

<p><b>Municipal Building</b>  <b>625 52nd Street – Room 204</b></p>	<p><b><i>Pawn Broker Regulation,  Secondhand Article Dealer and  Secondhand Jewelry Review  Work group  Agenda</i></b></p>	<p><b>Wednesday, July 31, 2013</b>  <b>5:00 p.m.</b></p>
<p><i>Alderman Rocco J. LaMacchia Sr., Alderperson Chris Schwartz, Alderman Curt Wilson,  Frank Pacetti, Daniel Miskinis, Matt Knight, Rich Schroeder</i></p>		

Call to Order and Roll Call

1. General discussion of licenses and standards for Pawnbroker, Secondhand Article dealers and Secondhand Jewelry. PUBLIC HEARING
2. Extension of Resolution 72-13. PUBLIC HEARING
3. Next Meeting

Public Comments

*Adjournment*

**RESOLUTION 72-13**

**SPONSOR: ALDERPERSON CURT WILSON**  
**CO-SPONSOR: ALDERPERSON PATRICK JULIANA**  
**ALDERPERSON SCOTT N. GORDON**

**TO ESTABLISH A MORATORIUM ON THE  
GRANTING OF SECONDHAND ARTICLE  
DEALER AND SECONDHAND JEWELRY LICENSES**

**WHEREAS**, the operation of secondhand article dealer and secondhand jewelry enterprises is minimally regulated by §138.10 of the the Wisconsin Statutes and is further regulated by Chapter 13 of the Code of General Ordinances for the City of Kenosha; and

**WHEREAS**, the City has no specific zoning laws regarding secondhand article dealer and secondhand jewelry enterprises; and

**WHEREAS**, although siting standards were not specifically articulated in the existing laws relative to secondhand article dealer and secondhand jewelry enterprises, a recent application for a secondhand article dealer and secondhand jewelry license was considered for denial on public safety and welfare grounds due to its proposed location not being a proper fit for the neighborhood in which it was to be located; and

**WHEREAS**, the Common Council has otherwise recently considered the City's zoning rules for convenient cash enterprises that are perceived for city planning purposes as being comparable to secondhand article dealer and secondhand jewelry enterprises, which zoning rules for convenient cash enterprises include siting limitations as well as conditional use permit obligations; and

**WHEREAS**, the City Council needs a reasonable period of time to study the comparability and compatibility of secondhand article dealer and secondhand jewelry enterprises to other businesses for zoning consideration and to study the need to adopt more comprehensive regulations necessary to protect the health, safety and welfare of residents with respect to secondhand article dealer and secondhand jewelry establishment rules.

**NOW THEREFORE BE IT RESOLVED THAT** a moratorium of ninety (90) days is imposed upon the Common Council's granting of new Secondhand Article Dealer and Secondhand Jewelry Licenses at new locations to permit the Common Council an opportunity to review and revise the provisions of Chapter 13 of the Code of General Ordinances respecting eligibility for such licenses and other related matters and the Zoning Ordinance; said moratorium will earlier expire upon passage and effectiveness of new legislation contemplated herein. During the period of this moratorium, the City Clerk/Treasurer is directed to not accept any applications subject to this moratorium.

**BE IT FURTHER RESOLVED** a Secondhand Article Dealer and Secondhand Jewelry Review Workgroup, subject to the open meetings and public records law, is created with the purpose of examining the existing rules for Secondhand Article Dealer and Secondhand Jewelry and related ordinances, and reporting thereon with recommendations for amendments, as follows:

- (a) The Chair of the Committee on Licenses/Permits or his designee from that Committee.
- (b) The Chair of the Committee on Public Safety & Welfare or his designee from that Committee.
- (c) The President of the Common Council or his designee from the Common Council.
- (d) The City Administrator.
- (e) The Chief of Police or his designee.
- (f) The Director of Community Development and Inspection or his designee.
- (g) The City Attorney or his designee.

**BE IT FURTHER RESOLVED** that the Secondhand Article Dealer and Secondhand Jewelry Review Workgroup shall have no budget and will disband upon the termination of the moratorium.

Adopted this 20<sup>th</sup> day of May, 2013.

