



INSTRUCTIONS FOR OBTAINING A SECONDHAND ARTICLE/JEWELRY LICENSE or MALL/FLEA MARKET LICENSE

- Complete the License Application, checking the appropriate boxes for the license for which you are applying
 - Individual or Partnership must complete Section A, B and D
 - LLC or Corporations must complete Section B, C and D
 - PLEASE ATTACH A COPY OF THE DRIVERS LICENSE FOR EACH PERSON**
- Pay license fee. The license period is January 1 to December 31. Fees are not prorated and are not transferable or refundable.
- Review Wisconsin statutes 134.71, 943.34 and 948.63 relating to Secondhand Article/Secondhand Jewelry Dealers and Mall/Flea Markets.
- A background check on all individuals, partners, and corporate members will be conducted by the Police Department, the application will be considered at the next available City Council meeting. Please attach a copy of the driver's license for each person.
- Upon approval from the Police Department the license will be mailed, provided all other requirements have been met, and there are no delinquent personal property taxes, unpaid license fees, or any other claims or judgments due and owing to the City of Eau Claire.
- <http://datcp.wi.gov/Documents/PawnbrokerPropRecordCP-120TRAC-246.pdf>

Questions? Contact the Licensing Specialist at 715-839-4923 or via email at licensing@eauclairewi.gov

- Mail or bring application with payment to:
Licensing, City of Eau Claire
2020 Prairie Ln
PO Box 909
Eau Claire WI 54702-0909
Phone: 715-839-4923



LICENSE APPLICATION

- ORIGINAL APPLICATION
- RENEWAL APPLICATION

- PAWNBROKER \$210 (1320)
- SECONDHAND ARTICLE \$27.50 (1321)
- SECONDHAND JEWELRY \$30 (1322)
- MALL/FLEA MARKET \$165 (1323)

DATE: _____

TOTAL LICENSE FEES: _____

INSTRUCTIONS

INDIVIDUAL OR PARTNERSHIP: Fill out Section A, B, & D

CORPORATION OR LLC: Fill out Section B, C, & D

INDIVIDUAL OR PARTNERSHIP				
A	INDIVIDUAL OR PARTNER		PARTNER	
	Full Name (Last, First & Middle Initial):		Full Name (Last, First & Middle Initial):	
	Home Street Address:		Home Street Address:	
	Home City State, Zip:		Home City State, Zip:	
	Place of Birth:	Date of Birth:	Place of Birth:	Date of Birth:
	Home Phone: () -		Home Phone: () -	
B	BUSINESS TRADE NAME		Business Phone Number: () -	
	Business Address (include City, State, Zip):			
	Mailing Address (if different from above address):			
	Building Owner:			
	Building Owner's Address:			
C	FULL NAME OF CORPORATION OR LIMITED LIABILITY COMPANY			
	State of Incorporation		Date Incorporated	
	Agent			
	Full Name (Last, First & Middle Initial):		Home Street Address:	
	Home Phone: () -		Date of Birth:	Place of Birth:
	President/Member		Vice President/Member	
	Full Name (Last, First & Middle Initial):		Full Name (Last, First & Middle Initial):	
	Home Street Address:		Home Street Address:	
	Home City State, Zip:		Home City State, Zip:	
	Home Phone: () -		Home Phone: () -	
Date of Birth:		Date of Birth:		
Place of Birth:		Place of Birth:		

OVER

C Cont.	Secretary/Member	Treasurer/Member
	Full Name (Last, First & Middle Initial):	Full Name (Last, First & Middle Initial):
	Home Street Address:	Home Street Address:
	Home City State, Zip:	Home City State, Zip:
	Home Phone: () -	Home Phone: () -
	Date of Birth:	Date of Birth:
	Place of Birth:	Place of Birth:

D	<p>Within the last 10 years has anyone named on this application been convicted of violating any federal or state laws or local ordinances? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list name of person(s), date, charge, and penalty:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
	<p><i>Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge. I agree to inform the clerk in writing within ten (10) days of any change in the information supplied in this application. I agree, in the consideration of the granting of this license, to comply with the laws of the State of Wisconsin, and to the provisions of the Municipal Code of Ordinances of the City of Eau Claire.</i></p> <p><i>I understand that this license may be denied or revoked for fraud, misrepresentation or false statement contained in the application, or for any violation of ss. 134.71, 943.34, 948.63, Wis. Statutes. <u>PLEASE ATTACH A COPY OF YOUR DRIVERS LICENSE.</u></i></p> <p>Signature of Applicant: _____ Date: _____</p>

