

ARLINGTON COUNTY CODE

Chapter 62

PAWNBROKERS AND PRECIOUS METALS DEALERS, DEALERS IN FIREARMS, ITINERANT MERCHANTS, AND DEALERS IN SECONDHAND GOODS AND ARTICLES

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ARTICLE I.

GENERAL PROVISIONS

§ 62-1. Authority.

This article is adopted pursuant to the authority of Chapter 12, Title 15.2; Chapter 9, Title 59.1; and Chapter 40, Title 54.1 of the Code of Virginia, 1950, as amended.

(11-15-80; Ord. No 17-05, 4-22-17)

§ 62-2. Definitions.

For the purpose of this chapter, the following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise a different meaning:

“Established merchant” means any merchant which has been continuously conducting its business at the same fixed address in Arlington County for a period of not less than sixty (60) calendar days and for not less than five (5) days in any calendar week prior to applying for a license required by this chapter; provided, however, if such merchant has been continuously conducting its business in Arlington County for the twelve (12) month period prior to such application, it qualifies as an established merchant even if it has changed addresses, so long as it has

not changed addresses more than once. Any employee or agent who does the foregoing acts on behalf of his employee or principal and any partner or principal of any legal entity shall also be considered an established merchant.

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

“Itinerant merchant” means any merchant who is not an established merchant. Any employee or agent who does the foregoing acts on behalf of his employer or principal and any partner or principal of any legal entity shall also be considered an itinerant merchant.

“Merchant” means any person, partnership, corporation or other legal entity who either purchases secondhand articles for profit, or for a fee accepts secondhand articles for sale on consignment. Any employee or agent who does the above mentioned acts on behalf of his employer or principal and any partner or principal of any legal entity shall also be considered a merchant.

“Pawnbroker” means any natural 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 or printed 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.

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

“Secondhand goods” means any of the following items of personal property or objects of value, previously owned or used, which are not purchased or sold as new such as:

- (1) Gold, silver, platinum, or platinum alloy, except coins, in any chemical, physical, or other form;
- (2) Watches and clocks;
- (3) Stamps, stamp collections and commemorative issues;
- (4) Currency and mint sets excluding coins;
- (5) Figurines, defined as china, or other objects painted or made that are valuable primarily by reason of age, scarcity, or the skill and craftsmanship of the artist or artisan;
- (6) Paintings;
- (7) Jewelry, gems, semiprecious stones;
- (8) Computers, including their components and parts. This shall include, but not be limited to, personal computers (PCs), laptops and tablet devices; printers, scanners, monitors, webcams, speakers, hard drives, and digital storage devices; Any other electronic device capable of capturing, sending, receiving, storing, recording, or playing data or digital media;
- (9) Bicycles.
- (10) Musical instruments;
- (11) Power tools;
- (12) Small home appliances, including vacuum cleaners, steam cleaners, televisions, coffee makers, and microwaves;

- (13) Cellular telephone;
- (14) Firearms;
- (15) Video game systems
- (16) Any item serialized, marked for identification purposes, or engraved

Secondhand articles do not include property purchased by one established merchant from another within or without Arlington County in the normal course of business.

“Secondhand dealer” means any person who buys, sells, barter or exchanges used or secondhand articles. This secondhand dealer license is issued to the primary applicant of the business and includes employees acting as a dealer on behalf of the primary applicant.

(11-15-80; Ord. No. 84-15, 6-2-84; Ord. No. 90-17, 7-1-90; Ord. No. 17-05, 4-22-17; Ord. No. 19-13, 12-14-2019)

ARTICLE II.

PAWNBROKERS

§ 62-3. License Required; License Authorized by Court; Building Designated in License; Penalty.

A. No natural person shall engage in the business of a pawnbroker without having a valid license authorized by the Arlington County Circuit Court and issued by the County Police Department.

B. Prior to the issuance of the license, the applicant shall complete an application on a form provided by the police department, which shall require the applicant to furnish his full name, aliases, address, date of birth, driver's license number, sex, fingerprints and photograph; the name, address and telephone number of the applicant's employer; the proposed location of the applicant's place of business; a statement of whether the applicant will purchase, sell or take possession of firearms; and certification from the zoning administrator or his designee that operation of the business of a pawnbroker at the proposed location is a permitted use of the premises.

C. Upon furnishing the court order authorizing the County Police Department to issue a pawnbroker license, filing the completed application and paying an application fee of two hundred dollars (\$200.00), the applicant shall be issued a license by the County Police Department, provided that the applicant has not been convicted of a felony or a crime of moral turpitude within ten (10) years prior to the date of application. 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. The County Police Department may forward fingerprints through the Central Criminal Record Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history information regarding such an applicant, in accordance with Code of Virginia § 15.2-1503.1.

D. The license shall be valid for twelve (12) months from the date issued, and may be renewed in the same manner as the initial license was obtained, with an annual license fee of two hundred dollars (\$200.00). No license shall be transferable.

