

**Chapter 33 – Pawnbrokers and Precious Metals and Gems
Dealers**

**CODE
County of
FAIRFAX, VIRGINIA**

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Preliminaries

**THE CODE
OF THE
COUNTY OF FAIRFAX
VIRGINIA
1976**

THE GENERAL ORDINANCES OF THE COUNTY

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BOARD OF SUPERVISORS**

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ARTICLE 1. Precious Metals and Gems Dealers.

Section 33-1-1. Definitions.

(a) *Dealer*: Any person, firm, partnership or corporation engaged at any location in the County of Fairfax in the business of purchasing precious metals or gems or making loans for which precious metals or gems are received and held as security; provided, however, that retail merchants permanently located within the County shall be exempted insofar as they make purchases directly from manufacturers or wholesalers of precious metals or gems for their inventories. This definition includes merchants whose business is itinerant in nature as well as those whose business is permanently located in the County. As used herein, "dealer" includes employers and principals on whose behalf the purchase or loan was made and all employees and agents who personally make such purchases and loans. When any act for a permit is required of a corporation, it shall be performed by its president.

(b) *Precious metals*: Except for coins, any item containing as part of its composition in any degree gold, silver or platinum.

(c) *Gems*: Any item containing or having a gemstone, such as is customarily used in jewelry or ornamentation.

(d) *Wholesaler*: Any person, firm, partnership or corporation whose business regularly includes the sale of precious metals or gems to dealers for inventory or who has a valid wholesale sales license from any state.

(e) *Coin*: Pieces of gold, silver or other metal fashioned into a prescribed shape, weight and degree of fineness, and stamped, by authority of government, with certain marks and devices, and put into circulation as money at a fixed value.

(f) *Employee*: A person working for a dealer who is authorized to approve or consummate transactions or actively participate in transactions involving precious metals or gems as defined herein.

(g) *Director*: The Director of the Department of Consumer Affairs of Fairfax County, Virginia.

(h) *Chief of Police*: The Chief of Police of Fairfax County, Virginia.

(4-81-33; 44-81-33.)

Section 33-1-2. Permit required.

No dealer shall purchase precious metals or gems or make loans for which precious metals or gems are received and held as security without first obtaining a permit from the Director as provided herein and without complying with all other provision of this Ordinance. Possession of a permit issued in another locality shall not relieve a dealer of the obligation to obtain a permit from the Director.

(4-81-33; 44-81-33.)

Section 33-1-3. Method of obtaining permit.

The permit required herein shall be issued by the Director or his designee upon payment of a twenty-five dollar (\$25.00) application fee and satisfaction of the requirements herein. The applicant shall be given a permit if he satisfies the Director of his good character and he has not been convicted within the past seven (7) years of a crime of moral turpitude. Information required on the application shall include the applicant's full name, aliases, address, age, sex, fingerprints, and photograph, and the name, address and telephone number of the applicant's employer, if any, and the location of the place of business of the dealer. No permit shall be valid for more than one (1) year from the date of issuance but may be renewed in the same manner as the initial

permit is obtained. If the dealer does not operate continuously (Saturdays, Sundays and recognized holidays excepted) from the date of obtaining his permit, then he shall notify the Director of any closing and renewing of business. A dealer may conduct the licensed business only from the fixed permanent location as specified in the application for the license, which shall be other than a motel or hotel room generally used by transients. (4-81-33; 44-81-33.)

Section 33-1-4. Permit non-transferable and to be displayed.

The permit issued hereunder shall be a personal privilege and shall not be transferable, nor shall there be any abatement of the fee for such permit by reason of the fact that the dealer shall have exercised the privilege for any period of time less than that for which it was granted. The permit shall at all times be displayed prominently by the dealer on his business premises. (4-81-33.)

Section 33-1-5. False statements.

Any false statement made on the application form voids the permit *ab initio*. (4-81-33.)

Section 33-1-6. Information from sellers.

Dealers shall ascertain the name, address and age of sellers of precious metals or gems and shall require the seller to verify same by some form of identification issued by a governmental agency, which identification must show as a part of it the picture of the person so identified; provided, however, if the seller does not have identification which includes a picture of the seller, two (2) other forms of identification may be used by the seller such as a driver's license from a jurisdiction that does not contain a photograph or some other similar identification issued by a governmental authority provided the dealer takes a photograph of the seller and retains such photograph during the fifteen-day holding period. (4-81-33.)

Section 33-1-7. Records, copies of bills of sales required.

