

ALBEMARLE COUNTY CODE

CHAPTER 12

REGULATED ENTERPRISES

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ARTICLE I. FALSE ALARMS

Sec. 12-100 Purpose.

The board hereby finds that malfunctioning alarm systems, and the false alarms associated with them, constitute a hazard to public safety personnel and to the public in general. The regulation of alarm systems and false alarms is necessary to promote the health, safety and welfare of county citizens. False alerts of intrusions or robberies increase the county's public safety costs, divert public safety resources from other critical areas of work, and burden the Charlottesville-U.Va.-Albemarle Emergency Communications Center. In order to preserve the integrity and efficiency of the county's police and fire and rescue emergency services, those who utilize automatic alarm systems must be required to maintain those systems in good working order and to promptly repair any defects which may cause those systems to trigger false alarms.

(Ord. 11-12(2), adopted 8-3-11, effective 11-1-11)

Sec. 12-101 Definitions.

For the purposes of this article and, unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them by this section:

Alarm system means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which a police or fire and rescue response is expected.

Alarm system user means: (1) any person or entity owning or leasing an alarm system; or (2) any person or entity owning or leasing the premises on which such alarm system is maintained. An "alarm system user" shall not include the United States, the Commonwealth of Virginia, or their respective agencies or political subdivisions.

Automatic dialing device means any device, system or equipment that automatically transmits over telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation to which a police, fire, or emergency medical services response is expected.

Emergency communications center means the regional 911 center known as the Charlottesville-U.Va.-Albemarle Emergency Communications Center.

False alarm means an alarm that causes a police or fire and rescue response when there is no actual or threatened criminal activity, fire, or other emergency requiring an immediate police or fire and rescue response. False alarms shall include, but not be limited to: negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposefully activated to summon a police or fire and rescue response in nonemergency situations; and alarms for which the

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actual cause is not determined. False alarms shall not include any alarms caused by failure of the equipment at the emergency communications center, any alarms determined by the responding police or fire and rescue officer to have been triggered by criminal activity, or any alarms caused by a weather-related event. "Weather-related event" shall mean an event caused by weather conditions that results in either a) a disruption of electrical service to the building for four (4) consecutive hours or longer; or b) damage to the building that would activate the alarm.

(Ord. of 4-17-91; Code 1988, § 2.2-1; Ord. 98-A(1), 8-5-98; § 12-100; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 15-12(1), 1-7-15)

State law reference--Va. Code §15.2-911

Sec. 12-102 Registration of alarm systems designed to seek a police response.

A. *General Requirements.* Prior to installing, using or maintaining on any premises within the county an alarm system which is designed to seek a police response, an alarm system user shall register such alarm system by providing the following information, using forms provided by the county, to the chief of police or his designee:

1. The street address of the premises at which the alarm system is to be installed or used (the "premises"); the name, mailing address and telephone number of the owner and lessee, if any, of such premises; and the name and mailing address of an individual (alarm user or designee of the alarm user) to whom notices regarding the alarm system may be sent; and

2. The names, street addresses and telephone numbers of at least two (2) individuals who will have day-to-day responsibility for the premises and alarm system, who will be immediately available to be contacted in the event an alarm is activated, and who are authorized and able to deactivate the alarm system; and

3. A description of the specific type of alarm system, manufacturer's name, and the name and telephone number of the alarm company monitoring, responding to or maintaining the alarm system; and

4. If registering an alarm system that has been disconnected or disabled following a notice to disconnect or disabled issued pursuant to §12-103, documentation that the alarm system has been repaired or passed inspection by an individual or entity qualified to repair or inspect alarm systems.

B. *Changes in Alarm System Registration Information.* Whenever any registration information provided by an alarm system user pursuant to subsection A changes, the alarm system user shall provide correct, updated information to the chief of police or his designee within ten (10) business days of the change. When an individual or entity takes possession of premises equipped with an activated alarm system, the individual or entity must provide updated registration information within ten (10) business days of taking possession as required by subsection A.

C. *Failure to Register Alarm System.* Upon the first police response to an unregistered alarm system in response to a signal issued by the alarm system, the chief of police or his designee shall issue a written notice to the alarm system user that the alarm system must be registered. This notice shall be mailed to the physical address of the dwelling where the alarm system is located and to the address of the owner listed in the real estate tax assessment records of the County. If the physical address of the alarm system user is the same as the address of the owner listed in the real estate tax assessment records of the County, then only one notice shall be mailed. The alarm system user shall be assessed a service fee in the amount of \$150.00. The fee for the first offense may be waived if the alarm system user files an appeal pursuant to section 12-108, and presents satisfactory evidence that the alarm system has been registered. Upon the second or subsequent police response caused by an unregistered alarm system, the alarm system user shall be assessed a service fee in the amount of \$150.

D. Registration of an alarm system shall not create a contract, duty or obligation, either express or implied, for police to respond. Any and all liability and consequential damage resulting from the failure to respond to a notification from an alarm system is hereby disclaimed. By registering an alarm system, the alarm system user acknowledges that police responses may be based on factors such as the availability of responding units, staffing levels, priority of pending requests for services, weather conditions, traffic conditions and other emergency conditions.

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(Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 15-12(1), 1-7-15)

Sec. 12-103 Maintenance of alarm systems required; disconnection of alarm systems.

