



# City of Stoughton

## Secondhand Article/ Jewelry/ Pawnbroker License Application

**Check all that apply:**

- Secondhand Article Dealer    Secondhand Jewelry Dealer    Precious Metals/Stones Dealer  
 Pawnbroker -- required to submit bond of \$500 with not less than two sureties.

**License Applicant**

|   |              |                              |                          |
|---|--------------|------------------------------|--------------------------|
| Name of Corporation, LLC, Partnership, or Sole Proprietor |              | Doing Business As            |                          |
| Street Address of Business                                |              | State Seller's Permit Number |                          |
| Mailing Address   |              | City                         | State      Zip Code      |
| Local Contact Person                                      | Phone Number | Contact Email                | Name of Registered Agent |

Describe the type of business and articles of merchandise to be handled on the premises:

**List all Owner(s), Employees, Officers, Directors, Members, and/or Partners**

| Name  | Title | Street Address | City  | State | Sex | Race | Date of Birth |
|---|-------|----------------|---|-------|-----|------|---------------|
| Convicted of a felony within last 10 years <input type="checkbox"/> No <input type="checkbox"/> Yes<br>Within the last 5 years, convicted of any of the following:<br>Misdemeanor <input type="checkbox"/> No <input type="checkbox"/> Yes<br>Statutory violation punishable by forfeiture <input type="checkbox"/> No <input type="checkbox"/> Yes<br>County or municipal ordinance violation <input type="checkbox"/> No <input type="checkbox"/> Yes |       |                | For each "yes" response, provide year of arrest, nature of offense, and conviction information. |       |     |      |               |
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## Penalty Notice

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 State Statutes 134.71, 943.34, or 948.63.

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 within ten (10) days of any change in the information supplied in this application.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

|  |   |
|--|---|
| <input type="checkbox"/> <b>Secondhand Article License</b> _____ (\$27.50) | <input type="checkbox"/> <b>Secondhand Jewelry License</b> _____ (\$30.00)              |
| <input type="checkbox"/> <b>Pawnbroker License Number</b> _____ (\$210.00) | <input type="checkbox"/> <b>Secondhand Article Mall or Flea Market</b> _____ (\$165.00) |
| <input type="checkbox"/> <b>w/2 sureties</b>                               | <b>Pay online: <u>Point and Pay</u></b>   |

## **ARTICLE IV – PAWNBROKERS AND SECONDHAND DEALERS**

### **Sec. 14-101**

No person shall engage in the business of pawnbroker, secondhand article dealer or secondhand jewelry dealer within the city without first applying for and obtaining a license for such business from the city clerk.

### **Sec. 14-102**

(a) Except as provided in subsections (b) and (c) of this section, no person shall carry on or operate within the city a business as a pawnbroker or a business for the purchase, exchange or sale of secondhand articles or jewelry without first having obtained a license therefore as hereinafter provided. This provision applies to all businesses who meet the definition of a secondhand article dealer regardless of whether this represents their primary manner of conducting business or not.

(b) A person possessing a valid secondhand article dealer license issued by a county or another municipality of the state under Wis. Stats. § 134.71 or an ordinance adopted pursuant thereto may operate a business in the city as a secondhand article dealer or a secondhand jewelry dealer respectively without obtaining a license hereunder. This subsection is not intended to exempt such person from otherwise complying with the provisions of this article relating to secondhand dealers.

### **Sec. 14-103. - Secondhand article dealer mall or flea market.**

(a) The owner of any premises or land upon which two 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/herself to the public as a separate secondhand 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.
- (3) All sales are completed at a central location under the control of the secondhand article dealer mall or flea-market license holder, who maintains a record of all sales.

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

State law reference— Similar provisions, Wis. Stats. § 134.71(2)—(4).

**Sec. 14-104. - Limitation on term of special event secondhand dealer licenses.**

A special event secondhand dealer mall or flea market license shall be set forth in the annual fee schedule, for a period of no more than three consecutive days. The license shall set forth the exact days on which such business or event may be carried on.

**Sec. 14-105. - Separate license for each business premises required.**

A separate license shall be obtained for each individual premise from which the business is operated.