FOR LAW ENFORCEMENT USE ONLY	
<input type="checkbox"/> Recommend Approval	<input type="checkbox"/> Recommend Denial (Attach Explanation)
Investigating Officer Signature _____	Date _____

Mail or bring completed form with payment to:
Licensing, City of Eau Claire
PO Box 909
203 S. Farwell St.
Eau Claire WI 54702-0909
Phone: 715-839-4923

cc PD: _____ Council Date: _____

08/19 5.04

<p>Office use only</p> <p>Do not write in this area</p> <p><input type="checkbox"/> Surety Bond (Pawn only)</p>
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Chapter 5.04**PAWNBROKERS****Sections:**

- 5.04.010 Purpose.**
- 5.04.015 Adoption of State Statute.**
- 5.04.020 Definitions.**
- 5.04.030 Inspection of items.**
- 5.04.040 Reserved.**
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- 5.04.160 Penalty.**
- 5.04.170 Severability.**

5.04.010 Purpose. A. The city council finds that the services offered by pawnshops, secondhand article dealers, and secondhand jewelry dealers provide an opportunity for individuals to readily transfer stolen property to those businesses. The council also finds that consumer protection regulation is warranted in transactions involving these businesses. The council further finds that pawnshops, secondhand article dealers, and secondhand jewelry dealers have outgrown the city's current ability to effectively or efficiently identify criminal activity related to them. The purpose of this chapter is to prevent pawnshops, secondhand article dealers, and secondhand jewelry dealers from being used to facilitate the commission of crimes and to assure that they comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens, and pursuant to the authority granted by s. 134.71, Wis. Stats.

B. This chapter implements and establishes the required use of the Automated Pawn System (APS) to help the police department better regulate current and future pawnshops to decrease and stabilize costs associated with the regulation of pawnshops, and to increase identification of criminal activities in pawnshops through the timely collection and sharing of transaction information. (Ord. 7177, 2016; Ord. 6459, 2003).

5.04.015 Adoption of State Statute. In addition to the rights and definitions enumerated in Chapter 5.04 of the City of Eau Claire Code of Ordinances the city council hereby adopts s. 134.71, Wis. Stats. by reference including any future amendments, revisions, or modifications provided such amendments, revisions, or modifications do not restrict the City of Eau Claire's authority to enforce the provisions of this chapter. (Ord. 7177, 2016)

5.04.020 Definitions. In this Chapter:

- A. "Article" means any item of value.
- B. "Billable transaction" means every reportable transaction except renewals, redemptions, voids, or extensions of existing pawns or purchases previously reported and continuously in the pawnbroker's possession.
- C. "Charitable organization" means a corporation, trust, or community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.
- D. "Customer" means a person with whom a pawnbroker, secondhand article dealer, or secondhand jewelry dealer or an agent thereof, engages in a transaction of purchase, sale, receipt, or exchange of any secondhand article.

E. "Pawnbroker" means any person who engages in the business of lending money on the deposit or pledge of any article or purchasing any article with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price. To the extent that a pawnbroker's business includes buying personal property previously used, rented, leased, or selling it on consignment, the provisions of this chapter shall be applicable. A person is not acting as a pawnbroker when engaging in any of the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem, or antique show, or a convention.
2. Any transaction entered into by a person engaged in the business of junk collector, junk dealer, or scrap processor, as described in s. 70.995(2)(x), Wis. Stats.
3. Any transaction while operating as a charitable organization or conducting a sale, the proceeds of which are donated to a charitable organization.
4. Any transaction between a buyer of a new article and the person who sold the article when new that involves any of the following:
 - a. The return of the article.
 - b. The exchange of the article for a different, new article.
5. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.
6. Any transaction as a seller of a secondhand article that the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

F. "Reportable transaction" means every transaction conducted by a pawnbroker 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.

