

SECONDHAND LICENSE APPLICATION

License Expires December 31, _____

New _____ Renewal _____ Date Filing _____

Name _____ Soc. Sec. No. _____

(Corporations & Partnerships see reverse side of this form)

Address of Applicant _____
Street City State Zip

Date of Birth _____ Place of Birth _____

Are you a full citizen of : United States _____ Wisconsin _____

List all your residences for the past TWO YEARS prior to the date of application:

Have you EVER been convicted of violating any:

Federal Laws ANYWHERE? _____
Wisconsin State Laws? _____
Laws of ANY other State? _____
Ordinances of the City of Fond du Lac? _____

Business Trade Name _____ Business Address _____

Other businesses conducted at the business address _____

Business Phone () _____ Premises description _____

Fed Employer ID Number _____ Wis Sellers Permit _____

*Pursuant to SS 77.61(11)
Applicant must provide proof of Valid Wi Seller's Permit Number*

STATE OF WISCONSIN)
FOND DU LAC COUNTY)

The undersigned, BEING FIRST DULY SWORN ON OATH, deposes and says that he is the applicant named in the foregoing application; that he has read and made a COMPLETE answer to each question, and that his answer in each instance is true and correct.

Subscribed and sworn to before me this
_____ day of _____, _____

(Applicant's Signature)

Clerk-Notary Public

FEE: \$105.00 (Payable at time of application) + \$500 BOND REQUIRED

Receipt No. _____ Date _____

CONTROL NO. _____ License No. _____ Date of Issuance _____

CORPORATE OF PARTNERSHIP APPLICANTS INFORMATION

Corporation _____ Partnership _____

Name _____

Date of Incorporation _____ State of Incorporation _____

TITLE	NAME	ADDRESS	DOB	SS #
President	_____	_____	_____	_____
Vice Pres	_____	_____	_____	_____
Secretary	_____	_____	_____	_____
Treasurer	_____	_____	_____	_____
Agent	_____	_____	_____	_____
Directors	_____	_____	_____	_____
	_____	_____	_____	_____



Partners	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

CITY OF FOND DU LAC

Memorandum

Date:

To: Chief of Police Attn: Records Division

From: City Clerk

Subject: Secondhand License Application

It is respectfully requested that your recommendation on the granting and issuance of a license be provided to this office.

CITY OF FOND DU LAC

Memorandum

Date:

To: City Clerk

From: Chief of Police

Subject: Secondhand License Application

I hereby recommend that the application be:

_____ Granted a license

_____ Denied a license

Comments _____

ORDINANCE NO. 3472**AN ORDINANCE REPEALING SECTIONS 12.12 AND 12.13
OF CHAPTER 12, RELATING TO PAWNBROKERS, SECONDHAND
ARTICLE DEALERS AND SECONDHAND JEWELRY DEALERS**

The City Council of the City of Fond du Lac do ordain as follows:

Section 1. That Section 12.12 of the Code of Ordinances of the City of Fond du Lac, Wisconsin, is hereby created to read as follows:

12.12 PAWN BROKERS AND SECONDHAND ARTICLE AND JEWELRY DEALERS. Section 134.71, Wis. Stats., is hereby adopted and, by reference, made a part of this chapter with the same force and effect as though fully set out herein notwithstanding the below subsections.

(1) **LICENSE REQUIRED.** No person shall carry on the business within the City without first having obtained a license as provided for in this section.

(2) **FEES.** The fees for this section of licenses shall be as provided in §12.01 of this chapter.

(3) **BOND.** Such license shall only be approved by the Council upon the applicant filing with the City Clerk a bond in the sum of \$350 conditioned upon the payment of any forfeiture and costs which may be assessed against the holder of a license for violation of this section or §12.12.

(4) **DEFINITIONS.** (a) **PAWN BROKER.** Any person who loans money on deposit or pledge of personal property or other valuable things or deals in pledges of personal property on condition of selling the same back again at a stipulated price is hereby defined and declared to be a pawn broker, loan broker, keeper of a loan office within the meaning of this section.

(b) **ARTICLE** means any item of value, excluding only motor vehicles, large appliances, furniture, books, and clothing other than furs and leather.