E. 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 or her license.

F. The application shall state thereon that "it is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for denial of any application, revocation of any license, or revocation of any permit."

G. In addition to any other penalties prescribed under state law, 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.

(11-15-80; Ord. No. 84-15, 6-2-84; Ord. No. 90-17, 7-1-90; Ord. No 17-05, 4-22-17; Ord. No. 19-13, 12-14-2019)

§ 62-4. 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 to secure the payment of any judgment recovered under the provisions of subsection B.

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 or secondhand dealer if the execution issued upon such judgment is wholly or partially unsatisfied.

(11-15-80; Ord. No. 84-15, 6-2-84; Ord. No. 90-17, 7-1-90; Ord. No 17-05, 4-22-17)

§ 62-5. 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 § 62-8. A lost-ticket fee of not more than five dollars (\$5.00) may be charged, provided that the pawner is notified of the fee on the ticket.

(11-15-80; Ord. No. 84-15, 6-2-84; Ord. No. 90-17, 7-1-90, Ord. No 17-05, 4-22-17)

§ 62-6. Sale of Goods Pawned or Purchased.

No pawnbroker shall sell any pawn or pledge item until (i) 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 (ii) a statement of ownership is obtained from the pawner. If a motor vehicle is pawned, the owner of the motor vehicle shall comply with all requirements of the Commonwealth regarding such transactions.

Every pawnbroker dealing in secondhand articles shall retain in his possession, at the location specified in his business license, and open to the inspection of the Chief of Police or any designated member of the Arlington County Police Department, all such articles so purchased or acquired by such person for at least fifteen (15) days before disposing of same, unless otherwise authorized by the Chief of Police or his designee.

(11-15-80, Ord. No 17-05, 4-22-17; Ord. No. 19-13, 12-14-2019)

§ 62-7. Interest Chargeable.

No pawnbroker shall ask, demand or receive a greater rate of interest than ten percent (10%) per month on a loan of twenty-five dollars (\$25.00) or less, or seven percent (7%) per month on a loan of more than twenty-five

dollars (\$25.00) and less than one hundred dollars (\$100.00), or five percent (5%) per month on a loan of one hundred dollars (\$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.

(11-15-80; Ord. No. 90-2, 1-16-90; Ord. No. 90-17, 7-1-90, Ord. No 17-05, 4-22-17)

§ 62-8. Records of Transactions; Identification of Person Pawning Goods; Fee; Penalty.

A. Every pawnbroker or secondhand dealer shall keep at his place of business an accurate and legible record of each loan or transaction in the course of his business, including transactions in which secondhand goods, wares, or merchandise is 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 statement of ownership of the goods, article, or thing pawned or pledged or received on account of money loaned thereon or purchased for resale; A clear, legible, digital image of the item(s) being sold or pawned if they lack a serial number.
2. The time, date, and place of the transaction;
3. The amount of money loaned thereon at the time of pledging the same 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, article, or thing, 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; No identification card, presented to a pawnbroker shall be considered valid if presented after its date of expiration.
8. A clear, legible, digital image of the form of identification used by the person involved in the transaction; A new copy of this image shall be taken each time a new transaction is conducted. At no time shall an image of an identification presented on a prior occasion be used to conduct a new transaction.

A digital image of the form of identification used by the person involved in the transaction, unless the form of identification used is a United States military issued identification or other form of identification included under 18 U.S.C. § 701, in which case the person involved in the transaction shall be required to present an alternate government-issued identification card bearing a photograph of such person or the pawnbroker shall be required to take a photograph of 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 shall maintain at his place of business an electronic record of each transaction involving goods, articles, or things pawned or pledged or purchased. 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 as required by § 62-9, 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 (5%) of the amount loaned on such item or paid by the pawnbroker for such item or three dollars (\$3.00), whichever is less. Any person, firm, or corporation violating any of the provisions of this section is guilty of a Class 4 misdemeanor.

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.

(11-15-80, Ord. No 17-05, 4-22-17, Ord. No. 19-13, 12-14-2019)

§ 62-9. Daily Reports.

A. 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 shall file such report by noon of the following day with the chief of police or designated agent. 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 other things pledged or sold. Daily reports shall be filed electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by the chief of police.

B. Any person, firm, or corporation violating any of the provisions of this section is guilty of a Class 4 misdemeanor.

(11-15-80, Ord. No 17-05, 4-22-17)

§ 62-10. Officer May Examine Records or Property; Warrantless Search and Seizure Authorized.

Every pawnbroker and every employee of the pawnbroker or secondhand dealer shall admit to the pawnbroker's or secondhand dealer's place of business during regular business hours, any duly authorized law-enforcement officer of the jurisdiction where the business is being conducted, or any law-enforcement official of the state or federal government. The pawnbroker or secondhand dealer or employee shall permit the officer to (i) 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 (ii) search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen. However, the officer shall not take possession of any article without providing to the pawnbroker or secondhand dealer a receipt.