Every dealer shall maintain adequate records containing the following information which shall appear on bills of sale, the form of which shall be prescribed by the Chief of Police, one (1) copy of which is to be retained by the dealer, one (1) copy to be delivered during regular County work hours to the Chief of Police at his office at the County Complex, or at a place or places designated by the Chief of Police, within twenty-four (24) hours of the sale, and one (1) copy to be delivered to the seller of such precious metals or gems. If the purchase or loan occurs during a weekend or holiday, then the delivery to the Chief of Police shall be made no later than 10:00 a.m. of the next regular work day. The required information is as follows:

- (1) The name of the dealer and his employer or principal if any;
- (2) A complete description of each item or set purchased by the dealer, said description to include all names, letters, numbers and identifying marks appearing on the item in question.
- (3) The name, address and age of the seller.

Such transaction records are submitted to the Chief of Police in confidence. The Chief of Police is directed to take appropriate measures to ensure the confidentiality of the information submitted pursuant to this section.

(4-81-33.)

Section 33-1-8. Prohibited purchases.

No dealer shall purchase or make a loan on precious metals or gems from any seller who is under the age of eighteen (18). No dealer shall purchase or make a loan on precious metals or gems from anyone whom the dealer believes or has reason to believe is not the owner of said precious metals or gems or is not lawfully acting for the owner of said precious metals or gems.

(4-81-33.)

Section 33-1-9. Dealer to retain purchases.

The dealer shall retain either within the County or any immediately adjacent county or city all precious metals or gems purchased or held as security for a minimum of fifteen (15) days from the time of filing the bill of sale of their purchase with the Chief of Police. During said period of time, no change of any nature shall be made to any item containing precious metals or gems. The fifteen-day retention period shall not apply to dealer-to-dealer sales where the precious metals or gems have already been retained and reported under this Ordinance.

(4-81-33.)

Section 33-1-10. Dealer's bond.

Prior to approving an application for a permit, the applicant shall enter a bond with either one (1) corporate or two (2) personal sureties known to the Director, said bond to be payable to the County in the penal sum of Five Thousand Dollars (\$5,000.00) and conditioned upon due observance of the terms of this Ordinance. In lieu of posting said bond, the dealer may post cash or a letter of credit from a recognized financial institution whose terms are satisfactory to the Director.

(4-81-33; 44-81-33.)

Section 33-1-11. Availability of bond proceeds.

Any person aggrieved by a dealer's violation of the provisions of this Ordinance and who recovers a final judgment against said dealer therefor may maintain an action in his own name upon the dealer's bond.

(4-81-33.)

Section 33-1-12. Search of premises of dealers.

Every dealer shall admit to his premises during the hours of business the Chief of Police of Fairfax County or his sworn designee to examine any transaction records, on the premises or in the possession of the dealer, required by this Ordinance and to search for any article listed in a transaction record that is in the 15 day hold status, known by the Chief of Police or his sworn designee to be missing; or known or believed by the Chief of Police or his sworn designee to be stolen, without the formality of search warrant or any other process.

(4-81-33.)

Section 33-1-13. Violation a misdemeanor.

Violation of any provisions of this Ordinance shall be a misdemeanor and, upon conviction therefor, shall be punished by fine of not more than One Thousand Dollars (\$1,000.00) or a jail term of not more than twelve (12) months or both.

(4-81-33.)

ARTICLE 2. Pawnbrokers.

Section 33-2-1. Definition of pawnbroker.

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 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.

(38-89-33.)

Section 33-2-2. Limitation of pawnbroker licenses.

Not more than twelve (12) places in the County of Fairfax shall be licensed where the business of a pawnbroker, including a pawnbroker's sales, may be conducted.

(38-89-33.)

Section 33-2-3. Issuance of pawnbroker licenses.

Upon authorization of the Circuit Court, the Director of the Department of Consumer Affairs shall issue a pawnbroker license upon payment of a Twenty-five Dollar (\$25.00) application fee and satisfaction of the requirements herein. The applicant shall be given a permit if he satisfied the Director of the Department of Consumer Affairs of his good character and he has not been convicted within the past seven (7) years of a felony or crime of moral turpitude, including, however not limited to, larceny, receiving stolen property, fraud and false pretenses. Information required on the application shall include the applicant's full name, aliases, address, age, sex, fingerprints, and photograph, and the name, address and telephone number of the applicant's employer, if any, and the location of the place of business of the applicant. No permit shall be valid for more than one (1) year from the date of issuance but may be renewed in the same manner as the initial permit is obtained. If the pawnbroker does not operate continuously (Saturdays, Sundays and recognized holidays excepted) from the date of obtaining his permit, then he shall notify the Director of the Department of Consumer Affairs of any closing and renewing of business. A pawnbroker may conduct the licensed business only from the fixed permanent location as specified in the application for the license, which shall be other than a motel or hotel room generally used by transients.

(38-89-33.)