(c) **REPORTABLE TRANSACTION** means every transaction conducted by a pawnbroker, secondhand article and jewelry dealer in which an article or articles are received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided, or redeemed, or for which a unique transaction number or 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.

(d) **SECONDHAND ARTICLE DEALER** means any person, other than an auctioneer, who engages in the business of purchasing or selling secondhand articles, with exceptions as stated in Wis. Stat. sec. 134.71(g).

(5) **WHEN DIGITAL PHOTOS ARE REQUIRED.** (a) The licensee must also take a color, digitized photograph of every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed, excluding only titled electronic media. One group photo shall suffice for mass items such as several coins acquired in one transaction. If a photograph is taken, it must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. Items photographed must be accurately depicted and submitted as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Entries of required digital images shall be retained a minimum of 90 days.

(b) If licensee is unable to capture, digitize or transmit the photographs required in section 12.15 (5), the licensee must immediately take all required photographs with a still camera, cross reference the photographs to the correct transaction, and make the pictures available to the police department upon request.

(6) **DAILY REPORTS TO POLICE.** (a) Pawnbrokers and secondhand article and jewelry dealers must submit every reportable transaction in English to the police department daily in the following manner. Pawnbrokers and secondhand article and jewelry dealers must provide to the police department all required information pursuant to State Statute, by transferring it from their computer to the web server via modem designated by the Fond du Lac Police Department. 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 or secondhand article and jewelry dealer and the police department. The pawnbroker or secondhand article and jewelry dealer 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 police department.

(b) If a pawnbroker or secondhand article and jewelry dealer is unable to successfully transfer the required reports by modem, the pawnbroker or secondhand article and jewelry dealer must provide the police department with printed copies of all reportable transactions by 12:00 noon the next business day.

(c) If the problem is determined to be in the pawnbroker's or secondhand article and jewelry dealer's system and is not corrected by the close of the first business day following the failure, the pawnbroker or secondhand article and jewelry dealer must provide the required reports as detailed in State Statute, 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 or secondhand article and jewelry dealer's system, the pawnbroker or secondhand article and jewelry dealer must provide the required reports pursuant to State Statute and resubmit all such transactions via modem when the error is corrected.

(d) Regardless of the cause or origin of the technical problems that prevented the pawnbroker or secondhand article and jewelry dealer from uploading the reportable transactions, upon correction of the problem, the pawnbroker or secondhand article and jewelry dealer shall upload every reportable transaction from every business day the problem has existed.

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

(f) Subsection (7) shall not apply to businesses that did not have 100 reportable transactions in the past calendar year. However, any such pawnbroker or secondhand article and jewelry dealer 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.

(7) PROHIBITED ACTS. (a) No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any licensee 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 of another; to licensee.

(8) RUMMAGE SALES. (a) No rummage sale shall hereafter be conducted in the City by other than the person owning such goods, but such sale need not be conducted on premises owned or controlled by the person provided, however, that religious, educational, eleemosynary, charitable or veterans' organizations shall conduct such sales under the conditions set forth in pars. (b) and (c).

(b) Any rummage sale permitted to be held pursuant to par. (a) above shall be conducted upon premises owned or controlled by the organization permitted to conduct such rummage sale.

(c) Before any permitted rummage sale may be held, the organization intending to conduct such rummage sale shall file written notice of the date, time and place at least 5 days prior to the sale with the City Clerk.

(9) PENALTY. Any person who shall violate any provision of this section shall, upon conviction pay a forfeiture as described in Chapter 25 of the Code of Ordinances of the City of Fond du Lac, Wisconsin, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes. Each day during which a violation of this section is permitted to exist shall be deemed to be a separate violation.

Section 2 That Section 12.13 of the Code of Ordinances of the City of Fond du Lac, Wisconsin, is hereby repealed in its entirety.

Section 3 The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 4 All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

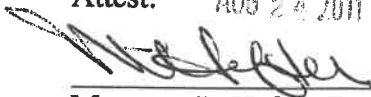
Section 5 This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:



Richard D. Gudex, President
Fond du Lac City Council

Attest: AUG 24 2011



Margaret L. Hefter, Deputy City Clerk

City Attorney:

Reviewed 