

W I S C O N S I N



**Legislative Committee
Meeting Notice
November 8, 2021**

Legislative Committee:

Tom Rayome, Chair
Ryan Austin
Jay Bemke

Notice is hereby given of a meeting of the Legislative Committee to be held via remote videoconferencing originating from the City Hall Council Chambers on Monday, November 8, 2021, at 2:30 p.m. The public may listen to the meeting by calling 1-312-626-6799, Access code: 871 9859 7087. The meeting will also be streamed LIVE on the City of Wisconsin Rapids Facebook page. This meeting is also available after its conclusion on the City's Facebook page and Community Media's YouTube page, which can be accessed at www.wr-cm.org.

Agenda

1. Call to Order
2. Review and consider for approval an amendment to Chapter 2 of the Municipal Code which would eliminate term limits for Water Works and Lighting Commissioners
3. Review and consider an ordinance revising the secondhand article dealer and pawnbroker ordinance
4. Discuss emergency declarations and COVID-19 protocols and policies
5. Discuss vaccination mandates

The City of Wisconsin Rapids encourages participation from all its citizens. If access to any public meeting is not possible, notification to the City Clerk's office prior to the scheduled meeting is encouraged to make the necessary accommodations. Call the Clerk at (715) 421-8200 to request accommodations.

ORDINANCE NO. MC____
CITY OF WISCONSIN RAPIDS

A GENERAL ORDINANCE OF THE CITY OF WISCONSIN RAPIDS AMENDING SECTION 2.09(22)(a) OF THE MUNICIPAL CODE, ELIMINATING TERM LIMITS FOR MEMBERS OF THE WATER WORKS AND LIGHTING COMMISSION.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF WISCONSIN RAPIDS DOES ORDAIN AS FOLLOWS:

SECTION I Section 2.09(22)(a) of the Municipal Code is hereby amended to read as follows:

(22) Water Works and Lighting Commission

(a) There is hereby created a board of commissioners as provided in section 66.0805 of the Wisconsin Statutes parts of which are incorporated herein. The board shall consist of five commissioners, four of whom shall be elected by the common council for a term beginning on the first day of October. These four commissioners shall be appointed for a five-year term, ~~and commissioners may serve a maximum of two terms.~~ The fifth commissioner shall be an Alderperson who is selected by the Common Council at the organizational meeting, for that alderperson's term in office. All commissioners shall be residents of the City of Wisconsin Rapids. The compensation of commissioners shall be determined by the common council; however, a commissioner may not receive any increase during his or her term in which the increase was granted.

SECTION II All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION III This ordinance shall take effect upon passage and publication.

Shane E. Blaser, Mayor

Jennifer M. Gossick, City Clerk

ADOPTED:
APPROVED:
PUBLISHED:

ORDINANCE NO. MC____
CITY OF WISCONSIN RAPIDS

A GENERAL ORDINANCE OF THE CITY OF WISCONSIN RAPIDS REPEALING AND RECREATING SECTION 20.13 OF THE MUNICIPAL CODE REGARDING PAWNBROKERS AND SECONDHAND DEALERS

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF WISCONSIN RAPIDS DOES ORDAIN AS FOLLOWS:

SECTION I Section 20.13 of the Municipal Code is hereby repealed and recreated to read as follows:

~~20.13 REGULATION OF PAWNBROKERS, SECONDHAND ARTICLE DEALERS, AND
SECONDHAND JEWELRY DEALERS~~

~~Sections 134.71 and 138.10 of the Wisconsin Statutes and subsequent
amendments thereto are incorporated herein by reference.~~

20.13 PAWNBROKERS AND SECONDHAND SHOPS.

(1) PURPOSE.

a. The City Council finds that the services offered by pawnshops and secondhand shops 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 have outgrown the city's current ability to effectively or efficiently identify criminal activity related to them. The purpose of this ordinance is to prevent pawnshops and secondhand shops 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 section 134.71, Wis. Statutes.

b. This ordinance implements and establishes the required use of the Leads Online system to help the Police Department better regulate current and future pawnshops to decrease and stabilize costs associated with the regulation of pawnshops and secondhand shops, and to increase identification of criminal activities in pawnshops and secondhand shops through the timely collection and sharing of transaction information.

(2) DEFINITIONS.

a. "Article" means any items of value.

b. "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.

c. "Secondhand shop" means businesses that engage in the buying and selling of coins, other collectable currency, jewelry, digital media articles, and/or consumer electronics that have been previously used, rented, or leased.

d. "Customer" means a person with whom a pawnbroker or secondhand shop, or an agent thereof, engages in a transaction of purchase, sale, receipt or exchange of any

secondhand article.

e. "Digital Media Article" means any video game, digital video disc, Blue Ray disc, compact disc, or other audio or video recording.

f. "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 section 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.

h. "Reportable transaction" means every transaction conducted by a pawnbroker or secondhand shop 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, except:

1. The bulk purchase or consignment of new or used articles from a retailer, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the pawnbroker or secondhand shop 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.
3. Transactions at secondhand shops where the customer transfers articles to the secondhand shop for in-store credit only.