(11-15-80, Ord. No 17-05, 4-22-17)

§ 62-11. 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 (i) so long as it continues in pawn or in the possession of the pawnbroker while in pawn or (ii) in an effort to obtain a serial number or other information for identification purposes.

(11-15-80, Ord. No 17-05, 4-22-17)

§ 62-12. 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 or secondhand dealer's possession and protect the property from damage or misuse.

B. Nothing in this chapter shall be construed to mean that pawnbrokers are insurers of pawned property in their possession.

C. 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.

(11-15-80, Ord. No 17-05, 4-22-17)

§ 62-13. Purchase from Minors.

It shall be unlawful for any pawnbroker to take in pawn, buy, or exchange any article of any kind from a person under eighteen (18) years of age.

(Ord. No. 19-13, 12-14-2019)

§ 62-14. Limitation on the Number of Pawnshops.

No more than four (4) pawnshops shall be permitted to operate within Arlington County at one time. Licenses shall not be transferable to other persons.

(Ord. No. 19-13, 12-14-2019)

§ 62-15. Penalties.

Except as otherwise provided in §62-3, any licensed pawnbroker who violates any of the provisions of Article II of this chapter shall be guilty of a Class 4 misdemeanor. In addition, the court may revoke or suspend the pawnbroker's license for second and subsequent offenses. Additionally, any violation of the provisions of this Article shall constitute a violation of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

(11-15-80, Ord. No 17-05, 4-22-17)

ARTICLE III.

DEALERS IN PRECIOUS METALS AND GEMS

§ 62-16. Authority.

This article is adopted pursuant to the authority of Chapter 41, Title 54.1, § 54.1-4111, of the Code of Virginia, 1950, as amended.

(11-15-80, Ord. No 17-05, 4-22-17)

§ 62-17. Definitions.

For the purposes of this chapter, unless the context requires 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, firm, partnership, or corporation engaged in the business of (i) purchasing secondhand precious metals or gems; (ii) removing in any manner precious metals or gems from manufactured articles not then owned by the person, firm, partnership, or corporation; or (iii) buying, acquiring, or selling precious metals or gems removed from manufactured articles. "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, or wholesalers for retail or wholesale inventories, provided that the selling dealer has complied with the provisions of this chapter.
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, dealers, or by mail originating outside the Commonwealth.
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 by-product.

"Gems" 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.

(11-15-80, No 17-05, 4-22-17)

§ 62-18. Records to be Kept; Copy Furnished to Chief of Police.

A. Every dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems. The record of each purchase shall be retained by the dealer for at least 24 months and shall set forth the following:

1. A complete description and a clear, legible digital image 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, work place, 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;
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; No identification card, presented to a dealer shall be considered valid if presented after its date of expiration.
5. A statement of ownership from the seller; and
6. A clear, legible, digital image of the form of identification used by the person involved in the transaction. A new copy of this image shall be taken each time a new transaction is conducted. At no time shall an image of an identification presented on a prior occasion be used to conduct a new transaction.

A digital image of the form of identification used by the person involved in the transaction, unless the form of identification used is a United States military issued identification or other form of identification included under 18 U.S.C. § 701, in which case the person involved in the transaction shall be required to present an alternate government-issued identification card bearing a photograph of such person or the dealer shall be required to take a photograph of the person involved in the transaction.

B. Every dealer shall prepare a daily report of all precious metals and gems sold to him that day and shall file such report by noon of the following day with the Chief of Police or designated agent. The report shall include the 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 seller; and a complete description and a clear, legible digital image of all precious metals or gems purchased from each seller. Daily reports shall be filed electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by the Chief of Police.

(11-15-80, No 17-05, 4-22-17; Ord. No. 19-13, 12-14-2019)

§ 62-19. Officers May Examine Records or Property; Warrantless Search and Seizure Authorized.

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

(11-15-80, No 17-05, 4-22-17)

§ 62-20. Credentials and Statement of Ownership Required from Seller.

No dealer shall purchase precious metals or gems without first (i) ascertaining the identity of the seller 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, and (ii) obtaining a statement of ownership from the seller.

(Ord. No 17-05, 4-22-17)

§ 62-21. Prohibited Purchases.

A. No dealer shall purchase precious metals or gems from any seller who is under the age of eighteen.

B. No dealer shall purchase precious metals or gems from any seller who the dealer believes or has reason to believe is not the owner of such items, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale.

(Ord. No 17-05, 4-22-17)

§ 62-22. Dealer to Retain Purchases.

A. The 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 or designated agent. 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 Arlington County.

B. If a dealer performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of 15 calendar days after receiving such article and precious metals or gems.

(Ord. No 17-05, 4-22-17)

§ 62-23. Record of Disposition.

Each dealer shall maintain for at least twenty-four 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 § 62-20. This record shall also show the name and address of the seller from whom the dealer purchased the item.