G. "Secondhand" means owned by any person, except a wholesaler, retailer, or licensed secondhand article dealer or secondhand jewelry dealer, immediately before the transaction at hand.

H. "Secondhand article dealer" means any person, other than an auctioneer, who primarily engages in the business of purchasing or selling secondhand articles, except when engaging in any of the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show or a convention.
2. Any transaction entered into by a person while engaged in a business for which the person is licensed under s. 134.71(2) or (4), Wis. Stats or while engaged in the business of junk collector, junk dealer or scrap processor as described in s. 70.995(2)(x).
3. Any transaction while operating as a charitable organization or conducting a sale the proceeds of which are donated to a charitable organization.
4. Any transaction between a buyer of a new article and the person who sold the article when new which involves either:
 - a. The return of the article; or
 - b. The exchange of the article for a different, new article.
5. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.
6. Any transaction as a seller of a secondhand article which the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

I. "Secondhand jewelry dealer" means any person, other than an auctioneer, who engages in the business of any transaction consisting of purchasing, selling, receiving or exchanging secondhand jewelry, except for the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show or a convention.
2. Any transaction with a licensed secondhand jewelry dealer.
3. Any transaction entered into by a person while engaged in a business of smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the person has no retail operation open to the public.

4. Any transaction between a buyer of new jewelry and the person who sold the jewelry when new which involves either:

- a. The return of the jewelry; or
- b. The exchange of the jewelry for different, new jewelry.

5. Any transaction as a purchaser of secondhand jewelry from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

6. Any transaction as a seller of secondhand jewelry which the person bought from a charitable organization if the secondhand jewelry was a gift to the charitable organization. (Ord. 7177, 2016; Ord. 6459, 2003).

5.04.030 Inspection of items. At all times during the term of the license, the pawnbroker, secondhand article dealer, and secondhand jewelry dealer must allow the police department to enter the premises where the licensed business is located, including all off-site storage facilities, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, wares, merchandise, and records therein to verify compliance with this chapter or other applicable laws. (Ord. 7177, 2016; Ord. 6459, 2003).

5.04.040 (Reserved).

5.04.050 License. No person may operate as a pawnbroker, secondhand article dealer, or secondhand jewelry dealer in the city unless the person first obtains a pawnbroker, secondhand article dealer, or secondhand jewelry dealer license under this chapter. (Ord. 7177, 2016; Ord. 6459 §1, 2003)

5.04.060 Display of license. Each license issued under this chapter shall be displayed in a conspicuous place visible to anyone entering a licensed premise.

5.04.070 License application. A person wishing to operate as a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall apply for a license to the city clerk. The clerk shall furnish application forms approved by the police department that shall require all of the following:

A. The applicant's name, place and date of birth, residence address, and residence addresses for the 10-year period prior to the date of the application.

B. The name and address of the business and of the owner of the business premises.

C. 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.

3. If the applicant is a limited liability company, the names and addresses of all members.

4. The name of the manager or proprietor of the business.

5. Any other information that the clerk may reasonably require.

D. A statement as to whether the applicant, including an individual, agent, officer, director, member, partner, manager, or proprietor, has been convicted of any crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.

E. Whether the applicant or any other person listed in subsection D. above has ever used or been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.

F. Whether the applicant or any other person listed in subsection D. above has previously been denied or had revoked or suspended a pawnbroker, secondhand article dealer, or secondhand jewelry dealer license from any other governmental unit. If so, the applicant must furnish information as to the date, location, and reason for the action. (Ord. 7177, 2016; Ord. 6459, 2003).

5.04.080 Investigation of license applicant. The police department shall investigate each applicant and any other person listed in subsection 5.04.070C. above for a pawnbroker, secondhand article dealer, or secondhand jewelry dealer license. The department shall furnish the information derived from that investigation in writing to the city clerk. The investigation shall include each agent, officer, member, partner, manager, or proprietor. (Ord. 7177, 2016; Ord. 6459, 2003).

5.04.090 License issuance. A. The city council shall grant the license if all of the following apply:

1. The applicant, including an individual, a partner, a member of a limited liability company, a manager, a proprietor, or an officer, director, or agent of any corporate applicant, does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335 of the Wisconsin Statutes.

