this section shall consist of the hair color, sex, approximate height, weight, date of birth, social security number and any distinguishing features of such person. Such book shall at all reasonable times be open to the inspection of any police officer of the city. It shall be unlawful for any person to fail to exhibit to any police officer of the city any record book required to be kept pursuant to this section.

Sec. 19-4. Reports to police.

Every dealer shall, every day except Sunday, deliver to the chief of police, on blank forms to be prescribed by the chief of police, a legible and accurate description of every article or thing required to be entered in a record book provided for under the preceding section during the next business day following the entry, the permit number under which the goods were received if a permit is required, the license number and state of origin of any automobile or vehicle in which the goods or things were delivered, together with a description of the person selling, bartering or exchanging or receiving the same including the hair color, sex, approximate height, weight, date of birth, social security number and any distinguishing features, together with a reference to the volume and page number of the record book where the original entry required by the preceding section was made.

Section 7. That Chapter 19 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained by adding a new section numbered 19-4.1 to read as follows:

Sec. 19-4.1. Inspection of premises.

Every dealer shall admit to his premises at any time any police officer to examine any books or other record on the premises or in his possession, as well as articles purchased or received; and to search for and take into possession any article known by that officer to be missing or known or believed by him to be stolen, without the formality of search warrant or any other process. Such search or seizure is hereby authorized pursuant to section 54-834 of the state code.

Section 8. That Sections 19-5 and 19-6, Chapter 19 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby are amended and reordained to read as follows:

Sec. 19-5. Articles to be retained fifteen days after report.

No dealer shall sell, melt, change the form of or dispose of any article received by him, of which he is required to make record and report under this chapter, within fifteen (15) days after such report. All such articles shall be retained in his possessio. at the location specified in the permit required herein during the fifteen- (15) day period.

Sec. 19-6. Prohibitions.

(a) No dealer shall have in his place of business or in his possession, or shall have acquired and resold, bartered or exchanged, any article which is proved to have been stolen, the account and report of which he has not kept and reported as herein prescribed.

(b) It shall be unlawful for any dealer in the course of his business or occupation to acquire, by purchase, barter, exchange or otherwise, any goods from any person under eighteen (18) years of age.

(c) It shall be unlawful for any dealer to acquire, by purchase, barter, exchange or otherwise, goods bearing evidence of a serial number which has been tampered with or scratched or obliterated in any manner unless such person immediately contacts the police department of the city.

(d) It shall be unlawful for any dealer to accept, buy or exchange any articles prior to examining the identifying credentials of the person pawning, selling or exchanging said articles.

Section 9. That Chapter 19 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained by adding new sections numbered 19-11, 19-11.1 and 19-12 to read as follows:

Sec. 19-11. Revocation.

Any permit issued to an established dealer under the provisions of this chapter may be revoked by the chief of police after notice and hearing if the chief of police finds that such person has knowingly violated any provision of this chapter. A seven-(7) day written notice of the hearing stating the reasons for the proposed revocation shall be mailed, postage prepaid, to the permit holder at the business address appearing on the permit application; or if there be none, to the residence address appearing thereon.

Said notice shall set forth the grounds of the proposed revocation and the time and place of the hearing. At the hearing, the permit holder may be represented by counsel, may cross-examine witnesses and may present evidence in his favor.

In the case of an itinerant dealer, the chief of police may forthwith revoke such permit if the chief of police finds that such person has knowingly violated the provisions of this chapter. An itinerant dealer who has had his or her permit

revoked by the chief of police may demand notice and hearing as described above within forty-eight (48) hours of the next business day following revocation. At such hearing, the itinerant dealer shall be afforded all of the rights and privileges described above.

Appeals from the decision of the chief of police shall be made in accordance with section 19-11.1.

Sec. 19-11.1. Appeals.

An appeal from the decision of the chief of police to deny an application for a permit or to revoke a permit shall be made in writing to the city manager within seven (7) days of the receipt of a decision. The appeal shall state the specific grounds for the appeal. The city manager shall hold a hearing within a reasonable time from the receipt of the appeal. At the hearing, the applicant or permit holder may be represented by counsel, may cross-examine witnesses and may present evidence in his favor. The city manager may grant or deny the appeal. The decision of the city manager shall be final.

Sec. 19-12. Penalties.

Any violation of any provision of this chapter shall constitute a misdemeanor. Operation of any business hereunder in violation of any provision of this chapter shall constitute a separate offense for each day of operation.

Section 10. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage; however, in order to provide adequate time for dealers to obtain the appropriate permits required by this chapter, the provisions of section 19-1 shall be effective fourteen (14) days after the date of final passage.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: October 29, 1980