**Sec. 14-106. - Application.**

Written applications for licenses under this section for specific premises, together with the applicable license fees, shall be filed with the city clerk for presentation to the public safety and human services committee who shall make the final decision on any new or renewal application. The clerk shall file a copy of such application with the police department and the planning department within five business days after receipt. Licenses issued under this section shall not be transferable. The application shall state the following:

- (1) The applicant's name, place and date for birth and residence address.
- (2) The names and address of the business and of the owner of the business premises.
- (3) A statement as to whether the applicant has been convicted within the preceding ten years of a felony or within the preceding five 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.
- (4) Whether the applicant is a natural person, corporation or partnership, and if the applicant is:
  - (a) A corporation, the state where incorporated and the names and address of all officers and directors.
  - (b) A partnership, the names and addresses of all partners.
- (5) The name of the manager or proprietor of the business.
- (6) Any other information that the city clerk may reasonably require.  
State law reference— Similar provision, Wis. Stats. § 134.71(5).

**Sec. 14-107. - Fees.**

The license fees under this chapter are as provided in the city fee schedule.

**Sec. 14-108. - Investigation of applicant.**

(a) Before any license is issued under the provisions of this article, an investigation of the character of the applicant and its members, officers and employees shall be made by the

police department and a written report filed with the city clerk and made a part of the application.

(b) The investigation shall include fingerprinting of the applicant and all employees who are directly involved in the receipt of secondhand articles or jewelry from customers as well as a determination by the police department whether the applicant has been convicted within the preceding ten years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation herein and, if so, the nature and date of the offense and the penalty assessed.

(c) Where the applicant is a corporation or partnership, this provision shall apply to all its officers and each general partner respectively.

**Sec. 14-109. - Issuance.**

(a) The public safety committee for the city shall grant the license if all of the following apply:

(1) The applicant, including an individual, a partner or an officer, director or agent of any corporate applicant, has not been convicted within the preceding ten years of a felony or within the preceding five 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 secondhand article dealer, secondhand jewelry dealer or pawnbroker.

(2) With respect to an applicant, all or any part of whose secondhand dealer business involves transactions as a pawnbroker, the applicant provides to the city clerk a bond of \$1,000.00, with not less than two sureties, for the observation of all municipal ordinances relating to secondhand dealers and pawnbrokers.

(3) The appropriate license fee for each individual premise has been paid.

(b) Any grant of license is conditional upon the applicant having paid all fees owed to the city.

**Sec. 14-110. - Expiration and renewal; late renewal fees.**

Annual licenses shall expire on December 31 after the granting thereof, and all new or renewal license applications shall be made on or before November 1 of each year, or be subject to a late filing fee.

**Sec. 14-111. - Nontransferable.**

No license issued under this chapter may be transferred.

**Sec. 14-112. - Procedure for revocation, suspension or nonrenewal.**

(a) In addition to any other penalty provided by these ordinances, any secondhand article dealer license, secondhand jewelry dealer license, pawnbroker license or secondhand article mall or flea-market license may be revoked, suspended or ordered not to be renewed for a stated period of time by the common council, after notice and hearing before the public safety committee for any violation of the following:

- (1) This article or any other ordinance;
- (2) Any state statute where the circumstances of the offense are substantially related to the circumstances of a local ordinance, rule or regulation of being a secondhand dealer;
- (3) For fraud, misrepresentation or false statement contained in the application for a license; or
- (4) For any violation of Wis. Stats. § 943.34, 948.62 or 948.63.

(b) The decision of the common council shall be a final determination and shall be subject to review in court as may be provided by law. Any person aggrieved by the decision may seek review thereof within 30 days after the date of the final determination by said common council. State law reference— Receiving stolen property, Wis. Stats. § 943.34; receiving stolen property from a child, Wis. Stats. § 948.62; receiving property from a child, Wis. Stats. § 948.63.

**Sec. 14-113. - Appeal to common council.**

If the applicant for a license wishes to appeal the decision made by the public safety committee, the applicant shall have the right to have the committee's decision heard by the common council, as long as the applicant requests said appeal within five business days from the committee's decision.