



# City of West Allis

## Legislation Text

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**File #:** O-2014-0080, **Version:** 1

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An Ordinance to Amend Subsection 9.15(11) and Create Subsections 9.15(12), 9.15(13), 9.15(14) and 9.15(15) of the West Allis Revised Municipal Code Relating to Pawn Shops, Secondhand Stores, Secondhand Jewelry Dealers.

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsection 9.15(11) of the Revised Municipal Code of the City of West Allis is hereby amended to read:

9.15 PAWN SHOPS, SECONDHAND STORES, SECONDHAND JEWELRY DEALERS.

\* \* \*

(11) Penalties.

(a) Any person, firm or corporation violating this section shall, upon conviction for a first offense, forfeit not less than fifty dollars (\$50) nor more than one-thousand dollars (\$1,000), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in sec. 800.095(1)(b)1, Wis. Stat.

(b) Any person, firm or corporation violating this section shall, upon conviction for the second or subsequent offenses, forfeit not less than five hundred dollars (\$500), nor more than two thousand dollars (\$2,000), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in sec. 800.095(1)(b)1, Wis. Stat.

PART II. Subsections 9.15(12), 9.15(13), 9.15(14) and 9.15(15) of the Revised Municipal Code of the City of West Allis are hereby created to read:

9.15 PAWN SHOPS, SECONDHAND STORES, SECONDHAND JEWELRY DEALERS.

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(12) Transaction Involving Article Not Owned.

(a) No person shall pawn, pledge, sell, consign, leave, or deposit any item with or to a licensed pawnbroker if the item of property is not owned by the person; the item of property is owned by another, regardless of whether the transaction is occurring with the permission of the owner; or another person has a security interest in the item of property.

(b) This subsection shall not apply to any person pledging, selling, consigning, leaving, or depositing any

item with or to a licensed pawnbroker if the person is any of the following: a duly executed power of attorney for the owner of the item of property; a personal representative of the estate to which the item of property belongs; or a recipient of a lawful written authorization to pledge, sell, consign, leave, or deposit the item of property issued by the owner of the property prior to the time of the transaction.

(13) Conditions of License. All pawnbroker licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto:

(a) Every applicant procuring a pawnbroker license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of city ordinances or state laws.

(b) The pawnbroker licensee and/or the employees and agents of the licensee shall cooperate with police investigations of theft, fraud, burglary, and other violations of city and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a violation of the law, including, but not limited to, loitering, disturbance of the peace, or suspected theft of items to be pawned or sold occurs on the licensed premises and providing complete and truthful responses to police inquiries. A pawnbroker licensee shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.

(c) The pawnbroker licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.

(14) Plan of Operation and Floor Plan.

(a) In any application for a pawnbroker license, the applicant shall file a detailed floor plan on an 8 ½-inch by 11-inch sized sheet of paper for each floor of the licensed premises. The floor plan shall include:

1. Area in square feet and dimensions of the licensed premises.
2. Locations of all entrances and exits to the premises together with a description of how patrons will enter the premises.
3. Locations of all public restrooms.
4. Locations of all stairs and elevators.
5. Location of public areas and non-public areas in the premises.
6. Location of all fire extinguishers and other safety equipment.
7. Location of all refuse/recycling containers inside and outside of the premises for items that are not purchased or received by the licensee.
8. The north point and date.

(b) In any application for a pawnbroker license, the applicant shall file a completed plan of operation on forms provided therefore by the City Clerk. The plan of operation shall require:

1. The current or planned hours of operation for the premises.
2. The legal occupancy capacity of the premises.
3. What plans the applicant has to insure the orderly appearance and operation of the premises with respect to noise and litter. This shall include a description of the number and location of exterior and interior trash receptacles.
4. What other types of business enterprises, if any, are planned or currently conducted at the premises.
5. The number of security personnel expected to be on the premises, their responsibilities, and the equipment they will use in carrying out their duties.
6. The number of parking spaces on the premises.
7. The number and location of security cameras, if any.
8. The name of the waste/recycling company that the licensee has or plans to contract with for removal of waste and recycling.
9. Any other reasonable information the License and Health Committee may require either for all applicants or in a particular case.

(c) For any renewal application for a pawnbroker license for which there is no change in any information that is reported in the floor plan and plan of operation as submitted with the original or previous renewal application, the licensee may re-file the previous documents. The License and Health Committee may require changes to a floor plan or plan of operation based on the licensee's past operation.

(d) The plan of operation is subject to approval by the License and Health Committee prior to the issuance of the license or any building, zoning, or other permits. Any alteration, change, or addition to the plan of operation shall be approved by the License and Health Committee. The License and Health Committee may change all or part of the plan of operation or may impose additional requirements to address problems created by the licensee's operation.

(15) Check Issuance.

(a) For all transactions where a pawnbroker licensee pays a customer for an item where payment equals or exceeds \$250, the payment shall be paid by check from the pawnbroker licensee to the customer. The pawnbroker licensee shall not thereafter cash said check and provide cash to the customer. A transaction may not be broken down in increments of less than \$250 to avoid the requirements of this provision.

**PART III.** All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby amended. All new and renewal applications and licensed activity shall thereafter comply with the provisions of this ordinance.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

L:Ordinances/ATTO-Amend SubSec9.15(11)&Create SubSec9.15(12)(13)(14)(15) Secondhand 12-14