A. *Maintenance of alarm systems.* Alarm system users shall maintain their alarm systems in good working order. Because alarm systems that generate multiple false alarms within a short period of time may be malfunctioning, the chief of police or his designee and the fire and rescue chief or his designee shall have the discretion to suspend responses to an alarm system after the second false alarm generated within a twenty-four (24) hour period; such suspension shall last for the remainder of the twenty-four hour period.

B. *Disconnection of alarm systems.* An alarm system user shall disconnect or disable any alarm system upon a written determination and notice by the chief of police or his designee or by the fire and rescue chief or his designee that the installation, use, operation and/or maintenance of the alarm system would constitute an unreasonable burden on police or fire and rescue resources. Any alarm system which generates eight (8) or more false alarms within any four (4) day period shall be deemed an unreasonable burden on police or fire and rescue resources. An alarm system user required to disconnect or disable an alarm system shall be entitled to register a new or repaired alarm system at any time in accordance with §12-102.

(Ord. 11-12(2), adopted 8-3-11, effective 11-1-11)

Sec. 12-104 False alarms prohibited; service fees.

A. *Prohibition.* No alarm system user or other person shall send or activate a false alarm that causes a police or fire-and rescue response where there is no actual or threatened crime, fire, or other emergency requiring an immediate police or fire and rescue response. Violations of this section shall result in the assessment of service fees as provided below.

B. *Service fee amounts.* Alarm system users shall pay a service fee for false alarms within ninety (90) days of billing. The service fee shall be assessed for each false alarm during any twelve (12) month period as follows:

1. First false alarm: No charge.
2. Second false alarm: No charge.
3. Third false alarm: \$100.
4. Fourth false alarm: \$150
5. Fifth false alarm: \$200
6. Sixth and subsequent false alarms: \$300

C. *Service fee assessments.* The county shall cause alarm system users to be billed for false alarms in accordance with the above schedule of service fees. All fees shall be paid within ninety (90) days of billing. Failure to pay a service fee within ninety (90) days of billing shall result in the initiation of civil action, as necessary, for the recovery of the unpaid fee.

(Ord. of 4-17-91; Code 1988, § 2.2-4; Ord. 98-A(1), 8-5-98, § 12-101; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 15-12(1), 1-7-15)

State law reference--Va. Code § 15.2-911.

Sec. 12-105 Deliberate false alarms a criminal offense.

It shall be a class 1 misdemeanor for any person to knowingly and without just cause to activate an alarm system to summon a police or fire and rescue response where there is no actual or threatened criminal activity, fire, or other emergency that required an immediate police or fire and rescue response.

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(Ord. of 4-17-91; Code 1988, § 2.2-2; Ord. 98-A(1), 8-5-98, § 12-102; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11)

State law reference--Va. Code § 27-97; false alarms,§18.2-212, 18.2-461

Sec. 12-106 Automatic dialing devices prohibited; penalty.

No person or entity shall install, use, or maintain on any premises within the county any automatic dialing device which delivers, or causes to be delivered, any prerecorded voice message or coded signal to the emergency communications center or any department of the county. Violations of this section shall constitute a class 4 misdemeanor.

(Ord. 11-12(2), adopted 8-3-11, effective 11-1-11)

Sec. 12-107 Administration.

The chief of police, the fire and rescue chief, in coordination with the director of finance, shall have joint responsibility for administering this article under the supervision of the county executive.

(Ord. of 4-17-91; Code 1988, § 2.2-5; Ord. 98-A(1), 8-5-98, § 12-104; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11)

Sec. 12-108 Appeals.

A. *Appeals for Alarms Requiring a Police Response.* Any fee imposed by the police department pursuant to this article or notice to disconnect or disable an alarm system may be appealed in writing to the chief of police within thirty (30) days of the date of notice of such fee or decision. Upon receipt of such appeal, the chief of police or his designee may grant relief from the fee or notice or affirm the fee or notice. Should the fee or notice be affirmed, the alarm system user may appeal the decision of the chief of police or his designee to the county executive by filing a written appeal within thirty (30) days of the date of the decision. Upon receipt of such appeal, the county executive or his designee may grant relief from the fee or notice, or affirm the fee or notice. The decision of the county executive or his designee is final.

B. *Appeals for Alarms Requiring a Fire and Rescue Response.* Any fee imposed by the county department of fire and rescue pursuant to this article may be appealed in writing to the fire and rescue chief, using forms provided by the department, within thirty (30) days of the date of notice of such fee. Upon receipt of such appeal, the chief or his designee may grant relief from the fee, or affirm the fee. Should the fee be affirmed, the alarm system user may appeal the decision of the chief or his designee to the county executive by filing a written appeal within thirty (30) days of the date of the decision. Upon receipt of such appeal, the county executive or his designee may grant relief from the fee or affirm the fee. The decision of the county executive or his designee is final.

(Ord. of 4-17-91; Code 1988, § 2.2-6; Ord. 98-A(1), 8-5-98, § 12-105; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 15-12(1), 1-7-15)

ARTICLE II. AMUSEMENTS

DIVISION 1. DANCE HALLS

State law reference--authority to adopt article, see Va. Code §§ 18.2-432, 18.2-433.

Sec. 12-200 Dance hall defined.

For the purposes of this division, the term “dance hall” means any place open to the general public where dancing is permitted.

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(Code 1967, § 8-1; Code 1988, § 3-11; Ord. 98-A(1), 8-5-98)

State law reference--Authority to codify ordinance, Va. Code § 15.2-912.3

Sec. 12-201 Permits--Required; applications.

