

SPOTSYLVANIA COUNTY ORDINANCES
Sec. 17.1 PAWNBROKERS

Sec. 17.1-1. Definition of Pawnbroker

"Pawnbroker" means any person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, 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.

State law references: Code of Virginia, § 54.1-4000.

Sec. 17.1-2. License required; license authorized by court; building designated in license; penalty

A. No person shall engage in the business of a pawnbroker in Spotsylvania County without having a valid license issued by the County.

B. A person who is seeking the issuance of a license to engage in the business of a pawnbroker, and who has not been convicted of a felony or a crime involving moral turpitude in the last ten years, shall request the authorization of the Circuit Court of Spotsylvania County to engage in such business. No such license shall be issued without the authorization of the Circuit Court of Spotsylvania County.

C. Prior to the issuance of the license, the applicant for a pawnbroker's license shall furnish an application to the Spotsylvania County Sheriff's Office, on the form provided, including a sworn statement or affirmation disclosing any criminal convictions or any pending criminal charges, whether within or without the Commonwealth, the applicant's full name and any aliases and his home 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 applicant's place of business. Such application shall be accompanied by an application fee of two hundred dollars (\$200.00), which shall be deposited with the county treasurer.

D. The license shall designate the building in which the licensee shall carry on such business. No person shall engage in the business of a pawnbroker in any location other than the one designated in his license, except with consent of the court which authorized the license.

E. 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.

State law references: Code of Virginia, § 54.1-4001.

Sec 17.1-3. Local limitations as to number of pawnshops

A. In addition to all limitations and restrictions and notwithstanding any other relevant provisions of this chapter, Spotsylvania County may reasonably limit, by resolution or ordinance, the number of pawnshops that may be operated at any one time within its territorial limits.

B. No more than four (4) pawnshops shall be licensed to do business in Spotsylvania County at any given time.

C. Notwithstanding the provisions of subsection (B), any pawnshop licensed to operate in the county as of the date of adoption of this section may remain so licensed as long as such pawnshop shall remain continuously in operation.

D. The Circuit Court shall not issue any license to operate a pawnshop, except to renew any license in good standing, unless the number of pawnshops licensed has been reduced below the maximum prescribed herein.

E. When the number of pawnshops in the county has reached the maximum prescribed herein, the Sheriff's Office shall file a statement with the Circuit Court that the maximum number of pawnshops authorized to be operated in the city has been reached. in accordance with the procedure set forth in Section 54.1-4002(B) of the Code of Virginia, 1950, as amended.

F. For purposes of this section, the term "pawnshop" shall be deemed to include pawnbrokers' sales stores.

State law references: Code of Virginia, § 54.1-4002.

Sec. 17.1-3. 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, in a form satisfactory to the Sheriff's Office, with surety in the minimum amount of \$50,000 to secure the payment of any judgment recovered under the provisions of subsection B and providing proof of such bond to the Sheriff's Office.

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

State law references: Code of Virginia, § 54.1-4003.

Sec. 17.1-4. 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 the pawnbroker, containing the information required by Sec. 17.1-7. A lost-ticket fee of five dollars may be charged, provided that the pawner is notified of the fee on the ticket.

State law references: Code of Virginia, § 54.1-4004.

Sec. 17.1-5. Sale of goods pawned.

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 thirty days, plus a grace period of fifteen 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 the requirements of Code of Virginia, § 46.2-637. In the event of default by the pawner, the pawnbroker must comply with the requirements of Code of Virginia, § 46.2-633. Otherwise, the pawnbroker must comply with the requirements of Code of Virginia, § 46.2-636 et seq. All sales of items pursuant to this section may be made by the pawnbroker in the ordinary course of his business.

State law references: Code of Virginia, § 54.1-4005.

Sec. 17.1-6. Interest chargeable.

A. No pawnbroker shall ask, demand or receive a greater rate of interest than the limits established by the Code of Virginia, § 54.1-4008, 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.

B. An annual percentage rate computed and disclosed under the provisions of the federal Truth-in-Lending Act shall not be deemed a violation of this section.

State law references: Code of Virginia, § 54.1-4008.

Sec. 17.1-7. Records to be kept; credentials of person pawning goods; fee; penalty.

A. Every pawnbroker 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 are purchased for resale. 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 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, any other identifying marks of such person, and such other information as may be specified, from time to time, in the regulations promulgated by the Superintendent of State Police;
7. Verification of the identification by the exhibition of a government-issued identification card such as a driver's license, military identification card, or such other identifying credentials of the person pawning, pledging or selling the goods as may be specified, from time to time, in the regulations promulgated by the Superintendent of State Police. Such credentials shall be examined by the pawnbroker and an appropriate record thereof shall contain the type of identification 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, including a digital photograph of the items pawned or sold and of the pawner or seller.

B. A pawnbroker shall maintain at his place of business an electronic record of each transaction involving goods, article 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 required by § 54.1-4010, 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 of the amount loaned on such item or paid by the pawnbroker for such item or \$3, whichever is less.

D. Any person, firm, or corporation violating any of the provisions of this section shall be guilty of a Class 4 misdemeanor.

State law references: Code of Virginia, § 54.1-4009.

Sec. 17.1-8. Reporting.

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 Spotsylvania County Sheriff's Office. The report shall include the pledger's or seller's name, residence, and driver's license number or other form of identification, a description of the goods, articles or other things pledged or sold and clear digital photographs of all items bought or pawned and a photograph of the pledger or seller. A pawnbroker shall compile and maintain the daily report in an electronic format and shall file the required daily reports electronically with the Spotsylvania County Sheriff's Office through an online reporting program or other means as designated by the Sheriff's Office.

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

State law references: Code of Virginia, § 54.1-4010.

Sec. 17.1-9. Officers may examine records or property; warrantless search and seizure authorized.

Every pawnbroker and every employee of the pawnbroker shall admit to the pawnbroker's place of business during regular business hours, any duly authorized law-enforcement officer of Spotsylvania County, or any law-enforcement official of the state or federal government. The pawnbroker 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 a receipt

State law references: Code of Virginia, § 54.1-4011.

Sec. 17.1-10. 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.

State law references: Code of Virginia, § 54.1-4012.

Sec. 17.1-11. 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 possession and protect the property from damage or misuse. Nothing in this chapter shall be construed to mean that pawnbrokers are insurers of pawned property in their possession.

B. 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.

State law references: Code of Virginia, § 54.1-4013.

Sec. 17.1-12. Penalties; violation of the Virginia Consumer Protection Act.

A. Except as otherwise provided in Sec. 17.1-2, any licensed pawnbroker who violates any of the provisions 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.

B. Additionally, any violation of the provisions of the chapter shall constitute a prohibited practice in accordance with Virginia Code § 59.1-200 and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

State law references: Code of Virginia, § 54.1-4014.

Sec. 17.1-13. Term; renewal.

A license issued under this division shall be valid for one (1) year from the date issued, unless sooner revoked, and may be renewed in the same manner as such permit was initially obtained, with an annual license fee of two hundred dollars (\$200.00). It will not be necessary to file a new petition with the Circuit Court.