

CHAPTER 28

PAWNBROKERS, SECONDHAND ARTICLE AND SECONDHAND JEWELRY DEALERS

28.01 LICENSE REQUIRED.

- A. No person shall, in the Village of Allouez, operate as a pawnbroker unless that person first obtains a pawnbroker's license under this Chapter. A license issued to a pawnbroker by the Village of Allouez authorizes the licensee to operate as a pawnbroker in the Village of Allouez only.
- B. No person shall, in the Village of Allouez, operate as a secondhand article dealer unless that person first obtains a secondhand article dealer's license under this Chapter or a similar Chapter enacted in accordance with the terms and provisions of Section 134.71 Wis. Stats. A license issued to a secondhand article dealer under this Section authorizes the licensee to operate as a secondhand article dealer anywhere in this state.
- C. No person shall, in the Village of Allouez, operate as a secondhand jewelry dealer unless that person first obtains a secondhand jewelry dealer's license under this Chapter or a similar Chapter enacted in accordance with the terms and conditions of Section 134.71 Wis. Stats. A license issued to a secondhand jewelry dealer authorizes the licensee to operate as a secondhand jewelry dealer anywhere in this state.

28.02 APPLICATION FOR LICENSE.

Every applicant for a license to engage in the business of pawnbroker, second-hand article, or secondhand jewelry dealer shall file with the Village Clerk-Treasurer a written application upon a form prepared and provided by the Village, signed by the applicant or applicants. Said application shall state:

- A. The applicant's name, place, and date of birth, and residence address;
- B. The name and address of the business and the of owner of the business premises;
- C. A statement as to whether the applicant as been convicted within the preceding 10 years of a felony or within the preceding 5 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 the licensed activity and if so, the nature of the offense and the penalty assessed;
- D. Whether the applicant is a natural person, corporation, limited liability company, or partnership and:

- (1) if the applicant is a corporation, the state where

incorporated and the names and addresses of all officers and directors;

- (2) if the applicant is a partnership, the names and addresses of all partners; or
- (3) if the applicant is a limited liability company, the names and addresses of all members;

- E. The name of the manager or proprietor of the business; and
- F. Any other information that the Village Clerk-Treasurer may reasonably require.

28.03 INVESTIGATION OF LICENSE APPLICANT.

The Village Clerk-Treasurer shall investigate or cause to be investigated each applicant for a pawnbroker's, secondhand article dealer's or secondhand jewelry dealer's license to determine whether the applicant has been convicted of any offense or violation described under Section 28.02 C. and, if so, the nature and date of the offense and the penalty assessed.

28.04 LICENSE ISSUANCE.

- A. The Village Clerk-Treasurer shall issue the license 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 of any offense as described under Section 28.02 C.
 - (2) With respect to applicant for a pawnbroker's license, the applicant provides the Village Board a bond of \$500.00, with not less than 2 sureties, for the observation of all municipal ordinances relating to pawnbrokers.
- B. No license listed under this subsection may be transferred.
- C. Each license for a pawnbroker, secondhand article dealer, or secondhand jewelry dealer is valid from January 1st until the following December 31st.

28.05 PAWNBROKER AND DEALER REQUIREMENTS.

- A. No pawnbroker, secondhand article dealer or secondhand jewelry dealer shall engage in a transaction of purchase, receipt, or exchange of any secondhand article or secondhand jewelry from a customer without first securing adequate identification from the customer. Such identification shall consist of the following:
 - (1) A county identification card;

- (2) A state identification card;
- (3) A valid Wisconsin motor vehicle operator's license;
- (4) A valid motor vehicle operator's license containing a picture issued by another state;
- (5) A military identification card;
- (6) A valid passport;
- (7) An alien registration card;
- (8) A senior citizen's identification card containing a photograph;
- (9) Any identification document issued by a state or federal government whether or not containing a picture, if the pawnbroker, secondhand article dealer, or secondhand jewelry dealer obtains a clear imprint of the customer's right index finger.

B. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may engage in a transaction of purchase, receipt, or exchange of second article or secondhand jewelry from any minor unless that minor is accompanied by his or her parent or guardian at the time of the transaction.

C. Records.

- (1) Except has provided in (2), for each transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer, a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall require the customer to complete and sign in ink the customer log form provided by the Village Clerk-Treasurer. No entry upon such a form may be erased, mutilated, or changed. A pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall retain an original and a duplicate of each form for not less than one year after the date of the transaction, and during that period shall make the original and duplicate available to any law enforcement officer for inspection at any reasonable time.
- (2) Every secondhand article purchased, received or exchanged by a secondhand article dealer from a customer off the secondhand article dealer's premises, or consigned to the secondhand article dealer for sale on the secondhand article dealer's premises, shall be recorded by the secondhand article dealer in a written inventory. This inventory shall contain the name and address of each customer, the date, time, and the place of the transaction, and a detailed description of the article which is the subject of the transaction. A customer shall sign his or her name on a declaration of ownership of the secondhand article identified in the inventory and

shall state that he or she owns the secondhand article. The secondhand article dealer shall retain the original and the duplicate of each entry and the declaration of ownership relating to the purchase, receipt or exchange of any secondhand article for not less than one year after the date of the transaction and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any reasonable time.

D. Exceptions.

- (1) Except as provided in (5), any secondhand article or secondhand jewelry purchased or received by a pawnbroker shall be kept on the pawnbroker's premises or other place for safe-keeping for not less than 30 days after the date of purchase or receipt, unless the person known by the pawn-broker to be the lawful owner of the secondhand article or secondhand jewelry recovers it.
- (2) Except as provided in (5), any secondhand article purchased or received by a secondhand article dealer shall be kept on the secondhand article dealer's premises or other place for safe-keeping for not less than 10 days after the date of purchase or receipt.
- (3) Except as provided in (5), any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the secondhand jewelry dealer's premises or other place for safe-keeping for not less than 15 days after the date of purchase or receipt.
- (4) During the period set forth in (1), (2), or (3) the secondhand article or secondhand jewelry shall be held separate and apart from inventory available for sale, and may not be altered in any manner. The pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall permit any law enforcement officer to inspect the secondhand article or secondhand jewelry during this period. Within 24 hours after a written request of a law enforcement officer during this period, a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall make available for inspection any secondhand article or secondhand jewelry which is kept off of the premises for safe-keeping. Any law enforcement officer who has reason to believe that any secondhand article or secondhand jewelry was not sold or exchanged by the lawful owner may direct a pawnbroker, secondhand article dealer, or secondhand jewelry dealer to hold that secondhand article or secondhand jewelry for a reasonable amount of time which the law enforcement officer deems necessary in order to identify it.
- (5) A. through D. do not apply to the following:
 - (a) A coin of the United States, any gold or silver coin, or any gold or silver bouillon.

(b) A secondhand article or second jewelry consigned to a pawnbroker, secondhand article dealer, or secondhand jewelry dealer.

E. Within 24 hours after purchasing a secondhand article or secondhand jewelry, a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall make available for inspection by a law enforcement officer the original form completed under C. (1), or the inventory under paragraph under C. (2).

28.06 FEES.

Every pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall pay an annual license fee as outlined in Section 8.19.

28.07 LICENSE REVOCATION.

The Village Clerk-Treasurer may revoke any license issued under the section for fraud, misrepresentation or false statement contained in the application for license or for any violation of this section or section 943.34, 948.62, or 948.63 Wis. Stats.

28.08 PENALTY/PENALTIES.

If any person who personally or by his clerk, agent or employee shall violate any provision of this Chapter shall upon conviction thereof be subjected to the penalty provided by Chapter 1.05 of the Code. In addition to the penalties imposed, the license of the violator may be revoked at the option of the Village Board of Allouez.