A. It shall be unlawful for any person to operate a dance hall in the county unless such person shall have first obtained a permit from the county.

B. Applications for such permits shall be filed with the zoning administrator. Such applications shall contain the following information:

1. name of the person owning the dance hall;
2. name of the person managing the dance hall;
3. the location of the dance hall;
4. a statement as to whether or not alcoholic beverages are to be served on the premises of such dance hall; and
5. certification from the building official and fire marshal that such dance hall is in conformity with applicable provisions of the Virginia Uniform Statewide Building Code and the Fire Prevention Code.

(4-21-76; Code 1988, § 3-12; Ord. 98-A(1), 8-5-98; Ord. 04-12(1), 7-7-04)

Sec. 12-202 Revocation of permit.

Permits issued by the county pursuant to the provisions of this division may be revoked by the zoning administrator for any violation by the permittee of the provisions of this division or for any false statement made on the application required by the preceding section. No such permit shall be revoked unless the permittee shall have received reasonable notice that he is entitled to a hearing before the zoning administrator prior to action on revocation. Such notice shall state the time and place such hearing is to be held.

(Code 1988, § 3-13; Ord. 98-A(1), 8-5-98; Ord. 04-12(1), 7-7-04)

Sec. 12-203 Attendance of persons under eighteen years of age.

It shall be unlawful for any person operating a dance hall to allow any person under the age of eighteen (18) years to enter or remain in such dance hall while dancing is being conducted therein, unless such person is accompanied by a parent or legal guardian or by a spouse, brother or sister over the age of eighteen (18) years, unless such person has the written consent of such parent, legal guardian or spouse.

(Code 1967, § 8-2; Code 1988, § 3-14; Ord. 98-A(1), 8-5-98)

Sec. 12-204 Exemptions.

A. The provisions of this division shall not apply to dances conducted for benevolent or charitable purposes, or when such dances are conducted under the auspices of religious, educational, civic or military organizations.

B. The provisions of this division shall not apply to dance halls in any town in which an ordinance adopted pursuant to the provisions of Virginia Code § 18.2-433 is in effect.

(Code 1988, § 3-15; Ord. 98-A(1), 8-5-98)

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Sec. 12-205 Violations; penalties.

Any person violating the provisions of this division shall be guilty of a class 3 misdemeanor.

(Code 1988, § 3-16; Ord. 98-A(1), 8-5-98)

Sec. 12-206 Relation of article to zoning ordinance.

In addition to the provisions of this article, dance halls shall be subject to all requirements of the county zoning ordinance.

(4-21-76; Code 1988, § 3-17; Ord. 98-A(1), 8-5-98)

DIVISION 2. BINGO AND RAFFLES

Sec. 12-207 Local ordinance adopted.

Pursuant to Virginia Code § 18.2-340.15 the Charitable Gaming Commission shall regulate bingo, instant bingo and raffles, except as otherwise provided in this division.

(Ord. No. 94-3(1), 12-7-94; Ord. No. 96-3(1), 8-7-96; Code 1988, § 3-20; Ord. 98-A(1), 8-5-98)

Sec. 12-208 Limitation on bingo operations.

The hours of bingo operation shall be limited to the hours between 6:00 p.m. and 11:00 p.m. except on Saturdays and Sundays when the hours of operation shall be limited to the hours between 1:00 p.m. and 11:00 p.m.

(Ord. No. 94-3(1), 12-7-94; Ord. No. 95-3(1), 4-5-95; Ord. 96-3(1), 8-7-96; Code 1988, § 3-28; Ord. 98-A(1), 8-5-98)

State law reference--Authority to adopt, Va. Code § 18.2-340.32

Sec. 12-209 Exemption

The provisions of this article shall not apply to bingo operations in any town in which an ordinance adopted pursuant to Virginia Code § 18.2-340.32 is in effect.

(Ord. 98-A(1), 8-5-98)

ARTICLE III. DEALERS IN PRECIOUS METALS

State law reference—Regarding dealers in precious metals generally, see Va. Code §§ 54.1-4100 et seq.; authority of county to enact ordinance regulating dealers in precious metals and gems, see Va. Code § 54.1-4111.

Sec. 12-300 Definitions.

For the purposes of this article, the following words shall have the meanings ascribed to them by this section, unless the context requires a different meaning:

(1) *Coin*. The term "coin" shall mean 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.

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(2) *Dealer.* The term "dealer" shall mean any person engaged at any location in the county in the business of (a) purchasing precious metals or gems, (b) making loans for which precious metals or gems are received and held as security, (c) removing in any manner precious metals or gems from manufactured articles not then owned by such person or (d) buying, acquiring or selling precious metals or gems removed from such manufactured articles. As used herein, "dealer" includes employers and principals on whose behalf a purchase or loan is made and all employees and agents who make such purchases and loans for or on behalf of their employers or principals.

This definition shall not be construed so as to include persons engaged in the following:

(a) Purchases of precious metals or gems directly from other dealers, manufacturers or wholesalers for retail or wholesale inventories, provided the selling dealer has complied with the provisions of this chapter, if applicable.

(b) Purchases of precious metals or gems directly from a qualified fiduciary who is disposing of the assets of an estate being administered by such fiduciary.

(c) Acceptance by a retail merchant of trade-in merchandise previously sold by such retail merchant to the person presenting that merchandise for trade in.