(Ord. No 17-05, 4-22-17)

§ 62-24. Bond or Letter of Credit Required of Dealers When Permit Obtained.

A. Every dealer shall secure a permit as required by § 62-24, and each dealer at the time of obtaining such permit shall enter into a recognizance to the Commonwealth secured by a corporate surety authorized to do business in this Commonwealth, in the penal sum of \$10,000, 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 Arlington County for \$10,000.

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.

(Ord. No 17-05, 4-22-17)

§ 62-25. Private Action on Bond or Letter of Credit.

Any person aggrieved by the misconduct of any dealer which violated the provisions of this chapter 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.

(Ord. No 17-05, 4-22-17)

§ 62-26. Permit Required; Method of Obtaining Permit; No Convictions of Certain Crimes; Approval of Weighing Devices; Renewal; Permanent Location Required.

A. No person shall engage in the activities of a dealer as defined in § 62-15 without first obtaining a permit from the chief of police or designee.

B. To obtain a permit, the dealer shall file an application form with the chief of police or designee which includes the dealer's full name, any aliases, address, age, date of birth, sex, and fingerprints; 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 a \$200 application fee, the dealer shall be issued a permit by the chief of police or designee, provided that the applicant has not been convicted of a felony or crime of moral turpitude within seven years prior to the date of application. The permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to the provisions of this chapter. The County Police Department may forward fingerprints through the Central Criminal Record Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history information regarding such applicant, in accordance with Code of Virginia § 15.2-1503.1.

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

D. This permit shall be valid for one year from the date issued and may be renewed in the same manner as such permit was initially obtained with an annual permit fee of \$200. No permit shall be transferable.

E. 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 or designee 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.

F. The chief of police may waive the permit fee for retail merchants that are not required to be licensed as pawnbrokers provided the retail merchant has a permanent place of business and purchases of precious metals and gems do not exceed five percent of the retail merchant's annual business.

(Ord. No 17-05, 4-22-17; Ord. No 19-13, 12-16-2019)

§ 62-27. Penalties; First and Subsequent Offenses.

A. Any person convicted of violating any of the provisions of Article II 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 Article II of this chapter, the chief of police may revoke the dealer's permit for one full year from the date the conviction becomes final. Such revocation shall be mandatory for two full years from the date the conviction becomes final upon a second conviction.

(Ord. No 17-05, 4-22-17)

ARTICLE IV.

DEALERS IN FIREARMS

§ 62-28. Definitions.

For the purpose of this chapter, unless the context requires a different meaning:

"Dealer in firearms" means (i) any person, firm, partnership, or corporation engaged in the business of selling, trading or transferring firearms at wholesale or retail; (ii) any person, firm, partnership, or corporation engaged in the business of making or fitting special barrels, stocks, or trigger mechanisms to firearms; or (iii) any person, firm, partnership, or corporation that is a pawnbroker.

"Engaged in business" means as applied to a dealer in firearms a person, firm, partnership, or corporation that devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through repetitive purchase or resale of firearms, but such term shall not involve a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.

"Firearms show" means any gathering or exhibition, open to the public, not occurring on the permanent premises of a dealer in firearms, conducted principally for the purposes of exchanging, selling or trading firearms as defined in Virginia Code § 18.2-308.2:2.

(Ord. No 17-05, 4-22-17)

§ 62-29. Inspection of Records.

A. Every dealer in firearms shall keep at his place of business, for not less than a period of two years, the original consent form required to be completed by Virginia Code § 18.2308.2:2 for each firearm sale.

B. Every dealer in firearms shall admit to his place of business during regular business hours any law-enforcement officer of the County or Commonwealth, and shall permit such law-enforcement officer, in the course of a bona fide criminal investigation, to examine and copy those federal and state records related to the acquisition or disposition of a particular firearm required by this section. This section shall not be construed to authorize the seizure of any records.

(Ord. No 17-05, 4-22-17)

§ 62-30. Notification of Firearms Show; Records; Penalty.

A. No promoter of a firearms show in the County shall hold such show without giving notice at least 30 days prior to the show to the State Police and the Chief of the County Police Department. The notice shall be given on a form provided by the State Police. A separate notice shall be required for each firearms show.

B. "Promoter" means every person, firm, corporation, club, association, or organization holding a firearms show in the County. The Promoter shall maintain, for the duration of the show, a list of all vendors or exhibitors in the show for immediate inspection by any County or any other law-enforcement authorities, and within five days after the conclusion of the show, by mail, by hand, by email, or by fax, transmit a copy of the complete vendor or exhibitor list to the law-enforcement authorities to which the 30-day prior notice was required. The vendor or exhibitor list shall contain the full name and residence address and the business name and address, if any, of the vendors or exhibitors.