2. The applicant provides to the city clerk a bond of \$2,500 with not less than 2 sureties for the observation of all municipal ordinances or state or federal laws relating to pawnbrokers. The bond must be in full force and effect at all times during the term of the license.

B. No license issued under this subsection may be transferred.

C. Each license is valid from January 1 until the following December 31. (Ord. 6459, 2003).

5.04.100 Requirements. A. Identification. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may engage in a transaction of purchase, receipt, or exchange of any secondhand article from a customer without first securing adequate identification from the customer. 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:

1. Current, valid Wisconsin driver's license;

2. Current, valid Wisconsin identification card;

3. Current, valid photo identification card or photo driver's license issued by another state or province of Canada.

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 from any minor, defined as a person under the age of 18 years.

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 or guardian at the time of the transaction and the parent or guardian signs the transaction form and provides identification as required by this section.

C. Records required. At the time of any reportable transaction other than renewals, extensions, or redemptions, every pawnbroker, secondhand article dealer, or secondhand jewelry dealer must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the police department:

1. A complete and accurate description of each item, including, but not limited to any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

2. The purchase price, amount of money loaned upon or pledged therefore.

3. The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.

4. Date, time, and place the item of property was received by the pawnbroker, secondhand article dealer, or secondhand jewelry dealer, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the pawnbroker, secondhand article dealer, or secondhand jewelry dealer's records.

5. Full name, current residence address, current residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including sex, height, weight, race, color of eyes, and color of hair.

6. The identification number and state of issue from any of the following forms of identification of the seller:

a. Current, valid Wisconsin driver's license;

b. Current, valid Wisconsin identification card;

c. Current, valid photo identification card or photo driver's license issued by another state or province of Canada.

7. The signature of the person identified in the transaction.

8. Renewals, extensions, and redemptions. The pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall provide the original transaction identifier, the date of the current transaction, and the type of transaction for renewals, extensions, and redemptions.

9. Record retention. Data entries shall be retained for at least 1 year from the date of transaction.

5.04.100

10. For every secondhand article purchased, received, or exchanged by a pawnbroker, secondhand article dealer, or secondhand jewelry dealer from a customer off the pawnbroker, secondhand article dealer, or secondhand jewelry dealer's premises, or consigned to the pawnbroker, secondhand article dealer, or secondhand jewelry dealer for sale on their premises, the pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall keep a written inventory. In this inventory the pawnbroker, secondhand article dealer, or secondhand jewelry 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 that 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 pawnbroker, secondhand article dealer, or secondhand jewelry 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. 3., any secondhand article purchased or received by a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall be kept on the premises or other place for safekeeping for not less than 30 days, unless a shorter holding period is expressly permitted by state law, after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article redeems it, or unless the secondhand article dealer or secondhand jewelry dealer takes and maintains a digital photograph of the item in which case the holding period shall be 21 days.

2. During the period set forth in subsection D. 1., the secondhand article shall be held separate from saleable inventory 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 during this period. Within 24 hours after a 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 which is kept off the premises for safekeeping.

3. Subsections D. 1. and 2. do not apply to a secondhand article consigned to a pawnbroker.

E. Redemption period. Any person pledging, pawning or depositing any item for security must have a minimum of 60 days from the date of that transaction to redeem the item before it may be forfeited and sold. During the 60-day holding period, items may not be removed from the licensed location. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with the approval of the police department. Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record in accordance with subsection C. 9.

F. Police order to hold property.

1. Investigative hold. Whenever a law enforcement officer from any agency notifies a pawnbroker, secondhand article dealer, or secondhand jewelry dealer not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within 72 hours and will remain in effect for 15 days from the date of initial notification, or until the investigative order is canceled, or until an order to confiscate is issued, pursuant to subsection 2., whichever comes first.

2. Order to confiscate. a. If an item is identified as stolen or evidence in a criminal case, the police department may physically confiscate and remove it from the shop, pursuant to a written order from the police department.

b. When an item is confiscated, the person doing so shall provide identification upon request of the pawnbroker, secondhand article dealer, or secondhand jewelry dealer, and shall provide the pawnbroker, secondhand article dealer, or secondhand jewelry dealer with the name and phone number of the confiscating officer and the case number related to the confiscation.

c. When an order to confiscate is no longer necessary, the police department shall so notify the pawnbroker, secondhand article dealer, or secondhand jewelry dealer.