(d) Repairing, restoring or designing of jewelry by a retail merchant, if such activities are within the normal course of such merchant's business.

(e) Purchases of precious metals or gems by industrial refiners and manufacturers insofar as such purchases are made directly from retail merchants, wholesalers or dealers or by mail originating outside the county.

(f) Regular purchasing and processing of nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a by product.

(3) Fixed and permanent location. The term "fixed and permanent location" shall mean a location in the county at which the dealer conducts a regular and continuous course of dealing for thirty consecutive days or more, with Saturdays, Sundays and recognized holidays excepted. A fixed and permanent location may include a location leased or otherwise obtained from another person on a temporary or seasonal basis.

(4) *Gems.* The term "gems" shall mean any item containing or having any precious or semiprecious stones customarily used in jewelry or ornamentation.

(5) *Precious metals.* The term "precious metals" shall mean any item, except coins, containing as part of its composition in any degree gold, silver, platinum or platinum alloys.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-1; Ord. 98-A(1), 8-5-98; Ord. 11-12(1), 2-2-11)

State law reference--Similar provisions, Va. Code §§ 54.1-4100.

Sec. 12-301 Permit--Required.

Effective July 1, 1981, no person shall engage in the activities of a dealer as defined in section 12-300 without first obtaining a permit from the chief of police of the county.

(11-12-80, § 1; 7-8-81; 11-14-84; Code 1988, § 5.1-2; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 54.1-4108, 54-1.4111.

Sec. 12-302 Permit--Procedure for obtaining; term; renewal.

A. *Application; issuance; fee.* To obtain a permit, the dealer shall file with the chief of police an application form which shall include the full name, any aliases, address, age, date of birth, sex and fingerprints of both the dealer and any agents of the dealer doing business in the county; the name, address and telephone number of the applicant's employer, if any, the location and hours of operation of the dealer's place of business, and the

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location in the county of all items to be retained pursuant to section 12-311 herein. In addition, the dealer shall furnish a zoning clearance verifying that the dealer's business is permitted under the applicable county zoning regulations. Upon filing this application and the payment of a two hundred dollar (\$200) application fee, the dealer shall be issued a permit by the chief of police; provided, that the applicant had not been convicted of a felony or crime of moral turpitude within seven years prior to the date of application, and that the dealer meets all other applicable requirements. The permit shall be denied if the applicant has been denied a permit or, within the preceding twelve months, has had a permit revoked under any ordinance or law similar in substance to the provisions of this chapter.

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

C. *Duration; renewal.* A permit shall be valid for one year from the date of issuance and may be renewed for one-year periods in the same manner as the initial permit is obtained, with an annual permit fee of two hundred dollars (\$200).

D. *Notification of business closings; location of business.* If the business of the dealer is not open for business to conduct purchases without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the chief of police of all closings and reopenings of such business. The business of a dealer shall be conducted only from a fixed and permanent location specified in such dealer's application for a permit, and only if such business is permitted at that location under the applicable county zoning regulations.

(11-12-80, § 1; 7-8-81; 11-14-84; 4-13-88; Code 1988, § 5.1-3; Ord. 98-A(1), 8-5-98; Ord. 11-12(1), 2-2-11)

State law reference--Similar provisions, Va. Code § 54.1-4108.

Sec. 12-303 Permit--Nontransferable 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 the business premises.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-4; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code §§ 54.1-4108(D); 54.1-4111.

Sec. 12-304 Permit--False statements.

A permit issued upon an application containing a statement made with knowledge of its falsity shall be void from the beginning.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-5; Ord. 98-A(1), 8-5-98)

Sec. 12-305 Dealer's bond or letter of credit.

A. Prior to receiving a permit, each dealer shall provide a bond to the county secured by a corporate surety authorized to do business in the Commonwealth, to be payable to the county in the penal sum of ten thousand dollars and conditioned upon due observance of the terms of this article. 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 the county in the sum of ten thousand dollars.

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.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-11; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code § 54.1-4106.

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Sec. 12-306 Private action on bond or letter of credit.

Any person aggrieved by a dealer's violation of the provisions of this article may maintain an action for recovery in any court of proper jurisdiction against such dealer and such dealer's surety provided that recovery against the surety shall be only for that amount of the judgment, if any, which is unsatisfied by the dealer.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-12; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code § 54.1-4107.

Sec. 12-307 Penalties.

A. Any person convicted of violating any of the provisions of this article shall be guilty of a class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense, such person shall be guilty of a class 1 misdemeanor.

B. Upon the first conviction by any court of a dealer for violation of any provision of this article, the chief of police may revoke his permit to engage in business as a dealer under this chapter for a period of 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.

(11-12-80, § 1; 7-8-81; 11-14-84; 4-13-88; Code 1988, § 5.1-13; Ord. 98-A(1), 8-5-98; Ord. 11-12(1), 2-2-11)

State law reference--Similar provisions, Va. Code § 54.1-4110; as to punishment for class 1 and 2 misdemeanors, see Va. Code § 18.2-11.

Sec. 12-308 Records, copies of bills of sale required; inspection.

