

STATE OF WISCONSIN MILWAUKEE COUNTY VILLAGE OF SHOREWOOD

ORDINANCE NO. 3010

AN ORDINANCE REPEALING AND REPLACING SECTION 9, "PAWNBROKER AND DEALER REQUIREMENTS," OF CHAPTER 404, "PAWNBROKERS AND SECONDHAND DEALERS," OF THE SHOREWOOD MUNICIPAL CODE

WHEREAS, the state of Wisconsin has a longstanding a regulatory structure related to pawnbrokers and secondhand dealers, which is designed to ensure that stolen goods are not sold through such dealers; and

WHEREAS, the aforementioned regulatory structure requires pawnbrokers and secondhand dealers to log all purchases and exchanges in a manner that documents the property involved, and personal information concerning the individual offering the property for sale or exchange; and

WHEREAS, the purpose and intent the aforementioned regulatory structure is to allow lists of reported stolen items from around the state to be compared to items offered for sale or exchange through pawnbrokers and second hand dealers; and

WHEREAS, currently the Village of Shorewood Police Department purchases "pawn cards" from the state, distributes them to pawnbrokers and secondhand dealers, collects them, and then enters the purchases into a statewide database, for the purpose of logging the data discussed in the preceding WHEREAS clauses; and

WHEREAS, there now exists a web site on which dealers can enter data directly, and on which the Police Department can review all relevant transactions; and

WHEREAS, utilizing the web site, known as the "Northeastern Wisconsin Property Reporting System," will be more efficient, accurate, and allow the Police Department to devote more resources to other important law enforcement efforts;

NOW THEREFORE, at a regular meeting of the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, held on the 3rd day of February, 2020, by a favorable vote of the members being present and therefore, said Board does ordain as follows:

SECTION 1

Section 9, "Pawnbroker and dealer requirements," of the Chapter 404, "Pawnbrokers and Secondhand Dealers," of the General Ordinances of the Village of Shorewood, is hereby repealed in its entirety and replaced as follows:

§ 404-9 Pawnbroker and dealer requirements.

A. Identification. No pawnbroker, secondhand article dealer or secondhand jewelry dealer may knowingly engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer without first obtaining the person's signature and recording the following information:

- (1) The person's name and address.

(2) At the time of the transaction, the pawnbroker, secondhand article dealer or secondhand jewelry dealer shall require the customer to present one of the following types of identification:

- (a) A county identification card.
- (b) A state identification card.
- (c) A valid Wisconsin motor vehicle operator's license.
- (d) A valid motor vehicle operator's license, containing a picture, issued by another state.
- (e) A military identification card.
- (f) A valid passport.
- (g) An alien registration card.
- (h) A senior citizen's identification card containing a photograph.
- (i) 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.

(3) The registration plate numbers and the color, make, model and year of any motor vehicle delivering the articles to the secondhand article dealer.

(4) If known by the person, the address of the home or other building from which any used home furnishings were removed.

B. Transactions with minors.

(1) Except as provided in Subsection B(2), no pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from any minor.

(2) A pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction described under Subsection B(1) if the minor is accompanied by his or her parent, spouse (if not a minor), or guardian at the time of the transaction or if the minor provides the pawnbroker, secondhand article dealer or secondhand jewelry dealer with the parent's, spouse's or guardian's written consent to engage in the particular transaction.

C. Records.

(1) For 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, the secondhand article dealer shall keep a written inventory. In this inventory the secondhand article dealer shall record the name and address of each customer, the date, time and place of the transaction and a detailed description of the article which is the subject of the transaction. The 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 an original and a duplicate of each entry and 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, except as provided in Subsection E, and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any

reasonable time.

D. Holding period.

- (1) Except as provided in Subsection D(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 safekeeping for not less than 30 days after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article or secondhand jewelry recovers it.
- (2) Except as provided in Subsection D(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 safekeeping for not less than 21 days after the date of purchase or receipt.
- (3) Except as provided in Subsection D(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 safekeeping for not less than 21 days after the date of purchase or receipt.
- (4) During the period set forth in Subsection D(1), (2) or (3), the secondhand article or secondhand jewelry shall be held separate and apart 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 the premises for safekeeping. Any law enforcement officer who has reason to believe 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 length of time which the law enforcement officer considers necessary to identify it.
- (5) Subsection D(1) through (4) do not apply to any of the following:
 - (a) A coin of the United States, any gold or silver coin or gold or silver bullion.
 - (b) A secondhand article or secondhand jewelry consigned to a pawnbroker, secondhand article dealer or secondhand jewelry dealer.

- E. Report to law enforcement agency. Within 24 hours after purchasing or receiving 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 Subsection C(1). Notwithstanding § 19.35(1), Wis. Stats., a law enforcement agency receiving the original form or inventory or a declaration of ownership may disclose it only to another law enforcement agency.

F. Website Reporting

- (1) All transaction description records, including required photographs or video recordings, except transaction description records kept by junk collectors and junk dealers for non-regulated property, and except for signed declarations of ownership and patron signatures on transaction description records, shall be reported not later than the close of each business day by posting and uploading all transaction description records to the Internet website North East Wisconsin Property Reporting System (NEWPRS). All required records must be transmitted completely and accurately in accordance with standards and procedures established by NEWPRS. The police department may allow access to transaction description records posted or uploaded to NEWPRS or provide copies of transaction description records and provide copies of declarations of ownership to any other law enforcement agency.

G. Website record entry failures.

- (1) Any transaction description record which cannot be posted or uploaded to NEWPRS by the close of the business day due to technical malfunction shall be posted or uploaded by 12:00 noon the next business day; and failing that, a hard copy of the transaction description record including photographs or video recordings shall be delivered to the chief of police, or the chief's designee, in a format approved by the chief of police, or the chief's designee, by 12:00 noon the next business day following the initial post or upload failure. Licensees shall continue to deliver hard copies of transaction description records to the police chief, or the chief's designee, so long as the website record post or upload failures persist.
- (2) If website post or upload failures are determined to be due to the licensee's system or internet connection, a licensee can be penalized under 404-15, beginning on the fourth business day following the initial post or upload failure and continuing until transaction description records are again posted and uploaded to NEWPRS. The police department may delay, reduce or forego daily reporting penalties for posting or uploading failures as the chief of police, or the chief's designee, sees fit without cause.

- H. Exception for customer return or exchange. Nothing in this section applies to the return or exchange from a customer to a secondhand article dealer or secondhand jewelry dealer of any secondhand article or secondhand jewelry purchased from the secondhand article dealer or secondhand jewelry dealer.

SECTION 2

That all Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby to such extent repealed.

SECTION 3

That this Ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, this 3rd day of February, 2020.



Allison Rozek, Village President

Countersigned:



Sara Bruckman, CMC/WCMC, Village Clerk