G. Daily reports to police. 1. Pawnbrokers must submit every reportable transaction to the police department daily in the following manner. Pawnbrokers must provide to the police department all information required in subsection C. and other required information, by transferring it from their computer to the APS via modem. 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 and the police department. The pawnbroker 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 and APS.

2. Billable transaction fees. Pawnbrokers will be charged for each billable transaction reported to the police department. These fees are intended to pay for the cost of participation in the APS and costs of enforcing this chapter.

3. If a pawnbroker is unable to successfully transfer the required reports by modem, the pawnbroker must provide the police department with printed copies of all reportable transactions by 12:00 noon the next business day.

4. If the problem is determined to be in the pawnbroker's system and is not corrected by the close of the first business day following the failure, the pawnbroker must provide the required reports as detailed in subsection 3., 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 system, the pawnbroker must provide the required reports in subsection 3. and resubmit all such transactions via modem when the error is corrected.

5. Regardless of the cause or origin of the technical problems that prevented the pawnbroker from uploading the reportable transactions, upon correction of the problem, the pawnbroker shall upload every reportable transaction from every business day the problem has existed.

6. The provisions of this section notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

7. Subsection G. shall not apply to businesses that did not have 200 reportable transactions in the past calendar year. However, any such pawnbroker 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.

H. Exception for customer return or exchange. Nothing in this section applies to the return or exchange from a customer to a pawnbroker of any secondhand article purchased from the pawnbroker. (Ord. 7177, 2016; Ord. 6841, 2008; Ord. 6459, 2003).

5.04.110 Receipt required. Every pawnbroker, secondhand article dealer, or secondhand jewelry dealer must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for 3 years. The receipt must include at least the following information:

- A. The name, address, and telephone number of the licensed business.
- B. The date and time the item was received by the pawnbroker, secondhand article dealer, or secondhand jewelry dealer.
- C. Whether the item was pawned or sold, or the nature of the transaction.
- D. An accurate description of each item received, including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- E. The signature or unique identifier of the pawnbroker, secondhand article dealer, or secondhand jewelry dealer or employee that conducted the transaction.
- F. The amount advanced or paid.
- G. The monthly and annual interest rates, including all pawn fees and charges.
- H. The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.
- I. The full name, residence address, residence telephone number, and date of birth of the pledger or seller.
- J. The identification number and state of issue from any of the following forms of identification of the seller:
 - 1. Current, valid Wisconsin driver's license.
 - 2. Current, valid Wisconsin identification card.
 - 3. Current, valid photo driver's license or identification card issued by another state or province of Canada.
- K. Description of the pledger or seller, including approximate sex, height, weight, race, color of eyes, and color of hair.
- L. The signature of the pledger or seller. (Ord. 7177, 2016; Ord. 6459, 2003).

5.04.120 Label required. Pawnbrokers, secondhand article dealer, or secondhand jewelry dealer must attach a label to every item at the time it is pawned, purchased, or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the items as reported to the police department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be reused. (Ord. 7177, 2016; Ord. 6459, 2003).

5.04.130 Prohibited acts. A. No person under the age of 18 years may pawn or sell or attempt to pawn or sell goods with any pawnbroker, secondhand article dealer, or secondhand jewelry dealer, nor may any pawnbroker, secondhand article dealer, or secondhand jewelry dealer receive any goods from a person under the age of 18 years, except as permitted by s. 5.04.100 B. 2.

B. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may receive any goods from a person of unsound mind or an intoxicated person.

C. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may receive any goods unless the seller presents identification in the form of a valid driver's license, a valid state of Wisconsin identification card, or current, valid photo driver's license or identification card issued by the state of residency of the person from whom the item was received.

D. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may receive any item of property that possesses an altered or obliterated serial number or other identification number, or any item of property that has had its serial number removed.

E. No person may pawn, pledge, sell, consign, leave, or deposit any article of property not their own, nor shall any person pawn, pledge, sell, consign, leave, or deposit the property of another, whether with permission or without, nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest with any pawnbroker, secondhand article dealer, or secondhand jewelry dealer.