A. Every dealer shall keep at such dealer's place of business an accurate and legible record of each purchase of precious metals or gems, security arrangement, or transaction involving the removal of precious metals or gems from any manufacture article not then owned by the dealer. The record of each such purchase or security arrangement shall be retained by the dealer for not less than twenty-four (24) months. These records shall set forth the following:

1. A complete description of all precious metals or gems purchased, taken as security or removed from a manufactured article not then owned by the dealer, including the true weight of the precious metals or gems purchased or taken as security and all names, initials, serial numbers or other identifying marks or monograms appearing on each item in question;

2. The price for each item purchased or taken as security;

3. The date, time, and place of receiving the items purchased or taken as security;

4. The full name, residence address, work place, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, other identifying marks, and legible handwritten signature of the person selling the precious metals or gems;

5. 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 that contains a photograph of the seller and at least one other corroborating piece of identification. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon; and

6. A statement of ownership from the seller; and

7. A digital image of the form of identification used by the person involved in the transaction.

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B. The information required by subparts (1) to (5) of paragraph (A) of this section shall appear on each bill of sale, the form of which shall be provided by the chief of police. One copy of the form is to be retained by the dealer, one copy to be delivered during regular work hours to the chief of police at his office within twenty-four (24) hours of the purchase or loan or mailed to the chief of police within such twenty-four (24) hour period, and one copy to be delivered to the seller of such precious metals or gems or to the borrower. If the purchase or loan occurs on a Saturday, Sunday or recognized holiday, then the delivery or mailing to the chief of police shall be made no later than 10:00 A.M. of the next regular workday.

(11-12-80, § 1; 7-8-81; 11-14-84; 4-13-88; Code 1988, §§ 5.1-6, 5.1-7; Ord. 98-A(1), 8-5-98; Ord. 13-12(1), 7-3-13)

State law reference--Va. Code § 54.1-4101.

Sec. 12-309 Examination of record and property; seizure of stolen property.

Each dealer or his employee shall admit to such dealer's premises during regular business hours the chief of police or any law enforcement official of the state or federal government. The dealer or his employee shall permit the chief of police or his designee or such other law enforcement official to (i) examine all records required by this chapter and any article listed in such records which is believed by the officer or official to be missing or stolen; and (ii) search for and take into possession any article known to him to be missing or believed by him to be stolen.

(Code 1988, § 5.1-7; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code § 54.1-4101.1.

Sec. 12-310 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 whom 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.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-8; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code § 54.1-4103.

Sec. 12-311 Dealer to retain purchases.

A. The dealer shall retain all precious metals or gems in the condition in which purchased for a minimum of fifteen calendar days from the time of filing the bill of sale for their purchase with the chief of police. During such period of time, the dealer shall not sell, alter or dispose of a purchased item in whole or in part, or remove it from the county.

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

C. All items required to be retained hereunder shall be retained in the county at the location specified in the dealer's permit application. An agent of the dealer shall be readily accessible throughout the applicable retention period to make the retained items available for inspection by the chief of police or any law enforcement official of the state or federal government.

(11-12-80, § 1; 7-8-81; 11-14-84; Code 1988, § 5.1-9; Ord. 98-A(1), 8-5-98; Ord. 11-12(1), 2-2-11; Ord. 13-12(1), 7-3-13)

State law reference--Similar provisions, Va. Code § 54.1-4104.

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Sec. 12-312 Record of disposition.

Each dealer shall keep and maintain for at least twenty-four months an accurate and legible record of the name, address and age of the person to whom such dealer sells any precious metal or gem in its original form after the waiting period required by section 12-311 and shall require such person to verify such information by a government-issued identification card such as a driver's license or military identification card containing a photograph of the person and one other piece of corroborating means of identification. This record shall also show the name and address of the seller from whom the dealer purchased such item.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-10; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 54.1-4105.

ARTICLE IV. SOLICITORS AND PEDDLERS

Sec. 12-400 Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) *Solicitor*. The term "solicitor" means any individual, whether a resident of the county or not, who goes from door to door visiting single-family or multi-family dwellings, for the purpose of taking or attempting to take orders for sales of goods, wares or merchandise, subscriptions, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future. This definition shall include any person who, for himself or for any other person, corporation or organization, hires, leases, uses or occupies any building, structure, lodging house, apartment, shop or any other place within the county for the sole purpose of exhibiting samples and taking orders for future delivery.

(2) *Peddler*. The term "peddler" means any individual, whether a resident of the county or not, who goes from door to door carrying, conveying or transporting goods, wares or merchandise, offering and exposing the same for sale, or making sales or delivering articles to purchasers, or who otherwise carries from place to place any goods, wares or merchandise and offer to sell or barter the same, or actually sell or barter the same. This definition incorporates the definition of the term "peddler" as provided in Virginia Code § 58.1-3717(A), as amended, and the exemptions provided in Virginia Code § 58.1-3717(D), as amended, and other sections of the Code of Virginia with reference to peddlers generally.

Sec. 12-401 Exempt activities.

Neither the term "solicitor" nor the term "peddler" shall be construed to include the following:

(a) Farmers or traveling gardeners selling, offering for sale or soliciting orders for any products grown, raised or produced by them.

(b) Vendors of milk, butter, eggs, poultry, fish, oysters, game, meat, ice, wood, charcoal or other family supplies of a perishable nature.

(c) Salespersons or agents for wholesale houses or firms who solicit orders from or sell to retail dealers in the county for resale or other commercial purposes, or to manufacturers for manufacturing or other commercial purposes.

(d) Children eighteen (18) years of age or younger, except when they are acting as agents of adults subject to this section.