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

(3) INSPECTION OF ITEMS. At all times during the term of the license, the pawnbroker or secondhand shop 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.

(4) LICENSE. No person may operate as a pawnbroker in the City of Wisconsin Rapids unless the person first obtains a pawnbroker license under this chapter.

(5) DISPLAY OF LICENSE.

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

(6) LICENSE APPLICATION. A person wishing to operate as a pawnbroker 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 license from any other governmental unit. If so, the applicant must furnish information as to the date, location, and reason for the action.

(7) INVESTIGATION OF LICENSE APPLICANT. The Police Department shall investigate each applicant and any other person listed in subsection C above for a pawnbroker 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.

(8) 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 manger, 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 two 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.

(9) REQUIREMENTS FOR TRANSACTIONS.

a. Identification. No pawnbroker or secondhand shop 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 or secondhand shop shall require the customer to present one of the following types of identification:

1. Current, valid Wisconsin's 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 or secondhand shop may engage in a transaction of purchase, receipt or exchange of any second hand article from any minor, defined as a person under the age of 18 years.

2. A pawnbroker or secondhand shop 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 or secondhand shop 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 or secondhand shop, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the pawnbroker'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. For Renewals, extensions, and redemptions, the pawnbroker or secondhand shop shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.

9. Record retention. Data entries shall be retained for at least 1 year from the date of transaction and may not be removed from the Leads Online system by a pawnbroker or secondhand shop.

10. For every secondhand article purchased, received, or exchanged by a pawnbroker or secondhand shop from a customer off the pawnbroker's premises, or consigned to the pawnbroker or secondhand shop for sale on their premises, the pawnbroker or secondhand shop shall keep a written inventory. In this inventory the pawnbroker or secondhand shop 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 he or she owns the secondhand article. The pawnbroker or secondhand shop 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 shall be kept on the 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 redeems it.

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 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 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 or any items consigned to or sold to a secondhand shop

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 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 or secondhand shop 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.

a. Order to confiscate. 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 or secondhand shop, and shall provide the pawnbroker or secondhand shop 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 or secondhand shop.

g. Daily reports to police.

1. Pawnbrokers and secondhand shops must submit every reportable transaction to the police department daily in the following manner. Pawnbrokers and secondhand shops must provide to the police department all information required in subsection c and other required information, by uploading it from their computer to leadsonline.com. 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 business and the police department. Pawnbrokers and secondhand shops 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 Leads Online.

2. If a pawnbroker or secondhand shop fails to upload the required reports to leadsonline.com on the same day the transactions occur, it shall be charged a daily reporting failure fee of \$25.00 per day until the reports are properly uploaded.4. The provisions of this section notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

h. Exception for customer return or exchange. Nothing in this section applies to the

return or exchange from a customer to a pawnbroker or secondhand shop of any secondhand article purchased from that establishment.

(10) RECEIPT REQUIRED. Every pawnbroker and secondhand shop 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 or secondhand shop.
- 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 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 age, height, weight, race, color of eyes, and color of hair.
- l. The signature of the pledger.

(11) LABEL REQUIRED. Pawnbrokers and secondhand shops 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 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.

(12) 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, nor may any pawnbroker receive any goods from a person under the age of 18 years, except as permitted by section 20.17(9)(b)1.
- b. No pawnbroker or secondhand shop may receive any goods from a person of unsound mind or an intoxicated person.
- c. No pawnbroker or secondhand shop may receive any goods through a reportable transaction 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 or secondhand shop 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.

f. No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any pawnbroker or secondhand shop shall give a false or fictitious name, nor give a false date of birth, nor give a false or out-of-state address of residence or telephone number, nor present a false or altered identification or the identification of another to any pawnbroker.

(13) LICENSE DENIAL, SUSPENSION, OR REVOCATION

a. The city council may deny, suspend, or 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 Sec. 20.17 of the Municipal Code and sections 134.71, 943.34, 948.62 or 948.63, Wis. Statutes, or for any other violation of local, state, or federal law substantially related to the businesses licensed under this chapter.

(14) FEES.

a. The license fee under this chapter shall be as contained in the City of Wisconsin Rapids Fees and Licenses Schedule.

(15) PENALTY. Any person who is convicted of violating any of the provisions of this chapter shall forfeit not less than \$5 or more than \$500, 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.

(16) 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 II All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION III This ordinance shall take effect upon passage and publication.

Shane E. Blaser, Mayor

Jennifer M. Gossick, City Clerk

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