F. No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall give a false or fictitious name, nor give a false date of birth, nor give a false or out-of-date address of residence or telephone number, nor present a false or altered identification or the identification of another to any pawnbroker, secondhand article dealer, or secondhand jewelry dealer. (Ord. 7177, 2016; Ord. 6459, 2003).

5.04.140 License denial, suspension, or revocation. A. A license issued hereunder may be denied, revoked, or suspended by the city clerk upon administrative determination that the licensee has committed fraud, misrepresentation, or provided a false statement in the application for a license, or violated this chapter or ss. 134.71, 943.34, 948.62 or 948.63, Wis. Stats., or violated any local, state, or federal law substantially related to the businesses licensed under this chapter.

B. The city clerk may deny, suspend, or revoke any license issued under this section upon administrative determination that the applicant is not a citizen of the United States or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.

C. Appeal from a determination made under this section shall be made to the administrative review board under the procedures specified in ch. 1.06. (Ord. 6746 §4, 2007; Ord. 6459, 2003).

5.04.150 Fees. A. The license fee under this chapter shall be as contained in the City of Eau Claire Fees and Licenses Schedule.

B. A billable transaction fee as contained in the City of Eau Claire Fees and Licenses Schedule shall be charged for each billable transaction, and such fees shall be billed to each pawnbroker monthly and are due and payable within 30 days of the billing date. Failure to pay within that time period is a violation of this chapter. (Ord. 6459, 2003).

5.04.160 Penalty. Any person who is convicted of violating any of the provisions of this chapter shall forfeit not less than \$5 nor more than \$2,000, plus the costs of prosecution, and in default of such payment, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days. Each day of violation shall constitute a separate offense. (Ord. 6459, 2003).

5.04.170 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. (Ord. 6459, 2003).

134.71 Pawnbrokers and secondhand article and jewelry dealers. (1) DEFINITIONS. In this section:

(a) “Article” means any of the following articles except jewelry:

1. Audiovisual equipment.
2. Bicycles.
3. China.
4. Computers, printers, software and computer supplies.
5. Computer toys and games.
6. Crystal.
7. Electronic equipment.
8. Fur coats and other fur clothing.
9. Ammunition and knives.
10. Microwave ovens.
11. Office equipment.
12. Pianos, organs, guitars and other musical instruments.
- 12m. Video tapes or discs, audio tapes or discs, and other optical media.
13. Silverware and flatware.
14. Small electrical appliances.
15. Telephones.

(ag) “Auctioneer” means an individual who is registered as an auctioneer under ch. 480 and who sells secondhand articles or secondhand jewelry at an auction, as defined in s. 480.01 (1).

(am) “Charitable organization” means a corporation, trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(b) “Customer” means a person with whom a pawnbroker, secondhand article dealer or secondhand jewelry dealer or an agent thereof engages in a transaction of purchase, sale, receipt or exchange of any secondhand article or secondhand jewelry.

(c) “Jewelry” means any tangible personal property ordinarily wearable on the person and consisting in whole or in part of any metal, mineral or gem customarily regarded as precious or semiprecious.

(d) “Municipality” means a city, village or town.

(e) “Pawnbroker” means any person who engages in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price.

(f) “Secondhand” means owned by any person, except a wholesaler, retailer or secondhand article dealer or secondhand jewelry dealer licensed under this section, immediately before the transaction at hand.

(g) “Secondhand article dealer” means any person, other than an auctioneer, who primarily engages in the business of purchasing or selling secondhand articles, except when engaging in any of the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show or a convention.

2. Any transaction entered into by a person while engaged in a business for which the person is licensed under sub. (2) or (4) or while engaged in the business of junk collector, junk dealer or scrap processor as described in s. 70.995 (2) (x).

3. Any transaction while operating as a charitable organization or conducting a sale the proceeds of which are donated to a charitable organization.

4. Any transaction between a buyer of a new article and the person who sold the article when new which involves any of the following:

- a. The return of the article.
- b. The exchange of the article for a different, new article.

5. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.