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(e) Route salespersons for laundry, dry cleaning, upholstery cleaning, garment storage, linen supply, towel supply and diaper services operating from clearly identifiable vehicles, and newspaper delivery persons on a regular route.

(f) Persons who visit the residence or apartment of any person at the request or invitation of the owner or occupant thereof.

(g) Vendors or other persons otherwise licensed by the Commonwealth of Virginia under Title 38.2 of the Code of Virginia.

(h) Members of any civic or charitable organization who have an approved means of identification provided by the organization represented.

(i) Persons eighteen (18) years of age or less who attend primary or secondary schools in the City of Charlottesville or the county and are soliciting in the furtherance of a school-sponsored activity.

(Code 1988, §§ 17-6, 17-1; Ord. 98-A(1), 8-5-98)

Sec. 12-402 Registration required.

All persons, before entering into or upon residential premises within the county for the purpose of soliciting, shall register with the chief of police and furnish him with the following information:

A. The name, local and permanent addresses, age, weight, height, color of hair and eyes and any other distinguishing physical characteristics of the applicant.

B. The purpose for which solicitations will be made and the nature of the goods, wares, merchandise or services offered for sale.

C. The name and permanent address of the employer or organization represented.

D. A statement as to whether the applicant has been convicted of any felony or misdemeanor, and if so, the nature of the offense, when and where convicted and the penalty or punishment assessed therefor.

E. The license plate number of the motor vehicle such person is using while soliciting in the county.

(4-13-88; Code 1988, § 17-2; Ord. 98-A(1), 8-5-98)

Sec. 12-403 Permits--standards for issuance or denial.

A. Upon furnishing the information required under section 12-402, and upon proof that the applicant has obtained the appropriate county business license and paid all applicable county business license taxes related to his activities as a solicitor or peddler, the applicant shall be issued a permit unless the chief of police/designee finds that:

1. the criminal record of the applicant shows that he or she has been convicted (including pleas of nolo contendere and forfeitures) of a crime involving moral turpitude or of a felony within the past ten (10) years;

2. the applicant has been convicted (including pleas of nolo contendere and forfeitures) of more than one misdemeanor, excluding motor vehicle code violations;

3. the applicant has made a false, fraudulent or misleading material statement in his application;

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4. the applicant has been convicted (including pleas of nolo contendere and forfeitures) of a violation of the laws of any jurisdiction relating to selling, vending, soliciting, peddling or canvassing; or

5. the applicant has been convicted (including pleas of nolo contendere and forfeitures) of a crime involving a fraud upon any person, whether or not such fraud was perpetrated in the course of his conducting a solicitation activity.

B. In the event of a denial of a permit, the chief of police/designee shall, upon request, serve upon the applicant a written statement of facts and his reasons therefore.

C. A permit issued under this section shall be valid for one year from the date of issuance, unless earlier revoked for the reasons outlined in subparts (1) through (5) of paragraph (A), or for any of the reasons outlined as elsewhere provided in this chapter.

D. Every solicitor or peddler shall carry his permit with him at all times while engaged in soliciting or peddling and shall display the same to any person who requests to see the permit while the solicitor or peddler is engaged in soliciting or peddling pursuant to this chapter.

(4-21-76; Code 1988, § 17-3; Ord. 98-A(1), 8-5-98)

Sec. 12-404 Permits--Fees.

A fee of ten dollars (\$10.00) to cover the costs of investigation of the applicant and processing of the application shall be paid to the chief of police when the application is filed, and shall not be returnable under any circumstances.

(4-12-89; Code 1988, § 17-4; Ord. 98-A(1), 8-5-98)

Sec. 12-405 Prohibited acts.

No person shall:

1. Enter into or upon a residential premises in the county under false pretenses to solicit for any purpose or for the purpose of soliciting orders for the sale of goods, wares, merchandise or services.

2. Remain in or on any residential premises after the owner or occupant has requested any such person to leave.

3. Enter upon any residential premises for soliciting, when the owner or occupant has displayed a "No Soliciting" sign on such premises.

4. Engage in the practice of soliciting in the county without a permit as provided for in this chapter.

5. Knowingly give false information or fail to provide correct information in obtaining a permit.

(Code 1988, § 17-5; Ord. 98-A(1), 8-5-98)

Sec. 12-406 Penalty.

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished for the first offense by a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) or by confinement in jail for not more than six months, or both, and for the second or any subsequent offense by a fine of not less than five hundred dollars (\$500) and not more than two thousand five hundred dollars (\$2,500) or by confinement in jail for not more than one year, or both.

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State law references--Authority of county to regulate solicitors and peddlers generally, Va. Code § 15.2-913; authority of county to regulate charitable and civic organizations soliciting within the county, Va. Code § 57-63.

(Ord. 98-A(1), 8-5-98)

ARTICLE V. TAXICABS AND OTHER VEHICLES FOR HIRE

Sec. 12-500 Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) *Chief of Police.* "Chief of Police" shall mean the chief of police of Albemarle County, Virginia, or his designee.

(2) *Taxicab.* "Taxicab" means any motor vehicle with a seating capacity of not more than six (6) passengers used in the provision of a taxicab service, but shall not include common carriers of persons or property operating as public carriers under a certificate of convenience and necessity issued by the Virginia State Corporation Commission.

(3) *Taxicab service.* "Taxicab service" means the transportation of passengers by motor vehicle provided for hire or for compensation, not provided on a regular route or between fixed destinations.