C. A willful violation of this section shall be a Class 3 misdemeanor.

(Ord. No 17-05, 4-22-17)

§ 62-31. Firearm Transactions by Persons Other Than Dealers; Voluntary Background Checks.

A. The Department of State Police shall be available at every firearms show held in the County to make determinations in accordance with the procedures set out in Virginia Code § 18.2-308.2:2 of whether a prospective purchaser or transferee is prohibited under state or federal law from possessing a firearm.

B. The Promoter, as defined in §62-28(B) shall comply with all provisions of Virginia Code 54.1-4201.2.

(Ord. No 17-05, 4-22-17)

§62-32. Penalties.

Any person convicted of a first offense for willfully violating the provisions of this chapter shall be guilty of a Class 2 misdemeanor. Any person convicted of a second or subsequent offense under the provisions of this chapter shall be guilty of a Class 1 misdemeanor.

(Ord. No 17-05, 4-22-17)

ARTICLE V.

INTINERANT MERCHANTS

§62-33. Records to be Kept; Officer May Examine Records.

A. Every itinerant merchant shall keep an accurate and legible record of his acquisition of new merchandise. The records of such acquisition shall be retained by the itinerant merchant for at least twelve months from the display, sale or offer for sale of new merchandise and shall set forth the following:

1. A complete description of the new merchandise, including but not limited to product name and quantity of the new merchandise;
2. The time, date, and place of the acquisition of the new merchandise;
3. The amount of money paid for the new merchandise; and
4. Evidence of the legitimate purchase of the new merchandise, including but not limited to a receipt or bill of lading.

B. An itinerant merchant shall permit any County, state or federal law-enforcement officer to examine the records required pursuant to §62-31(A) and to inspect any article listed in the record.

(Ord. No 17-05, 4-22-17)

§62-34. Prohibited Sale of Certain Merchandise.

No itinerant merchant shall offer for sale or knowingly permit the sale of any infant formula, baby formula or nonprescription drugs. This section shall not apply to any person who maintains for public inspection a valid authorization identifying such person as an authorized representative of the manufacturer or distributor of the

prohibited merchandise. Any person convicted of violating this section shall be guilty of a Class 3 misdemeanor on the first offense. Upon conviction of any subsequent offense he shall be guilty of a Class 2 misdemeanor.

(Ord. No 17-05, 4-22-17)

§62-35. Penalty.

Except as otherwise provided in §62-32, any licensed itinerant merchant who violates any provision of this chapter shall be guilty of a Class 4 misdemeanor.

(Ord. No 17-05, 4-22-17)

ARTICLE VI.

SECONDHAND DEALERS

§62-36. License Required.

A. Except as required in §62-43 regarding permits for secondhand dealers exclusively engaged in the purchase, sale or barter of building fixtures, no natural person shall engage in the business of a secondhand dealer without having a valid license authorized by the Arlington County Police Department, issued to the primary applicant of the business

B. Except as required in §62-43 regarding permits for secondhand dealers exclusively engaged in the purchase, sale or barter of building fixtures, upon filing a completed application, the primary applicant for a secondhand dealers' license shall pay an application fee of two hundred dollars (\$200.00). The applicant shall be issued a license by the County Police Department, provided that the applicant has not been convicted of a felony or a crime of moral turpitude within ten (10) years prior to the date of application. 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. Prior to the issuance of the license, the primary applicant shall complete an application on a form provided by the police department, which shall require the primary applicant to furnish his full name, aliases, address, date of birth, driver's license number, sex, fingerprints and photograph; and the proposed location of the applicant's place of business. The primary applicant shall also provide the full name, aliases, date of birth, driver's license number, and sex of all other employees at the business who will be engaged as a secondhand dealer. The County Police Department may forward fingerprints of the primary applicant through the Central Criminal Record Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history information regarding such applicant, in accordance with Code of Virginia § 15.2-1503.1. The application shall state thereon that "it is unlawful for any person to make a false statement on this application and discovery of a false statement shall constituted grounds for denial of any application, revocation of any license, or revocation of any permit."

1. The license shall be valid for twelve (12) months from the date issued, and may be renewed in the same manner as the initial license was obtained, with an annual license fee of two hundred dollars (\$200.00). No license shall be transferable.
2. The license shall designate the building in which the licensee shall carry on business. No person shall engage in the business of a secondhand dealer in any location other than the one designated in his or her license.

3. 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.

(Ord. No 17-05, 4-22-17; Ord. No 19-13, 12-14-2019)

§ 62-37. Watches.

