

O R D I N A N C E

An Ordinance to amend Section 11.150 of the Manitowoc Municipal Code regulating pawnbrokers and secondhand article and jewelry dealers.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 11.150 is repealed and recreated to read as follows:

“11.150. Pawnbrokers and Secondhand Article and Jewelry Dealers.

(1) State Statute Adopted. Wis. Stat. § 134.71, as amended from time to time by the State Legislature, is hereby adopted and incorporated by reference.

(2) Definitions. In this section:

(a) “Article” means any item of value, excluding only motor vehicles, large appliances, furniture, books, and clothing other than furs.

(b) “Reportable transaction” means every transaction conducted by a pawnbroker, secondhand article dealer, or secondhand jewelry dealer 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 identification number or identifier is generated at the point of sale, and is reportable except:

i. 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 that 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.

ii. 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” means any person, other than an auctioneer, who engages in the business of purchasing or selling second hand articles, with exceptions as stated in Wis. Stat. § 134.71(1)(g).

(d) All other words in this section shall be defined as in Wis. Stat. § 134.71(1).

(3) License Required. No person may operate as a pawnbroker, secondhand article dealer, or secondhand jewelry dealer unless the person first obtains a license under this section. The fees for said license shall be as follows:

Pawnbroker	\$210.00
Secondhand Article Dealer	\$27.50
Secondhand Jewelry Dealer	\$30.00

(4) License Application. A person wishing to operate as a pawnbroker, secondhand article dealer, or secondhand jewelry dealer and have a principal place of business in Manitowoc shall apply for a license to the City Clerk. The clerk shall furnish a license application subject to Wis. Stat. § 134.71(5) and the applicant shall be investigated pursuant to Wis. Stat. § 134.71(6).

(5) License Issuance and terms.

(a) The Common Council of the City of Manitowoc shall grant the license if all of the following apply:

- i. 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 last 10 years of a felony or within the last 10 years of a misdemeanor, statutory violation punishable by forfeiture, or county or municipal ordinance violation in which the circumstances substantially relate to the circumstances of the licensed activity.
- ii. The applicant has provided to the City a bond of \$500, with not less than two sureties, for the observation of all municipal ordinances relating to pawnbrokers.

- (b) No license issued under this section may be transferred.
- (c) All licenses issued under this section are valid from January 1 until the following December 31.

(6) Daily Reports to Police.

- (a) Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers must submit every reportable transaction to the Manitowoc Police Department at the end of each business day in the manner set forth by the Police Department. The transactions must be submitted using the electronic reporting system designated by the Manitowoc Police Department.
- (b) Photographs shall be electronically submitted along with each reportable transaction for items that do not have unique serial or identification numbers. Photographs shall contain the reportable transaction number so that the photograph can be linked to the transaction. This section does not apply to:
 - i. Computer software
 - ii. Computer or video games
 - iii. DVDs or video discs
 - iv. Loose precious stones
 - v. Golf clubs
- (c) Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers must display a sign in a conspicuous place on the premises notifying patrons that all transactions are reported daily to the Manitowoc Police Department.
- (d) If the pawnbroker, secondhand article dealer, and secondhand jewelry dealer cannot submit the daily required report electronically, they must provide the Manitowoc Police Department with printed copies of all reportable transactions by 12:00 noon the next business day and upload items to the system as soon as practicable. There shall be a \$10.00 reporting fee for each day that transactions are not electronically

submitted to the Manitowoc Police Department. This fee shall be submitted when the paper records are turned in.

(e) If there is an error in the daily required report, the pawnbroker, secondhand article dealer, or secondhand jewelry dealer has 24 hours to resubmit the report with corrections.

(f) Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers who engage in less than 100 transactions per year shall not be subject to the electronic reporting requirement but must submit a paper log of the transaction to the Manitowoc Police Department within 24 hours of the transaction.

(7) Inspection. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers shall make their shops and records open to inspection by the Manitowoc Police Department upon request.

(8) Penalty. Failure to comply with this section shall be punishable by a forfeiture of not less than \$100 and not more than \$1000.

Section 2. This Ordinance shall take effect on the day after its publication.

Introduced: 3/19/12

Adopted: 4/16/12

Approved: 4/16/12

Effective Date: 4/24/12

/s/
Justin M. Nickels, Mayor

This Ordinance was drafted by
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