

CHAPTER 864. PAWNBROKERS.

864.01. Adoption of state statutes. The provisions of sec. 134.71 and 138.10, Wis. Stats., and all subsequent amendments thereto, are hereby adopted by reference as if fully set forth herein. If any provision of this chapter is found to be in conflict with either statute, the provisions of the statute shall prevail; however, any and all other non-conflicting provisions in this chapter shall remain in full force and effect.

864.02. License required. It shall be unlawful for any person to conduct or transact a pawnbroker business or pawnshop in the city without first having procured a city license therefore as hereinafter provided.

864.03. Application for license.

(a) The application shall state the name of the person, and, in case of a firm or corporation, the names of all of the partners in such firm, or of the directors, officers and stockholders of such corporation; also the place, street and number where such business is to be carried on, and shall specify the amount of capital proposed to be used by the applicant in such business, and shall be signed by at least ten citizens of the city, of good reputation, certifying to the good reputation and moral character of the applicant.

(b) At the time of filing such application, the applicant shall deposit an amount of money equal to at least one-half year's, and not more than one year's charge for the license applied for. This sum of money shall be refunded to the applicant, upon demand, in case the license applied for shall not be granted and if granted, the deposit shall be applied to the license fee.

864.04. Issuance of licenses. No license shall be issued to any person, corporation, co-partnership, or association other than the real and actual proprietor of the business and place of business for which it is issued. The fee for a pawnbroker's license shall be as required by Sec. 134.71 (10) (a), Wis. Stats., said fee to be paid prior to the issuance of the license.

864.05. Investigation by Chief of Police. All applications for pawnbroker's licenses or renewals thereof shall be presented to the City Council at a regular meeting thereof. No application shall be acted upon until a recommendation for or against the application is received from the Chief of Police, provided that the City Council shall not be bound by the Chief's recommendation.

864.06. Bond. The applicant shall file, with the application, a bond running to the city, conditioned for the faithful observance of all provisions of this ordinance respecting pawnbrokers, during the continuance of such license, and any renewal thereof, for not more than one year. This bond shall be in the sum of five hundred dollars (\$500.00), with a corporate surety or two or more individual sureties. To such bond shall be attached a justification to the effect that the sureties are residents within the county and each is worth the amount specified in such bond, over and above all just debts and liabilities, and exclusive of property exempt from execution. In lieu of the bond required above, the applicant may file a form of security approved by the City in an amount not less than \$500.

846.07. License requirements. The license issued under this ordinance shall state the name of the person to whom issued, the place of business and street number where such business is located and the amount of capital employed. Such license shall entitle the person receiving it to do business at the place designated in such license.

864.08. Non-use and transfer of license. If a pawnbroker shall not conduct said business for a period of ninety (90) days, the license shall be null and void. Pawnbroker's licenses shall not be transferable to any other person, except by a majority vote of the City Council, and the filing of an application and a new bond by the person to whom such license is, or may be, transferred or assigned. It shall be unlawful for any person to do business, or attempt to do business, under a license transferred to him without such approval of the City Council.

864.09. Posting. It shall be unlawful for any person to conduct or transact a pawnbroker business in the City unless he shall keep posted in a conspicuous place in the place of business the license certificate therefor, and a copy of all ordinances relating to pawnbrokers.

864.10. Pawn ticket to be furnished.

(a) Each pawnbroker shall furnish to the pledgor a printed receipt clearly showing the amount loaned with a specific, detailed description of the pledged property pawned or received, date of receipt thereof, time for redemption, the name of the pledgee. The reverse side of said receipt shall be marked in such a manner that the amounts of principal and interest and any other charges paid by the person securing the loan can be clearly designated thereon. Each payment shall be entered upon the reverse side of said receipt and shall designate how much of the payment is being credited to principal, how much to interest, and how much to any other charge, with the date of said payment shown thereon. The pawnbroker shall affix to each article or thing a tag upon which shall be inscribed a number, of legible characters, which shall correspond to the number on the pawn ticket and be entered in the book required to be kept by paragraph 15 hereof. The pawnbroker shall furnish all information required by law to be given to borrowers by state law and federal law.

(b) The following information shall be printed on the front or back of each pawn ticket required to be given the pledgor: In the event of failure to pay the loan within _____ days from the date hereof or within _____ days after maturity, or within _____ days after payment of any monthly interest when due, whichever period of time is the greater, you shall thereby forfeit all right and title unto such pledged and pawned property to the pawnbroker who shall thereby acquire an absolute title to the same.

864.11. Memorandum of Entry. Every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, articles or things, a memorandum or note signed by him, containing the substance of the entry required to be made by him in such record book, and an estimated value of the goods, articles or things pledged; and no charge shall be made or received by any pawnbroker for any such entry, memorandum or note.

864.12. Receipt for payment to be furnished. Upon redemption of any pledge, the pawnbroker

shall furnish to the pledgor at the time of redemption a written signed receipt indicating the exact amount paid on principal and interest in order that said pledgor may have the benefit of said receipt for income tax purposes and other matters. Said written receipt shall be either printed or stamped with the name of the pawnbroker and the address, and shall be legibly written so that the figures thereon are clearly discernible.

864.13. Separate pawn ticket for each item. Every pawnbroker shall prepare and deliver to the pledgor at the time of the pledge a separate pawn ticket for each and every item pledged.

864.14. Sign to be posted showing interest and service charge. Each and every pawnbroker shall post and maintain, in a prominent location within the confines of said pawnshop and maintain, in a prominent location within the confines of said pawnshop, a printed sign not less than fifteen by twenty inches with clearly discernible red lettering on a white background in not less than two-inch size, the following words: Maximum legal interest percent per month plus one dollar (\$1.00) service charge.

864.15. Records. Every pawnbroker shall keep a book in which shall be entered and legibly written in ink, at the time of each loan or receipt of personal property, an accurate amount and description of the goods, articles or things pawned, or received, the amount of money loaned or advanced thereon, the number of the pawn ticket given to the pledgor, the time when redeemable, the time both day and hour, of pawning or receiving such goods, articles or things, and the name, residence, age, sex, color and description as near as possible of the person pawning or delivering the goods, articles or things. No entry made in such book shall be erased, obliterated or defaced. The book, as well as every article or thing pawned, pledged or deposited, shall at all reasonable times be open to inspection by the Chief of Police or any officer directed by the chief.

864.16. Safekeeping of pledges. Every pawnbroker licensed under the provisions hereof shall provide a safe place for the keeping of the pledges received by him and shall have sufficient insurance on the property held on pledges, for the benefit of the pledgors, in case of destruction by fire.

864.17. Revocation of license. The City Council may revoke any pawnbroker's license for repeated violations of the provisions of this ordinance. Any licensee shall have the opportunity for a hearing before such revocation.

864.18. Penalty. Any person, firm or corporation violating any provisions of this ordinance shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ADOPTED: 864 (1004) 4/12/1983

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