- A. A watch shall be deemed to be secondhand if:
 1. As a whole or the case thereof or the movement shall have been previously sold to or acquired by any person who bought or acquired the same for his use or the use of another, but not for resale; or
 2. Its case serial numbers or movement numbers or other distinguishing numbers or identification marks shall be erased, defaced, removed, altered or covered.
- B. Any person, firm, partnership, association or corporation engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell or exchange, or offer for sale or exchange, expose for sale or exchange, possess with the intent to sell or exchange, or display with the intent to sell or exchange any secondhand watch, shall affix and keep affixed to the same a tag with the words "secondhand" clearly and legibly written or printed thereon, and the tag shall be so placed that the words "secondhand" shall be in plain sight at all times.
- C. Any person, firm, partnership, association or corporation engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell a secondhand watch or in any other way pass title thereto shall deliver to the vendee a written invoice bearing the words "secondhand watch" in bold letters, larger than any of the other written matter upon such invoice. Such invoice shall further set forth the name and address of the vendor, the name and address of the vendee, the date of the sale, the name of the watch or its maker, and the serial numbers (if any), and any other distinguishing numbers or identification marks upon its case and movements. If the serial numbers or other distinguishing numbers or identification marks shall have been erased, defaced, removed, altered or covered, such invoice shall so state. The vendor shall keep on file a duplicate of such invoice for at least five years from the date of the sale thereof, which shall be open to inspection during all business hours by County law-enforcement officers.
- D. Any person, firm, partnership, association or corporation, or any agent or servant thereof, who advertises or displays in any manner a secondhand watch for sale or exchange shall state clearly in such advertisement or display that the watch is a secondhand watch.
- E. The provisions of §62-35 and §this article shall not apply to pawnbrokers' auction sales of unredeemed pledges when public notice of the fact that watches are rebuilt or are secondhand is given prior to the sale.

(Ord. No 17-05, 4-22-17)

§ 62-38. Penalties.

Any person, firm, partnership, association or corporation, or any agent or servant thereof, who violates any of the provisions of §62-35 shall be guilty of a misdemeanor and shall be punished by a fine not to exceed the sum of \$500 or by imprisonment not to exceed ninety days, or both.

(Ord. No 17-05, 4-22-17)

§ 62-39. Records of Transactions; Identification of Person Selling Goods; Penalty.

- A. Every secondhand dealer shall keep at his place of business an accurate and legible record of each transaction in the course of his business. The information shall be recorded at the time of the transaction on a form approved by the Chief of Police and shall include:
1. A description, serial number, and a statement of ownership of the goods, article, or thing purchased for resale; A clear, legible, digital image of the item(s) being sold if they lack a serial number.
 2. The time, date, and place of the transaction;
 3. The full name, residence address, telephone number, and driver's license number or other form of identification of the person selling the goods, article, or thing, 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.

Every dealer shall prepare a daily report of all secondhand goods sold to him that day and shall file such report by noon of the following day with the Chief of Police or designated agent. The report shall include the 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 seller; and a complete description and a clear, legible digital image of the item sold if they lack a serial number. Daily reports of transactions shall be filed electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by the Chief of Police.

- B. Verification of the identification by the exhibition of a government-issued identification card bearing a photograph of the person 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; No identification card presented to a secondhand dealer shall be considered valid if presented after its date of expiration.

A clear, legible, digital image of the form of identification used by the person involved in the transaction; A new copy of this image shall be taken each time a new transaction is conducted. At no time shall an image of an identification presented on a prior occasion be used to conduct a new transaction.

A digital image of the form of identification used by the person involved in the transaction, unless the form of identification used is a United States military issued identification or other form of identification included under 18 U.S.C. § 701, in which case the person involved in the transaction shall be required to present an alternate government-issued identification card bearing a photograph of such person or the dealer shall be required to take a photograph of the person involved in the transaction.

- C. Any person, firm, or corporation violating any of the provisions of this section is guilty of a Class 4 misdemeanor.

(Ord. No 19-13, 12-14-2019)

§ 62-40. Officers May Examine Records or Property; Warrantless Search and Seizure Authorized.

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

(Ord. No 19-13, 12-14-2019)

§ 62-41. Sale of Secondhand Articles.

Every secondhand dealer dealing in secondhand articles shall retain in his possession, at the location specified in his business license, and open to the inspection of the Chief of Police or any designated member of the Arlington County Police Department, all such articles so purchased or acquired by such person for at least fifteen (15) days before disposing of same, unless otherwise authorized by the Chief of Police or his designee.

(Ord. No 19-13, 12-14-2019)

§ 62-42. Purchase from Minors.

It shall be unlawful for any secondhand dealer to take buy or exchange any article of any kind from a person under eighteen (18) years of age.

(Ord. No 19-13, 12-14-2019)

§ 62-43. Building Fixtures Dealers Permit Required.

A. Except as otherwise provided in this chapter, no person shall offer for sale or acquire any secondhand heating or plumbing fixtures or supplies, electric fixtures or any wiring, gas fixtures or appliances, water faucets, pipes, locks, bathtubs, gutters, downspouts, or other secondhand fixtures of whatever kind or description pertaining to a building or structure, without first obtaining a permit for the sale or acquisition of the same from the sheriff of the county in which such property is offered for sale or acquisition.

