

ORDINANCE #12-26

CREATING SECTION 110-8 DE PERE MUNICIPAL CODE
REGARDING PAWNBROKERS, SECONDHAND ARTICLE DEALERS
AND SECONDHAND JEWELRY DEALERS

THE COMMON COUNCIL OF THE CITY OF DE PERE DO ORDAIN AS FOLLOWS:

Section 1: **§110-8, Pawnbrokers, Secondhand Article Dealers and Secondhand**

Jewelry Dealers, is hereby created as follows:

(a) **Wisconsin Statutes Adopted.**

Wis. Stats. §134.71, as it may be amended from time to time, is hereby adopted and, by reference, made a part of this chapter with the same force and effect as though fully set out herein notwithstanding the below subsections. Failure to comply with any of the provisions of this ordinance shall constitute a violation of this chapter, punishable according to the penalties set forth in §1-11 of this code and as more particularly identified by Resolution of the Common Council.

(b) **Definitions.**

- (1) “*Article*” means any item of value, excluding only motor vehicles, large appliances, furniture, books, and clothing other than furs.
- (2) “*Reportable transaction*” means every transaction conducted by a pawnbroker, secondhand article and jewelry dealers in which an article or articles are received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided, or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, and is reportable except:
 - a. The bulk purchase or consignment of new or used articles from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the pawnbroker must maintain a record of such purchase or consignment that describes each item, and must mark each item in a manner that relates it to that transaction record.
 - b. Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

- (3) “*Secondhand article dealer*” means any person, other than an auctioneer, who engages in the business of purchasing or selling secondhand articles, with exceptions as stated in Wis. Stat. § 134.71(g).

(c) City Clerk-Treasurer to Issue Licenses.

The City Clerk-Treasurer shall grant a license under Wis. Stats. §134.71(7)(a) if all of the following apply:

- (1) The applicant, including an individual, a partner, a member of a limited liability company or an officer, director or agent of any corporate applicant, has not been convicted within the preceding 10 year of a felony or within the preceding 10 years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of being a pawnbroker, secondhand jewelry dealer, secondhand article dealer or secondhand dealer mall or flea market owner.
- (2) With respect to an applicant for a pawnbroker’s license, the applicant provides to the governing body a bond of \$500, with not less than 2 sureties, for the observation of all municipal ordinances relating to pawnbrokers.
 - a. No license issued under this subsection may be transferred.
 - b. Each license issued for a pawnbroker, secondhand article dealer or secondhand jewelry dealer is valid from January 1 until the following December 31.
 - c. Each license for a secondhand article dealer mall or flea market is valid for 2 years, from May 1 of an odd-numbered year until April 30 of the next odd-numbered year.
- (3) The license fee shall be set by resolution of the Common Council.

(d) When Digital Photos are Required.

The licensee must also take a color, digitized photograph of every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed, excluding only electronic media. One group photo shall suffice for mass items such as several coins acquired in one transaction. If a photograph is taken, it must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the Police

Chief, or the Chief's designee, upon request. Items photographed must be accurately depicted and submitted as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Entries of required digital images shall be retained a minimum of 90 days.

(e) Daily Reports to Police.

- (1) Pawnbrokers and secondhand article and jewelry dealers must submit every reportable transaction to the police department daily in the following manner. Pawnbrokers and secondhand article and jewelry dealers must provide to the police department all required information pursuant to state statutes, by transferring it from their computer to the web server via modem designated by the De Pere Police Department. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the police department using procedures that address security concerns of the pawnbroker or secondhand article and jewelry dealer and the police department. The pawnbroker or secondhand article and jewelry dealer must display a sign of sufficient size in a conspicuous place on the premises, which informs all patrons that all transactions are reported daily to the police department.
- (2) If a pawnbroker or secondhand article and jewelry dealer is unable to successfully transfer the required reports by modem, the pawnbroker or secondhand article and jewelry dealer must provide the police department with printed copies of all reportable transactions by 12:00 noon the next business day.
- (3) If the problem is determined to be in the pawnbroker's or secondhand article and jewelry dealer's system and is not corrected by the close of the first business day following the failure, the pawnbroker or secondhand article and jewelry dealer must provide the required reports as detailed in state statutes, and shall be charged a daily reporting failure fee of \$10.00 until the error is corrected, or, if the problem is determined to be outside the pawnbroker's or secondhand article and jewelry dealer's system, the pawnbroker or secondhand article and jewelry dealer must provide the required reports pursuant to state statutes and resubmit all such transactions via modem when the error is corrected.
- (4) Regardless of the cause or origin of the technical problems that prevented the pawnbroker or secondhand article and jewelry dealer from uploading the reportable transactions, upon correction of the problem, the pawnbroker or secondhand article and jewelry dealer shall upload every reportable transaction from every business day the problem has existed.

- (5) The provisions of this section notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.
- (6) Section (c) shall not apply to businesses that did not have 200 reportable transactions in the past calendar year. However, any such pawnbroker or secondhand article and jewelry dealer must follow the daily reporting procedure for each reportable transaction by submitting a written transaction form approved by the police department to the department on the business day following the date of the reportable transaction.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance shall be effective upon the date of its passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of September, 2012.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana L. Defnet, Clerk-Treasurer

Ayes: 8

Nays: 0