Sec. 12-501 Registration of vehicles for hire.

A. All taxicabs and other motor vehicles for hire operating within the county shall be registered by the owner with the chief of police as follows:

1. On or before May 1st of each calendar year, the vehicle's owner shall apply to the chief of police for registration of the vehicle. The applicant shall state whether the vehicle will be driven solely by the applicant, will be leased to or otherwise utilized by another person, or will be driven by employees of the applicant. The applicant shall also present a copy of a current county business license issued by the department of finance authorizing the applicant to do business in the county.

2. The chief of police shall conduct an investigation with respect to the vehicle and matters set forth within the application for registration, for the purpose of determining whether the vehicle poses any threat to the health, safety, welfare or comfort of the vehicle's driver(s), passengers or the general public.

3. If the vehicle proposed for registration meets the requirements of this chapter, registration shall be granted.

B. A registration card shall be issued for each vehicle registered in accordance with the requirements of this article. The registration card shall exhibit the name and photograph of the driver, and a valid mailing address of the vehicle's owner, and shall be conspicuously posted inside the vehicle.

C. For vehicle registration, a fee of ten dollars (\$10.00) for each vehicle shall be paid to the county.

D. Every application for vehicle registration shall include the following information:

1. the name and address of the applicant;
2. the type of business organization of the applicant; e.g., corporation, partnership, limited liability company, etc;
3. the applicant's previous experience in passenger transportation;

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4. the number of vehicles to be operated or controlled by the applicant within the county;
5. the color scheme and insignia to be used to designate the applicant's vehicle(s);
6. evidence that all vehicles to be used are owned by or under written lease to the applicant and are under the applicant's control;
7. proof of insurance as set forth in this article; and
8. such further information as the chief of police and/or the applicant may deem appropriate.

E. Any vehicle's registration issued under this article shall be subject to revocation as follows:

1. If the chief of police receives information that a motor vehicle for hire, including any taxicab, registered under this chapter appears to pose any threat to the health, safety, welfare or comfort of the vehicle's driver(s), passengers or the general public, the chief of police shall give the owner of such vehicle not less than ten (10) days' written notice, by certified mail, to appear before him and show cause as to why the registration of the vehicle should not be revoked or suspended. The notice shall specify the nature of the information received by the chief of police, a notice that the failure to respond may result in the suspension or revocation of the vehicle's registration, and shall inform the vehicle's owner that he may present information in his defense, by way of witnesses or otherwise, at a hearing. The required notice shall also specify a hearing date, not sooner than ten (10) days following the date of the notice.

2. If, after providing the vehicle's owner with notice and an opportunity to respond, the chief of police determines that the vehicle poses a threat to the health, safety, welfare or comfort of the vehicle's driver(s), passengers or the general public, the chief may revoke the registration or suspend the registration until the offending conditions have been corrected to the chief's satisfaction.

3. The owner of a vehicle for which a registration issued under this article has been suspended or revoked may appeal the decision to the county executive. The suspension or revocation shall remain in effect during the pendency of the appeal. This right of appeal must be exercised by contacting the county executive, in writing, within ten (10) calendar days after the date on which the revocation or suspension is ordered, to request a review of the police chief's decision. If no such written notice of appeal is received in the county executive's office within the ten-day period, the appeal shall be denied and no further right of appeal shall attach.

4. Upon timely receipt of a written appeal to suspend or revoke a vehicle registration, the county executive shall schedule a date on which the vehicle owner and chief of police may appear before him and be heard on the appeal. Unless otherwise agreed to by the parties, this hearing shall take place within fourteen (14) calendar days from the date on which the request for and an appeal was received by the county executive. The county executive shall render his decision on the appeal within fourteen (14) calendar days following the hearing. These deadlines may be extended by the county executive in his discretion upon good cause shown.

5. The suspension or revocation of a vehicle's registration under this article shall be in addition to any other penalty allowed and/or imposed for any violation of this article.

(Code 1968, § 18-2; 11-14-84; Code 1988, § 19-2; Ord. 98-A(1), 8-5-98)

State law reference--Authority of county to regulate taxicabs, Va. Code § 46.2-310.

Sec. 12-502 Registration of drivers.

A. All drivers of motor vehicles for hire operating within the county, including any taxicab, shall be registered by the owner with the chief of police as follows:

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1. On or before May 1st of each calendar year, any person who drivers or intends to drive a passenger motor vehicle for hire, including a taxicab, shall apply to the chief of police for registration of the vehicle.

2. Each applicant shall demonstrate to the satisfaction of the chief of police his moral and business integrity, ability to safely and legally drive a passenger motor vehicle for hire, including a taxicab, and his knowledge of traffic laws and county ordinances, including this chapter. The chief of police shall conduct an investigation with respect to the driver's application and qualifications.

3. Each applicant shall state on his application whether he is self-employed or employed by a taxicab or other type of operator. A self-employed applicant shall present a copy of a current county business license issued by the department of finance authorizing the applicant to do business in the county. An applicant employed by a taxicab or other type of operator shall present a signed statement from his employer attesting to such employment.

4. Every applicant must present proof that he is eighteen years of age or older, and shall present proof of a valid Virginia driver's license and proof of adequate insurance.

5. If the chief of police is satisfied that an applicant meets the requirements of this chapter, registration shall be granted.