B. The sheriff may issue, to persons regularly engaged in the business of collecting secondhand building materials for resale, a semiannual or annual permit covering all sales and acquisitions made by such persons. The sheriff may refuse to issue a permit, and may revoke any permit issued, to any person convicted of a felony or crime of moral turpitude within the three years prior to the request for the permit. The applicant shall file with the sheriff, or his designee, an application form that shall include the applicant's full name, address, age, sex, and fingerprints; the name, address, and telephone number of the applicant's employer, if any; and the location of the applicant's place of business. A permit shall be valid for one year from the date of issuance and may be renewed in the same manner as such permit was initially obtained. A fee of not more than \$50 may be charged annually for the issuance of the permit.

(Ord. No 17-05, 4-22-17)

§ 62-44. Who Deemed a Building Fixture Dealer; Requirement to Show Permit

A. Every person who is regularly engaged in the purchasing or acquiring of secondhand building material of the kind mentioned in §62-37(A) for the purpose of resale or installation on the property of another shall be deemed a dealer within the meaning of the provisions of this article.

B. Every dealer making a sale or purchase of a secondhand building fixture pursuant to the provisions of §62-37, shall first display the permit required by §65-37(A) and also display positive photo identification to the purchaser or seller of such fixture.

(Ord. No 17-05, 4-22-17)

§62-45. Building Fixture Dealers Recordkeeping Requirements

A. At the time of purchasing, collecting, receiving, or acquiring a secondhand building fixture, the dealer shall be required to provide:

1. The date and time of the secondhand building fixture's acquisition; and
2. The address from which the property was acquired and, if available, a driver's license or other form of government identification to include the name and date of birth of the person from whom the material was collected.

B. Every dealer shall keep at his place of business a permanently bound book or ledger in which shall be legibly written with ink in English at the time of each transaction in the course of the dealer's transaction involving a secondhand building fixture that is collected, received, acquired, or purchased by the dealer. Such account shall set forth:

1. A complete and accurate description of the secondhand building fixture that is the subject of the transaction;
2. All information prescribed in subsection A regarding location and, if available, the name and date of birth of the person with whom the dealer conducts the transaction;
3. The license number of the automobile or other vehicle in which the secondhand building fixture was delivered or received; and
4. The number of the permit issued pursuant to §62-37 by the sheriff.

D. Records required by subsection B shall be maintained by the dealer at its normal place of business or at another readily accessible and secure location for a period of 24 months.

(Ord. No 17-05, 4-22-17)

§62-46. Building Fixtures Dealers Reports to Sheriff Required.

A. Every junk dealer selling or acquiring secondhand building materials of the kind mentioned in §62-37(A) including persons regularly engaged in the business of collecting or acquiring secondhand building materials for the purpose of resale to a scrap metal purchaser, shall deliver:

1. A legible and accurate description of every secondhand building fixture purchased, acquired, or received by him during the next preceding business day;
2. The date and time of the secondhand building fixture's acquisition;
3. If the person is a dealer, the number of his permit issued pursuant to §62-37;
4. The license number of any automobile or other vehicle in which the secondhand building fixture was collected or received;
5. If available, the name and date of birth of the person with whom the dealer conducted the transaction; and
6. If the person is a dealer, a reference to the volume and number of the page where the original entry required by §62-39(A) is made.

B. Such information required in §62-39(A) shall be provided not later than midday of the Saturday following the purchase or receipt of such goods, but the sheriff shall not be required to prepare or furnish blank forms for such reports for use in the County, and the dealer may submit any report which fairly conforms to the requirements for such information.

(Ord. No 17-05, 4-22-17)

§62-47. Building Fixtures Dealers Books and Place of Business Inspection.

The books required by this article to be kept, and the places of business of all persons engaged in the acquiring, selling, receiving, or purchasing of the articles mentioned in Virginia Code § 59.1-117, shall at all reasonable times be open to the inspection of any police officer, sheriff, or deputy of the County.

(Ord. No 17-05, 4-22-17)

§62-48. Exemptions to Building Fixtures Dealer Requirements.

- A. The provisions of this article pertaining to Building Fixtures Dealers shall not apply to:
1. The sale of secondhand material mentioned in Virginia Code § 59.1-117 taken from premises occupied by the owner, when sold by such owner on the premises, or the sale of such articles when purchased from a public utility corporation at its place of business or a governmental agency;
 2. Scrap metal purchasers as provided in Article 4 (§ 59.1-136.1 et seq.);
 3. Authorized scrap sellers;
 4. Public utilities;
 5. Public transportation companies;
 6. Peddlers permitted under Virginia Code §59.1-118;
 7. Industrial and manufacturing companies;
 8. Marine, automobile, and aircraft salvage and wrecking companies;
 9. Governmental entities; or
 10. The donation of secondhand material mentioned in Virginia Code §59.1-117 by the material's owner or the owner's contractor or subcontractor to a nonprofit corporation as defined in § 501(c)(3) of the U.S. Internal Revenue Code or the sale of such donated material by such a nonprofit corporation.