ATTEST:

  
Debra L. Salas, City Clerk/Treasurer

APPROVED:

  
Keith G. Bosman, Mayor

Drafted By:  
MATTHEW A. KNIGHT  
Deputy City Attorney

**RESOLUTION 60-13**

**SPONSOR: ALDERPERSON CURT WILSON**  
**CO-SPONSOR: ALDERPERSON JAN MICHALSKI**  
**ALDERPERSON SCOTT N. GORDON**  
**ALDERPERSON PATRICK JULIANA**

**TO ESTABLISH A MORATORIUM ON THE  
GRANTING OF PAWNBROKER LICENSES**

**WHEREAS**, the operation of pawnbroking enterprises is minimally regulated by §138.10 of the the Wisconsin Statutes and is further regulated by Chapter 13 of the Code of General Ordinances for the City of Kenosha; and

**WHEREAS**, the City has no specific zoning laws regarding pawnbroking; and

**WHEREAS**, although siting standards were not specifically articulated in the existing laws relative to pawnbroking enterprises, a recent application for a pawnbroker license was considered for denial on public safety and welfare grounds due to its proposed location not being a proper fit for the neighborhood in which it was to be located; and

**WHEREAS**, up to the consideration for denial of the recent application for a pawnbroker license, the City of Kenosha had very limited experience in the application of these laws due to having received a limited number of applications for businesses to operate under these laws; and

**WHEREAS**, the Common Council has otherwise recently considered the City's zoning rules for convenient cash enterprises that are perceived for city planning purposes as being comparable to pawnbroking enterprises, which zoning rules for convenient cash enterprises include siting limitations as well as conditional use permit obligations; and

**WHEREAS**, the City Council needs a reasonable period of time to study the comparability and compatibility of pawnbroking enterprises to other businesses for zoning consideration and to study the need to adopt more comprehensive regulations necessary to protect the health, safety and welfare of residents with respect to pawnbroker establishment rules.

**NOW THEREFORE BE IT RESOLVED THAT:**

A moratorium of eight (8) months is imposed upon the Common Council's granting of new Pawnbroker Licenses at new locations to permit the Common Council an opportunity to review and revise the provisions of Chapter 13 of the Code of General Ordinances respecting eligibility for such licenses and other related matters and the Zoning Ordinance; said moratorium will earlier expire upon passage and effectiveness of new legislation contemplated herein. During the period of this moratorium, the City Clerk/Treasurer is directed to not accept any applications subject to this moratorium.

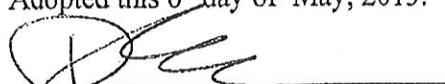
**BE IT FURTHER RESOLVED** a Pawn Broker Regulation Review Workgroup, subject to the open meetings and public records law, is created with the purpose of examining the existing rules for pawnbroker and related ordinances, and reporting thereon with recommendations for amendments, as follows:

- (a) The Chair of the Committee on Licenses/Permits or his designee from that Committee.
- (b) The Chair of the Committee on Public Safety & Welfare or his designee from that Committee.
- (c) The President of the Common Council or his designee from the Common Council.
- (d) The City Administrator.
- (e) The Chief of Police or his designee.
- (f) The Director of Community Development and Inspection or his designee.
- (g) The City Attorney or his designee.

**BE IT FURTHER RESOLVED** that the Pawn Broker Regulation Review Workgroup shall have no budget and will disband upon the termination of the moratorium.

Adopted this 6<sup>th</sup> day of May, 2013.

ATTEST:

  
Debra L. Salas, City Clerk/Treasurer

APPROVED:

  
Keith G. Bosman, Mayor

Drafted By:  
EDWARD R. ANTARAMIAN  
City Attorney

state's regulation of the loans themselves and its licensing of loan providers and is not preempted by state law. *The Payday Loan Store of Wisconsin, Inc. v. City of Madison*, 333 F. Supp. 2d (2004).

Wisconsin has a compelling interest in applying statutory regulations to banking activities on Indian reservations. *SD Am. Gen.* 337.

Get Cash Until Payday!: The Payday-Loan Problem in Wisconsin. Noyes. 2006 WLR 1628.

### 138.10 Pawnbrokers. (1) DEFINITIONS. In this section:

(a) "Pawnbroker" includes any person who engages in the business of lending money on the deposit or pledge of personal property, other than choses in action, securities, or written evidences of indebtedness; or purchases personal property with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price.

(b) "Pawnbroking" means the business of a pawnbroker as defined in this section.

(c) "Pawn ticket" means the card, book, receipt or other record furnished to the pledgor at the time a loan is granted containing the terms of the contract for a loan.

(d) "Person" includes an individual, partnership, association, business corporation, nonprofit corporation, common law trust, joint-stock company or any group of individuals however organized.

(e) "Pledge" means an article or articles deposited with a pawnbroker as security for a loan in the course of the pawnbroker's business as defined in par. (a).

(f) "Pledgor" means the person who obtains a loan from a pawnbroker and delivers a pledge into the possession of a pawnbroker, unless the person discloses that he or she is or was acting for another in which case a "pledgor" means the disclosed principal.

(2) MAXIMUM LOAN. A pawnbroker's loan may not exceed \$150.

(2m) PAWNBROKING BY LICENSED LENDERS. The division of banking may promulgate rules regulating the conduct of pawnbroking by persons licensed under s. 138.09 or 138.14.