B. A registration card shall be issued for each driver registered in accordance with the requirements of this article. The registration card shall exhibit the name and photograph of the driver, and a valid mailing address of the driver.

C. For driver's registration, a fee of ten dollars (\$10.00) for the initial and all subsequent registration shall be paid to the county.

D. Every application for driver's registration shall include the following information:

1. the name, present address, age and place of birth of the applicant;
2. the applicant's previous experience in passenger transportation;
3. the applicant's previous employment for the past five (5) years;
4. height, weight, color of eyes, color of hair and sex;
5. a physician's certificate stating that the applicant has no physical condition that would interfere with his ability to safely operate a taxicab or other motor vehicle for hire;
6. the applicant's record of all traffic or criminal offenses for which the applicant has been convicted; and
7. whether the applicant has previously been employed or licensed as a chauffeur, and, if so, whether his license or permit has ever been suspended or revoked for any reason.

E. Each applicant shall apply in person and have his fingerprints taken. Such fingerprints shall constitute a part of his application. The applicant shall also submit two recent photographs of himself, one to be attached to and become part of the application and the other to be attached to the registration card, if issued.

F. A driver's registration issued under this article shall be subject to revocation as follows:

1. If the chief of police receives information that a taxicab driver registered under this article appears to pose a threat to the health, safety, welfare or comfort of passengers or the general public, the chief of police shall give the owner of such vehicle not less than ten (10) days' written notice, by certified mail, to appear before him and show cause as to why the driver's registration should not be denied, suspended or revoked. The

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notice shall specify the nature of the information received by the chief of police, a notice that the failure to respond may result in the denial, suspension or revocation of the driver's registration, and shall inform the driver that he may present information in his defense, by way of witnesses or otherwise, at a hearing. The required notice shall also specify a hearing date, not sooner than ten (10) days following the date of the notice.

2. If, after providing the driver with notice and an opportunity to respond, the chief of police determines that the driver poses a threat to the health, safety, welfare or comfort of passengers or the general public, the chief may revoke the registration or suspend the registration, as may be appropriate under the circumstances.

3. The chief of police may revoke any driver's registration for any cause which would have been grounds for refusal or denial of such registration, whether such cause arose before or after the granting of such registration.

4. A driver whose registration issued under this article has been suspended or revoked, or whose registration application has been denied, may appeal the decision to the county executive in accordance with the procedure set forth in section 12-501(E)(3). The denial, suspension or revocation shall remain in effect during the pendency of the appeal.

5. The denial, suspension or revocation of a driver's registration under this article shall be in addition to any other penalty allowed and/or imposed for any violation of this article.

G. No person shall drive a taxicab or other passenger vehicle for hire in the county without being registered by the chief of police as required by this article, and no person shall permit any motor vehicle owned or controlled by him to be used for or in connection with the provision of any taxicab service(s) by any person who has not been so registered.

(Former § 19-2; Code 1968, § 18-2; 11-14-84; Code 1988, § 19-2; Ord. 98-A(1), 8-5-98)

State law reference--Authority of county to regulate taxicabs, Va. Code § 46.2-310.

Sec. 12-503 Exemptions

A. The provisions of this chapter pertaining to registration of vehicles and drivers shall not apply to any person who holds a valid license, permit or registration card for the operation of such vehicle issued by any other locality in the Commonwealth of Virginia.

B. The provisions of this chapter pertaining to registration of vehicles and drivers shall not apply to any person who travels to or within the county on a limited, transient basis or who otherwise does not operate such taxicab or other vehicle-for-hire within the county on a regular basis.

(Code 1988, § 18-2; Ord. 98-A(1), 8-5-98)

Sec. 12-504 Indemnity bond or liability insurance required.

A. No registration shall be issued or continued unless there is in full force and effect a liability insurance policy issued by an insurance company licensed to do business in the Commonwealth of Virginia. The policy shall cover each authorized vehicle and shall provide for coverage in amounts at least equal to the minimum liability limits required by the Virginia State Corporation Commission. Each applicant for registration under this chapter shall present a valid certificate of insurance demonstrating adequate insurance coverage prior to issuance of registration.

B. In no event shall registration be issued to a self-insured applicant. However, if the applicant has filed with the Virginia State Corporation Commission surety bonds in lieu of liability insurance coverage as permitted by applicable law, the chief of police shall accept the bonds in lieu of the insurance required hereunder upon the following conditions:

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1. the bonds shall cover each authorized vehicle;
2. the applicant shall provide to the chief of police copies of the bonds certified by the clerk of the Virginia State Corporation Commission, together with the Commission's certification that such bonds meet all applicable regulatory requirements regarding surety bonds given in lieu of liability insurance; and
3. the bonds shall be approved as to form by the county attorney.

(Ord. 98-A(1), 8-5-98)

Sec. 12-505 Cleanliness of vehicles.

Every taxicab or other motor vehicle for hire subject to the requirements of this article and operated within the county shall be kept in a clean and sanitary condition at all times.

(Code 1967, § 18-1; Code 1988, § 19-1, Ord. 98-A(1), 8-5-98)

Sec. 2-506 Enforcement and penalties.

A. The provisions of this article shall be enforceable by all sworn law enforcement personnel to the extent of their authority, including special police officers whose jurisdiction is limited geographically to certain areas of the county.

B. Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00) for the first offense and not more than five hundred dollars (\$500.00) for each subsequent offense.

(Ord. 98-A(1), 8-5-98)