

ORDINANCE NO. 3006

AN ORDINANCE to amend and reordain Sections 9-8-11 and 9-8-15, Article B, and to further amend Article B by adding a new section thereto designated Section 9-8-14.1, all of Chapter 8, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 9 relates to LICENSING AND REGULATION, which Chapter 8 relates to JUNK DEALERS, ANTIQUE DEALERS, CANVASSERS, PAWNBROKERS AND DEALERS IN SECONDHAND ARTICLES, PRECIOUS METALS OR GEMS, which Article B relates to JUNK DEALERS, ANTIQUE DEALERS, CANVASSERS, PAWNBROKERS OR DEALERS IN SECONDHAND ARTICLES, which new Section 9-8-14.1 relates to APPLICABILITY OF PERMIT PROCESS TO AGENTS, CLERKS AND EMPLOYEES OF JUNK DEALERS, which Section 9-8-15 relates to RECORD OF TRANSACTIONS and which Section 9-8-11 relates to DEFINITIONS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 9-8-11, Article B, Chapter 8, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 9-8-11. Definitions.

As used in this article, unless the context clearly requires otherwise, the following terms shall have the meanings herein ascribed to them:

(1) **Antique dealer.** Any dealer as defined herein who engages in the business or occupation of purchasing any work of art, piece of furniture or decorative object made 100 years prior to the date of purchase.

(2) **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.

(3) **Chief of Police.** Chief of Police shall refer to the Director of Public Safety or his designee.

(4) **Dealer.** Any person, firm, partnership, corporation and any principal or employer on whose behalf a purchase is made, employee, agent or servant thereof who makes any such purchase on behalf of his employer or principal, who or which is engaged in or conducting business for the purchase or pawn of junk, antiques or second-hand articles. Dealers are excluded from this definition insofar as they make purchases of articles subject to this article directly from other dealers, manufacturers or wholesalers for wholesale or retail inventories. Also excluded from this definition are dealers receiving merchandise for

consignment sale and jobbers buying complete household inventories through established telephone and newspaper advertisements. Further, there shall be excluded from this definition all agents, clerks and employees of a junk dealer; provided, however, every junk dealer shall be liable to all the penalties provided for violations of any of the provisions of this article, whether such violations shall be committed by himself or by his agents, clerks or employees.

(5) **Director.** The Director of Public Safety or his designee.

(6) **Engaged in or conducting business.** The purchase or pawn of any items aforesaid, including such business conducted by an established dealer in a permanent location and including any temporary, transient or itinerant business.

(7) **Established dealer.** Any dealer as defined herein who engages in or conducts business at a fixed location in Alexandria, Virginia, for profit for 30 consecutive days or more.

(8) **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 for any duration less than 30 consecutive days.

(9) **Junk dealer.** Any dealer as defined herein who engages in the purchase or pawn of 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, furniture, clothes and shoes.

(10) **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.

(11) **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 in the normal course of business.

Section 2. That Article B, Chapter 8, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new section thereto to read as follows:

Sec. 9-8-14.1. Applicability of permit process.

Any and all agents, clerks and employees of a junk dealer, who shall or may, at any time, engage or be involved in the purchase of any goods or merchandise on behalf of their principal or employer, shall be subject to all of the provisions of sections 9-8-13 and 9-8-14, even though no permit shall be issued. No agent, clerk or employee may engage in or be involved in the purchase of any goods or merchandise until such application is favorably acted upon by the director. Any agent, clerk or employee who engages in or is involved in the purchase of any goods or merchandise without prior approval by the director shall be deemed to be acting in violation of this article.

Section 3. That Section 9-8-15, Article B, Chapter 8, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 9-8-15. Record of transactions.

(a) Every dealer shall keep at his place of business for at least 24 months, 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 the purchase or pawn of any item aforesaid within the city in the course of his business, an accurate account of each such transaction. The record shall set forth an accurate and legible description of the goods, articles or things purchased or pawned, the name, residence and description of the person selling or pawning the same, the driver's license number or social security number of the seller or pawner and the dealer's permit number. The description of the person required by this section shall consist of the hair color, sex, race, approximate height, weight, date of birth and any distinguishing features of such person. In order to ensure the accuracy of the information, the dealer shall comply with the provisions of section 9-8-19(d). Such book shall during regular business hours be open to the inspection of the director. It shall be unlawful for any person to fail to exhibit to the director any record book required to be kept pursuant to this section.

(b) Each dealer shall also keep and maintain for at least 24 months an accurate and legible record of the name and address of the person, firm or corporation to which he sells any item aforesaid after the waiting period required by section 19-5. This record shall also show the name and address of the seller from whom the dealer purchased such item.

(c) Anything in this section to the contrary notwithstanding, a junk dealer shall not be required to record transactions pertaining to the purchase of rags, bones, old iron, paper and

aluminum cans; further, there shall be excluded from this section any transaction by a junk dealer in which the total value of the goods and merchandise purchased in such transaction is less than \$25.00. Additionally, the requirements of this section shall not apply to any transaction between dealers (as "dealer" is defined by this article), or between a dealer on the one hand, and a licensed, established merchant from within or without the city on the other hand, when such transaction takes place in the normal course of business.

Section 4. 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.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: January 12, 1985