

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-09-13

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 12th day of August, 2013:

Present:	Vote:
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
W. R. Davis, Jr.	Aye

Motion was made by Mr. Burrell, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE AMENDING CHAPTER 14, BUSINESSES,
BY ADDING ARTICLE III, PAWNSHOPS, SECTIONS 14-70 through 14-78**

WHEREAS, the Virginia State Code requires that a County issue a valid license to conduct a pawnbroker business; and

WHEREAS, Virginia State Code Section §54.1-4002 specifically provides that a County can reasonably limit the number of pawnshops operating at one time; and

WHEREAS, the Board finds that it is in the interest of the County and its citizens to allow pawnshops in New Kent County and to limit the number that are operating; and

WHEREAS, the Board has provided notice and held a public hearing pursuant to the Code of Virginia;

NOW, THEREFORE BE IT RESOLVED, on this 12th day of August, 2013, the New Kent County Board of Supervisors hereby amends Chapter 14, Businesses, Article III, Pawnshops, Secs. 14-70 through 14-78, as set forth below:

Sec. 14-70. - Definition.

A "pawnbroker" is 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 evidence 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.

Sec. 14-71. - Violation of article.

(a) Unless otherwise specifically provided, a violation of any provision of this article shall constitute a class 1 misdemeanor. Each day's violation shall constitute a separate offense.

(b) In addition to any penalty that may be imposed for a violation of this article, the judge of a court of competent jurisdiction may revoke or suspend the pawnbroker's license for second and subsequent offenses.

Sec. 14-72. - License required.

It shall be unlawful for any person to engage in the practice of being a pawnbroker as herein defined without first obtaining a license to do so from the Sheriff. Said license shall meet the provisions of section §54.1-4001 of the Code of Virginia (1950), as amended, including, but not limited to, the provision of the applicant's date of birth, designation as to the exact location that such business shall be conducted and information sufficient to the sheriff of the county to prove the good character of the applicant. Good character of the applicant shall include but not be limited to the following; fingerprinting and criminal history check and a valid county business license. Such license must be renewed yearly and is required of each person employed in the pawnbroker business.

Sec. 14-73. - Fee.

Upon submission of an application for a license pursuant to this article, a two hundred dollar (\$200.00) nonrefundable application fee shall accompany the application. For each renewal an additional fee of two hundred (\$200.00) is required.

Sec. 14-74. - Limitations on number of licenses to be issued.

a. Pursuant to the authority granted in Code of Virginia 54.1-4002, there shall be no more than two pawnshops locating within the county at one time.

b. The circuit court shall not authorize any license to any pawnbroker after the commissioner of the revenue of the county has filed with the court a statement that the number of licensed pawnshops within the county has reached the maximum number of pawnshops authorized to be operated therein unless the number has been reduced below the maximum prescribed.

Sec. 14-75. - Officers may examine records or property.

Every pawnbroker and every employee of the pawnbroker shall admit to the pawnbroker's place of business during regular business hours the chief law enforcement officer, his designee or deputy of the jurisdiction where the business is being conducted, or any law enforcement official of the state or federal government, and shall permit such officer to examine all records required by this article and any article listed in a record which is believed by the officer to be missing or stolen.

Sec. 14-76. - Daily reports.

Every pawnbroker may be required to prepare a daily report of all goods, articles or things pawned or pledged with him that day and file such report by noon of the following day with the law enforcement officer of the county designated by the commonwealth's attorney to receive it. The report, if required, shall follow the provisions of section §54.1-4010 of the Code of Virginia, as amended.

Sec. 14-77. - Records to be kept.

(a) Every pawnbroker shall be required to keep at his place of business an accurate and legible record, in English, of each loan or transaction in the course of his business. The account shall be recorded at the time of the loan or transaction 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;
- (2) The time, date and place of 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, 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 such as a driver's license or military identification card. The record shall contain the type of identification card exhibited, the issuing agency and the number thereon;

- (8) As to loans, the terms and conditions of the loan, including the period for which any such loan may be made; and
- (9) All other facts and circumstances respecting such loan or purchase
- (b) The superintendent of state police shall promulgate regulations specifying the nature of the particular description for the purposes of item number (6) above.
- (c) The superintendent of state police shall promulgate regulations specifying the nature of identifying credentials of the person pawning or pledging the goods. Such credentials shall be examined by the pawnbroker and an appropriate record retained thereof.

Sec. 14-78. - Duty to allow removal of stolen property.

Every pawnbroker shall allow, after obtaining a proper receipt, the removal of any merchandise suspected of being, or identified as, stolen property by any local, state or federal law enforcement officer.

BE IT FURTHER ORDAINED by the New Kent County Board of Supervisors that the current APPENDIX A - FEES be amended to add the following:

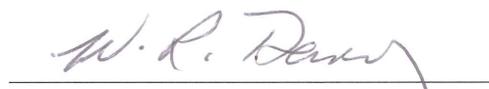
PAWN SHOPS

Item	Base Fee
Application for pawn shop permit	\$200.00
Renewal fee for pawn shop permit	200.00

This ordinance shall be effective upon its adoption.



 Rodney A. Hathaway
 County Administrator



 W. R. Davis, Jr.
 Chairman