(4) MAXIMUM INTEREST OR CHARGES. A pawnbroker shall not charge, contract for or receive interest in excess of 3% per month on any loan or balance thereon and such interest shall not be increased by charging commission, discount, storage or other charge directly or indirectly, nor by compound interest; provided, however, that when the interest herein specified amounts to less than \$1 per month, the minimum charge shall be \$1 for the first month and 50 cents for each succeeding month during the loan period.

(4m) WHEN LIMIT ON MAXIMUM INTEREST DOES NOT APPLY. Subsection (4) does not apply to a pawnbroker's loan made after October 31, 1984 and before November 1, 1987.

(5) COMPUTATION OF INTEREST OR CHARGES. The interest and charges authorized by this section shall be computed at the rates specified on the actual principal balance of the loan due for the actual time which has elapsed from the date of the loan to the date of payment. For the purpose of calculation of interest and charges permitted under this section, a year shall be 12 calendar months, and a month shall be one calendar month, or any fractional part thereof. A calendar month shall be any period from a certain date in one month to the same date in the next succeeding month.

(8) SALE OF PLEDGE. Upon default in the payment of any loan, a pawnbroker may sell the pledge upon the conditions contained in this section.

(a) A pawnbroker may sell a pledge at private sale for an amount not less than that agreed to by the pledgor, which amount shall be stipulated on the pawn ticket and shall not be less than 125% of the amount of the loan. A pledge which cannot be sold at private sale at the minimum price agreed to by the pledgor must be sold at public auction, which sale shall be conducted in the manner provided by s. 779.48 (1).

(b) No unredeemed pledge may be sold before the expiration of 90 days after the due date of the loan unless otherwise speci-

cally authorized in writing by the pledgor. The authority to sell an unredeemed pledge prior to the expiration of 90 days after the due date of the loan must be given by the pledgor on a date subsequent to the due date of the loan.

(c) An unredeemed pledge must be sold within 12 months of the due date of a loan. No interest or charges permitted under this section may be collected on a loan after the expiration of 12 months of the due date of a loan, whether the loan is renewed or the loan is paid and the pledge redeemed.

(9) NOTICE OF SALE. A pawnbroker shall not sell any pledge unless due notice of such contemplated sale has been forwarded to the pledgor by registered mail to the address given by the pledgor at the time of obtaining the loan or to such new address of the pledgor, as shown on the pawnbroker's record. Notice of the contemplated sale of a pledge shall be mailed to the pledgor not less than 30 days prior to the date of sale. Such notice shall state total amount of principal, interest and charges due on the loan as of the date of the notice.

(10) DISPOSITION OF PROCEEDS. The proceeds from the sale of a pledge shall be applied in the order specified, to the following purposes: Payment of the auctioneer's charges if sold at public auction, or commission for selling not to exceed 5% if sold at private sale; payment of principal of the loan; payment of the interest on the loan permitted under this section, and payment of the charges on the loan permitted under this section; payment of postage for mailing notice to the pledgor of the contemplated sale or notice of the surplus. The surplus, if any, shall be paid to the pledgor or such other person who would have been entitled to redeem the pledge had it not been sold.

(11) NOTICE OF SURPLUS. Notice of any surplus from the sale of a pledge shall be forwarded to the pledgor within 10 days of the date of sale by registered mail to the address given by the pledgor at the time of obtaining the loan or to such new address of the pledgor, of which the pawnbroker has received notice.

(12) REVERSION OF SURPLUS. If a surplus remaining from the sale of a pledge is not paid or claimed within one year from the date of sale, such surplus shall revert to the pawnbroker. The pawnbroker shall not be required to pay any interest on an unpaid surplus.

(13) FORFEITURE. A pawnbroker who charges, contracts for or receives interest or charges greater than permitted under this section shall forfeit both principal and interest, and shall return the pledge upon demand of the pledgor and surrender of the pawn ticket, without tender or payment of principal or interest.

(14) PENALTY. Any pawnbroker who refuses to comply with sub. (13) shall be imprisoned in the county jail for not more than one year or fined not more than \$500.

(15) EXCEPTION. This section does not apply to any person that is licensed under s. 138.09 or 138.14.

**History:** 1979 c. 32 s. 92 (9); 1981 c. 45; 1983 a. 189; 1989 a. 257; 1993 a. 482; 1997 a. 27; 2005 a. 158; 2009 a. 405.

### 138.12 Insurance premium finance companies.

(1) DEFINITIONS. For purposes of this section:

(a) "Division" means the division of banking.

(b) "Insurance premium finance company" means a person engaged in the business of entering into insurance premium finance agreements.

