

ORDINANCE NO. 02-01-10

**AN ORDINANCE CREATING ARTICLE XII., SECS. 6-450 TO 6-455,
PAWN BROKERS AND SECONDHAND ARTICLE AND JEWELRY DEALERS,
OF CHAPTER 6, BUSINESSES, OF THE MUNICIPAL CODE OF THE
VILLAGE OF ASHWAUBENON, WISCONSIN**

THE VILLAGE BOARD OF THE VILLAGE OF ASHWAUBENON, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT ARTICLE XII. SECS. 6-450 TO 6-455, PAWN BROKERS AND SECONDHAND ARTICLE AND JEWELRY DEALERS, OF CHAPTER 6, BUSINESSES, OF THE VILLAGE OF ASHWAUBENON MUNICIPAL CODE BE CREATED TO READ AS FOLLOWS:

SECTION 1. Article XII. Pawn Brokers and Secondhand Article and Jewelry Dealers.

Sec. 6-450. Wisconsin Statute Adopts.

Section 134.71, Wis. Stats., 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 Sec. 1-13, Village of Ashwaubenon Municipal Code.

Sec. 6-451. Definitions

(1) "Article" means any item of value, excluding only motor vehicles, large appliances, furniture, books, tires (excluding rims), clothing other than furs, coins not set in a bezel and valued less than twenty dollars (\$20), postage stamps, trading cards and comic books valued less than twenty dollars (\$20), works of art placed on consignment by the original artist, sports equipment and memorabilia valued at twenty dollars (\$20), or less, shall also be exempt.

(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. sec. 134.71 (g).

Sec. 6-452. When Digital Photos are Required.

(1) 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 (2) inches in length by two (2) 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 Director of Public Safety, or the Director'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 ninety (90) days.

Sec. 6-453. Transactions with minors.

(1) No licensee or merchant, regardless of whether he is required to be licensed under the provisions of this article, shall buy, accept on consignment, trade or otherwise accept merchandise from any person under the age of eighteen (18) years, unless the minor first produces a notarized letter, signed by the minor's parent or guardian, granting permission to the minor to transfer an interest in the property. A pawnbroker shall not enter in to a pawn transaction or good faith outright purchase of tangible personal property with a person who is less than eighteen (18) years of age.

(2) It shall not be a defense to an alleged violation of subsection (1) that the merchant reasonably believed the minor to be eighteen (18) years or older unless the minor produced a state driver's license and that identification purported to identify the minor as a person eighteen (18) years of age or older.

Sec. 6-454. Daily reports to police.

(1) Pawnbrokers and secondhand article and jewelry dealers must submit every reportable transaction to the Department of Public Safety daily in the following manner. Pawnbrokers and secondhand article and jewelry dealers must provide to the Department of Public Safety all required information pursuant to State Statute, by transferring it from their computer to the web server via modem designated by the Ashwaubenon Department of Public Safety. 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 Department of Public Safety. 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 Department of Public Safety.

(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 Department of Public Safety 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 Statute, 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 Statute 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 Department of Public Safety may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

(6) Section 6-452 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.

Sec. 6-455. Severability.

If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon adoption and publication.

Approved and adopted this 9th day of February 2010.



Michael Aubinger, Village President

ATTEST:



Dawn A. Collins, Village Clerk

Date of Publication: February 12, 2010