

January 20, 2010

AN ORDINANCE TO CREATE SEC. 30.08 OF THE BROWN  
COUNTY CODE ENTITLED "PAWN BROKERS AND  
SECONDHAND ARTICLE AND JEWELRY DEALERS"

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 -

Sec. 30.08 of the Brown County Code entitled "PAWN BROKERS AND SECONDHAND ARTICLE AND JEWELRY DEALERS" is hereby created to read as follows:

- (1) **PURPOSE AND STATUTORY AUTHORITY.** 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 §1.07 of the Brown County Code of Ordinances.
- (2) **DEFINITIONS:**
  - (a) **Article.** Any item of value, excluding only motor vehicles, large appliances, furniture, books, and clothing other than furs.
  - (b) **Reportable Transaction.** 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:
    - (1) 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.
    - (2) Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

(c) Secondhand article dealer. Any person, other than an auctioneer, who engages in the business of purchasing or selling secondhand articles, with exceptions as stated in Wis. Stats. Sec. 134.71 (1) (g).

(d) Responsible Law Enforcement Agency.  
The Responsible Law Enforcement Agency (RLEA) is the entity with the responsibility to collect the data to be furnished by the pawnbroker, secondhand article or jewelry dealer pursuant to this ordinance. The sheriff shall notify pawnbrokers and dealers subject to this ordinance if the RLEA changes in the future.

(3) WHEN DIGITAL PHOTOS ARE REQUIRED.

(a) Pawnbrokers, secondhand article dealers and secondhand jewelry dealers must 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 RLEA 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.

(4) DAILY REPORTS TO RESPONSIBLE LAW ENFORCEMENT AGENCY.

(a) Pawnbrokers and secondhand article and jewelry dealers must submit every reportable transaction to the Responsible Law Enforcement Agency (RLEA) daily in the following manner. Pawnbrokers and secondhand article and jewelry dealers must provide to the RLEA all required information pursuant to State Statute, by transferring it from their computer to the web server via modem designated by the RLEA. 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 RLEA using procedures that address security concerns of the pawnbroker or secondhand article and jewelry dealer and the RLEA. 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 RLEA.

- (b) 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 RLEA with printed copies of all reportable transactions by 12:00 noon the next business day.
- (c) If a 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, then the pawnbroker or secondhand articles and jewelry dealer must provide the required reports pursuant to State Statute and resubmit all such transactions via modem when the error is corrected.
- (d) Regardless of the cause or origin of the technical problems that prevented the pawnbroker or secondhand article and jewelry dealer from uploading, the pawnbroker or secondhand article and jewelry dealer shall upload every reportable transaction from every business day the problem has existed.
- (e) The provisions of this section notwithstanding, the RLEA may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.
- (f) This subsection (4) 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 RLEA to the RLEA on the business day following the date of the reportable transaction.

- (5) 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 - This ordinance shall become effective upon passage and publication.

Respectfully submitted,

PUBLIC SAFETY COMMITTEE

Approved By:

\_\_\_\_\_  
COUNTY EXECUTIVE (Date)

\_\_\_\_\_  
COUNTY CLERK (Date)

\_\_\_\_\_  
COUNTY BOARD CHAIR (Date)

Final Draft of Revised Ordinance Approved by Corporation Counsel

BOARD OF SUPERVISORS ROLL CALL # \_\_\_\_\_

Motion made by Supervisor \_\_\_\_\_

Seconded by Supervisor \_\_\_\_\_

SUPERVISOR NAMES	DIST. #	AYES	NAYS	ABSTAIN
WARPINSKI	1			
DE WANE	2			
NICHOLSON	3			
THEISEN	4			
KRUEGER	5			
HAEFS	6			
ERICKSON	7			
BRUNETTE	8			
ZIMA	9			
EVANS	10			
VANDER LEEST	11			
JOHNSON	12			
DANTINNE, JR	13			

SUPERVISOR NAMES	DIST. #	AYES	NAYS	ABSTAIN
LA VIOLETTE	14			
ANDREWS	15			
KASTER	16			
KNIER	17			
WILLIAMS	18			
FLECK	19			
CLANCY	20			
WETZEL	21			
MOYNIHAN	22			
SCRAY	23			
HOEFT	24			
LUND	25			
FEWELL	26			

Total Votes Cast \_\_\_\_\_

Motion: \_\_\_\_\_ Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Tabled \_\_\_\_\_

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