6. Any transaction as a seller of a secondhand article which the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

(h) “Secondhand jewelry dealer” means any person, other than an auctioneer, who engages in the business of any transaction consisting of purchasing, selling, receiving or exchanging secondhand jewelry, except for the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show or a convention.

2. Any transaction with a licensed secondhand jewelry dealer.

3. Any transaction entered into by a person while engaged in a business of smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the person has no retail operation open to the public.

4. Any transaction between a buyer of new jewelry and the person who sold the jewelry when new which involves any of the following:

- a. The return of the jewelry.
- b. The exchange of the jewelry for different, new jewelry.

5. Any transaction as a purchaser of secondhand jewelry from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

6. Any transaction as a seller of secondhand jewelry which the person bought from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

(2) LICENSE FOR PAWNBROKER. No person may operate as a pawnbroker unless the person first obtains a pawnbroker’s license under this section. A license issued to a pawnbroker by the governing body of a municipality authorizes the licensee to operate as a pawnbroker in that municipality.

(3) LICENSE FOR SECONDHAND ARTICLE DEALER. (a) Except as provided in par. (b), no person may operate as a secondhand article dealer unless the person first obtains a secondhand article dealer’s license under this section. A license issued to a secondhand article dealer authorizes the licensee to operate as a secondhand article dealer anywhere in the state.

(b) A person who operates as a secondhand article dealer only on premises or land owned by a person having a secondhand dealer mall or flea market license under sub. (9) need not obtain a secondhand article dealer’s license.

(4) LICENSE FOR SECONDHAND JEWELRY DEALER. No person may operate as a secondhand jewelry dealer unless the person first obtains a secondhand jewelry dealer’s license under this section. A license issued to a secondhand jewelry dealer authorizes the licensee to operate as a secondhand jewelry dealer anywhere in the state.

(5) LICENSE APPLICATION. A person wishing to operate as a secondhand article dealer or a secondhand jewelry dealer and have a principal place of business in a municipality shall apply for a license to the clerk of that municipality. A person wishing to operate as a pawnbroker in a municipality shall apply for a license to the clerk of the municipality. The clerk shall furnish application forms under sub. (12) that shall require all of the following:

(a) The applicant's name, place and date of birth, residence address, and all states where the applicant has previously resided.

(b) The names and addresses of the business and of the owner of the business premises.

(c) A statement as to whether the applicant has been convicted within the preceding 10 years of a felony or within the preceding 10 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 and date 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.

2L. 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.

(f) Any other information that the county or municipal clerk may reasonably require.

(6) INVESTIGATION OF LICENSE APPLICANT. The law enforcement agency of the county or municipality shall investigate each applicant for a pawnbroker's, secondhand article dealer's or secondhand jewelry dealer's license to determine whether the applicant has been convicted within the preceding 10 years of a felony or within the preceding 10 years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation described under sub. (5) (c) and, if so, the nature and date of the offense and the penalty assessed. The law enforcement agency shall furnish the information derived from that investigation in writing to the clerk of the municipality or county.

(7) LICENSE ISSUANCE. (a) The governing body of the county or municipality shall grant 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 within the preceding 10 years of a felony or within the preceding 10 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 being a pawnbroker, secondhand jewelry dealer, secondhand article dealer or secondhand article dealer mall or flea market owner.

2. With respect to an applicant for a pawnbroker's license, the applicant provides to the governing body a bond of \$500, with not less than 2 sureties, for the observation of all municipal ordinances relating to pawnbrokers.

(b) No license issued under this subsection may be transferred.

(c) 1. Each license for a pawnbroker, secondhand article dealer or secondhand jewelry dealer is valid from January 1 until the following December 31.

2. Each license for a secondhand article dealer mall or flea market is valid for 2 years, from May 1 of an odd-numbered year until April 30 of the next odd-numbered year.

(8) PAWNBROKER AND DEALER REQUIREMENTS. (a) *Identification.* 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 a customer without first securing adequate identification from the customer. 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:

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) *Transactions with minors.* 1. Except as provided in subd. 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 subd.

1. if the minor is accompanied by his or her parent 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 or guardian's written consent to engage in the particular transaction.