(Ord. No 17-05, 4-22-17)

§62-49. Building Fixture Dealer Penalties.

Any person who violates this article shall be guilty of a Class 3 misdemeanor. A person convicted of a second or subsequent offense under this article is guilty of a Class 1 misdemeanor.

(Ord. No 17-05, 4-22-17)

§62-50. Scrap Metal Purchasers

A. Except as provided in Virginia Code §59.1-136.4, scrap metal processors may purchase ferrous scrap directly from any person.

B. Except as provided in Virginia Code §59.1-136.4, scrap metal purchasers may purchase nonferrous scrap, metal articles, and proprietary articles from any person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller only in accordance with the following requirements and procedures:

1. At the time of sale, the seller of any nonferrous scrap, metal article, or proprietary article shall provide a driver's license or other government-issued current photographic identification including the seller's full name, current address, date of birth, and social security or other recognized identification number; and
2. The scrap metal purchaser shall record the seller's identification information, as well as the time and date of the transaction, the license number of the seller's vehicle, and a description of the items received from the seller, in a permanent ledger maintained at the scrap metal purchaser's place of business. The ledger shall be made available upon request to any law enforcement official, conservator of the peace, or special conservator of the peace appointed pursuant to Virginia Code §19.2-13, in the performance of his duties who presents his credentials at the scrap metal purchaser's normal business location during regular business hours. Records required by this subdivision shall be maintained by the scrap metal dealer at its normal place of business or at another readily accessible and secure location for at least five years.

C. Upon compliance with the other requirements of §62-44, a scrap metal purchaser may purchase proprietary articles from a person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller if the scrap metal purchaser complies with one of the following:

1. The scrap metal purchaser receives from the person seeking to sell the proprietary articles documentation, such as a bill of sale, receipt, letter of authorization, or similar evidence, establishing that the person lawfully possesses the proprietary articles to be sold; or
2. The scrap metal purchaser shall document a diligent inquiry into whether the person selling or delivering the same has a legal right to do so, and, after purchasing a proprietary article from a person without obtaining the documentation described in subdivision 1, shall submit a report to the local sheriff's department or the chief of police of the locality, by the close of the following business day, describing the proprietary article and including a copy of the seller's identifying information, and hold the proprietary article for not less than 15 days following purchase.

D. The scrap metal purchaser shall take a photographic or video image of all proprietary articles purchased from anyone other than an authorized scrap seller. Such image shall be of sufficient quality so as to reasonably identify the subject of the image and shall be maintained by the scrap metal purchaser no less than 30 days from the date the image is taken. Any image taken and maintained in accordance with this subdivision shall be made available upon the request of any law-enforcement officer conducting official law-enforcement business.

E. The scrap metal purchaser may purchase nonferrous scrap, metal articles, and proprietary articles directly from an authorized scrap seller and from the authorized agent or employee of an authorized scrap seller.

F. Scrap metal processors shall not purchase ferrous scrap, nonferrous scrap, metal articles, proprietary articles, or other scrap metal from any person under the age of 18 years.

(Ord. No 17-05, 4-22-17)

§62-51. Scrap Metal Purchaser Reports of Purchases.

If requested by the County Police Department, scrap metal purchaser conducting business in the County shall produce a report of all their purchases of nonferrous scrap, metal articles, and proprietary articles, excluding aluminum cans and interior household items. Each report shall (i) be submitted on the next business day following the date of a purchase; (ii) include the seller's name, date of birth, identification number, address, height, and weight and the license number of any motor vehicle in which the goods or things were delivered; and (iii) be submitted in an electronic format if required by the Police Department. The form of the report shall be prescribed by the Virginia State Police.

(Ord. No 17-05, 4-22-17)

§62-52. Scrap Metal Purchaser Penalties.

A. Any scrap metal purchaser who negligently violates any provisions of this article may be assessed a civil penalty not to exceed \$7,500 for each violation. The County Attorney may bring a civil action to recover such a civil penalty for any alleged violation of § 62-44 and §62-45, the civil penalty shall be paid into the local treasury.

B. Any scrap metal purchaser who knowingly violates any provisions of this article is guilty of a Class 1 misdemeanor.

(Ord. No 17-05, 4-22-17)

§62-53. Scrap Metal Dealer Exemptions.

Nothing in this article shall apply to the purchase, sale or disposal of any material that is used in the provision of health care by any professional who is licensed, certified or registered to practice by a board within the Department of Health Professions under Virginia Code Title 54.1.

(Ord. No 17-05, 4-22-17)

§ 62-54. Severability.

Should any clause, sentence, paragraph or part of this chapter or the application thereof to any person or circumstance be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter or the application of such provisions to other provisions or circumstances, but shall be confined in its application to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered and the person or circumstances involved.

(Ord. No 17-05, 4-22-17)