

ORDINANCE NUMBER 2019-



**AN ORDINANCE AMENDING CHAPTER 22, ARTICLE III,
PRECIOUS METALS DEALERS, SECTIONS 22-122 AND 22-124,
OF THE CITY CODE OF THE CITY OF WAYNESBORO, VIRGINIA**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
WAYNESBORO, VIRGINIA THAT:**

1. Chapter 22, Article III, Precious Metals Dealers, Sec. 22-122, of the City Code of the City of Waynesboro, Virginia is amended and readopted in its entirety as follows:

Sec. 22-122. - Penalties; first and subsequent offenses.

- (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 he shall be guilty of a Class 1 misdemeanor.
- (b) Upon the first conviction of a dealer for violation of any provision of this article, 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.

Code of Virginia, § 54.1-4110

2. Chapter 22, Article III, Precious Metals Dealers, Sec. 22-124, of the City Code of the City of Waynesboro, Virginia is amended and readopted in its entirety as follows:

Sec. 22-124. - Records to be kept; copy furnished to local authorities.

- (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.
- (b) Every dealer shall also make an electronic entry into a database designated by the chief of police for the City of Waynesboro of each purchase of precious metals or gems. In the event that temporary technological problems prevent the daily electronic submission as required, a printed or typed report shall be delivered to the Waynesboro Police Department in lieu of the electronic submission. All transactions that occurred during the time that the electronic reporting system was temporarily out of service shall be resubmitted in electronic format as soon as possible after such problem has been resolved. The record of each purchase shall set forth the following:
 - (1) A complete description 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) A digital image of the precious metals or gems purchased from each seller. Groups of similar items purchased from the same seller during the same transaction may be captured in the same digital image as long as each item is clearly identifiable. Each digital image shall contain a date and time stamp of the image being captured.
 - (3) The date, time and place of receiving the items purchased;
 - (4) 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;
 - (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 identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;
 - (6) A statement of ownership from the seller; and
 - (7) A digital image of the form of the identification used by the person involved in the transaction. A military identification card cannot be used for this purpose pursuant to 18 U.S.C. § 701.
- (c) The information required by subsections (b)(1) through (b)(4) and (b7) of this section shall appear on each bill of sale and electronic entry for all precious metals and gems purchased by a dealer. All electronic entries shall be made before the close of business on the day of the purchase unless temporary technical problems occur.
 - (d) Any violations of this section may result in the revocation of the dealer's license issued by the chief of police.
 - (e) Any violations of this section may also result in a revocation of the business license issued by the City of Waynesboro.

Code of Virginia, § 54.1-4101.

2. The City Manager is hereby authorized to take all actions reasonably necessary, including executing such documents as are reasonably necessary, to effectuate and carry out the purposes of this Ordinance.

3. This Ordinance shall take effect immediately upon adoption by the City Council.

Introduced: ON FEBRUARY 25, 2019 BY VICE MAYOR ROBERT HENDERSON

Adopted:

Effective:

[SEAL]

ATTEST: _____

Clerk, City Council
City of Waynesboro, Virginia

Mayor, City Council
City of Waynesboro, Virginia