(c) *Records.* 1. Except as provided in subd. 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 appropriate form provided under sub. (12). No entry on such a form may be erased, mutilated or changed. The 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 except as provided in par. (e), and during that period shall make the duplicate available to any law enforcement officer for inspection at any time that the pawnbroker's, secondhand article dealer's, or secondhand jewelry dealer's principal place of business is open to the public or at any other reasonable time.

2. 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, including the article's serial number and model number, if any. 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 par. (e), and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any time that the secondhand article dealer's principal place of business is open to the public or at any other reasonable time.

3. Every secondhand article dealer shall on a weekly basis prepare a list that contains the name and address of each customer of the secondhand article dealer during the week for which the list was prepared, the date, time, and place of each transaction with each of those customers, and a detailed description of the secondhand article, including the secondhand article's serial number and model number, if any. The secondhand article dealer shall retain the list for not less than one year after the date on which the list was prepared. The secondhand article dealer shall make the list available to any law enforcement officer for inspection at any time that

the secondhand article dealer's principal place of business is open to the public or at any other reasonable time.

(d) *Holding period.* 1. Except as provided in subds. 3m. and 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 subds. 3m. and 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 subds. 3m. and 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.

3m. If a pawnbroker, secondhand article dealer, or secondhand jewelry dealer is required to submit a report under par. (e) concerning a secondhand article or secondhand jewelry purchased or received by the pawnbroker, secondhand article dealer, or secondhand jewelry dealer and the report is required to be submitted in an electronic format, the secondhand article or secondhand jewelry shall be kept on the pawnbroker's, secondhand article dealer's, or secondhand jewelry dealer's premises or other place for safekeeping for not less than 7 days after the report is submitted.

4. During the period set forth in subd. 1., 2., 3., or 3m., 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 that 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 that the law enforcement officer considers necessary to identify it.

5. Subdivisions 1. to 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 par. (c) 1. or the inventory under par. (c) 2., whichever is appropriate. Notwithstanding s. 19.35 (1), 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) *Exception for customer return or exchange.* Nothing in this subsection 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.

(9) SECONDHAND ARTICLE DEALER MALL OR FLEA MARKET. (a) The owner of any premises or land upon which 2 or more persons

operate as secondhand article dealers may obtain a secondhand article dealer mall or flea market license for the premises or land if the following conditions are met:

1. Each secondhand article dealer occupies a separate sales location and identifies himself or herself to the public as a separate secondhand article dealer.

2. The secondhand article dealer mall or flea market is operated under one name and at one address, and is under the control of the secondhand article dealer mall or flea market license holder.

4. Each secondhand article dealer delivers to the secondhand article dealer mall or flea market license holder, at the close of business on each day that the secondhand article dealer conducts business, a record of his or her sales that includes the location at which each sale was made.

(b) The secondhand article dealer license holder and each secondhand article dealer operating upon the premises or land shall comply with sub. (8).

(10) LICENSE REVOCATION. A governing body of a county or municipality may revoke any license issued by it under this section for fraud, misrepresentation or false statement contained in the application for a license or for any violation of this section or s. 943.34, 948.62 or 948.63.

(11) FEES. The license fees under this section are:

(a) For a pawnbroker's license, \$210.

(b) For a secondhand article dealer's license, \$27.50.

(c) For a secondhand jewelry dealer's license, \$30.

(d) For a secondhand article dealer mall or flea market license, \$165.

(12) APPLICATIONS AND FORMS. The department of agriculture, trade and consumer protection shall develop applications and other forms required under subs. (5) (intro.) and (8) (c). The department shall make the applications and forms available to counties and municipalities for distribution to pawnbrokers, secondhand article dealers, and secondhand jewelry dealers at no cost. The department may make the applications and forms available to counties and municipalities by placing the applications and forms on an Internet Web site.

(13) PENALTY. (a) Upon conviction for a first offense under this section, a person shall forfeit not less than \$50 nor more than \$1,000.

(b) Upon conviction for a 2nd or subsequent offense under this section, a person shall forfeit not less than \$500 nor more than \$2,000.

(14) ORDINANCE. A county or municipality may enact an ordinance governing pawnbrokers, secondhand article dealers or secondhand jewelry dealers if that ordinance is at least as stringent as this section.

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252; 2005 a. 58; 2007 a. 191.