(c) "Licensee" means an insurance premium finance company holding a license issued by the division under this section.

(d) "Premium finance agreement" means an agreement by which an insured or prospective insured promises to pay to an insurance premium finance company the amount advanced or to be advanced under the agreement to an insurer or to an insurance agent or broker in payment of premiums on an insurance contract together with a service charge or interest charge as authorized and limited by this chapter.

(2) SCOPE. This section shall not apply to:

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1. Applicants must conduct its operation in accordance with all applicable City, State and Federal Laws, rules and regulations in an area properly zoned for such activity.

2. Applicants must either conduct the licensed operation in a fully enclosed facility, or in the alternative, conduct its operation situated in a manner and on a lot of such a size so that dust from the operation will not cause air or water pollution, cause personal injury or property damage, be a public or private nuisance or be a basis for annoyance or discomfort to the general public or to abutting property owners or occupiers.

**F. Notice to Aldermen.** Notice of all license applications shall be sent to the Alderman of the District wherein the licensed facility will be located.

**G. Prohibition and Penalty.** Any person, party, firm or corporation who operates a temporary cement batch plant without a proper and valid license or who operates or permits to be operated a licensed temporary cement batch plant in a manner which causes air or water pollution, causes personal injury or property damage, which is a public or a private nuisance, or which is a basis for annoyance or discomfort to the general public or to abutting property owners or occupiers, shall upon conviction, forfeit an amount of money not less than Twenty-Five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars per day of violation, each day of violation constituting a separate offense, together with the costs of the action, and in default of payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

**H. Revocation and Suspension.** The license may be revoked or suspended by the Common Council for violations of **§E.1.** and **2.**, hereof, for supplying false information resulting in the granting of this license, or for other just cause, following a public due process hearing to be held by the Committee on Finance.

### 13.02 PAWNBROKERS AND SECONDHAND ARTICLE AND JEWELRY DEALERS

**A. Definitions.** In this Section:

1. **"Article"** means any of the following articles except jewelry:

- a. Audiovisual equipment.
- b. Bicycles.
- c. China.
- d. Computers, printers, software and computer supplies.
- e. Computer toys and games.
- f. Crystal.
- g. Electronic equipment.
- h. Fur coats and other fur clothing.
- i. Ammunition and knives.
- j. Microwave ovens.
- k. Office equipment.
- l. Pianos, organs, guitars and other musical instruments.
- m. Silverware and flatware.
- n. Small electrical appliances.
- o. Telephones.
- p. Furniture.

2. **"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.

3. **"Customer"** means a person with whom a pawnbroker, secondhand article dealer or secondhand jewelry

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dealer or an agent thereof engages in a transaction of purchase, sale, receipt or exchange of any secondhand article or secondhand jewelry.

4. **"Jewelry"** means any tangible personal property ordinarily wearable on the person and consisting in whole or in part of any metal, mineral or gem customarily regarded as precious or semiprecious.

5. **"Pawnbroker"** means any person who engages in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price.

6. **"Person"** means any person, firm, partnership, association, corporation, company or organization of any kind.

7. **"Secondhand"** means owned by any person, except a wholesaler, retailer or secondhand article dealer or secondhand jewelry dealer licensed under this Section, immediately before the transaction at hand.

8. **"Secondhand Article Dealer"** means any person who primarily engages in the business of purchasing or selling secondhand articles, except when engaging in any of the following:

a. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show, a convention or an auction.

b. Any transaction entered into by a person while engaged in a business for which the person is licensed under **Sub. B.** or **D.** or while engaged in the business of junk collector, junk dealer, auctioneer or scrap processor as described in §70.995(2)(x), Wisconsin Statutes.

c. Any transaction while operating as a charitable organization or conducting a sale the proceeds of which are donated to a charitable organization.

d. Any transaction between a buyer of a new article and the person who sold the article when new which involves any of the following:

(1) The return of the article.

(2) The exchange of the article for a different, new article.

e. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.

f. Any transaction as a seller of a secondhand article which the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

9. **"Secondhand Jewelry Dealer"** means any person who engages in the business of any transaction consisting of purchasing, selling, receiving or exchanging secondhand jewelry, except for the following:

a. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show, a convention or an auction.

b. Any transaction with a licensed secondhand jewelry dealer.

c. Any transaction entered into by a person while engaged in a business of smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the person has no retail operation open to the public.

d. Any transaction between a buyer of new jewelry and the person who sold the jewelry when new which involves any of the following:

(1) The return of the jewelry.

(2) The exchange of the jewelry for different, new jewelry.

e. Any transaction as a purchaser of secondhand jewelry from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

f. Any transaction as a seller of secondhand jewelry which the person bought from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

**B. License For Pawnbroker.** No person may operate as a pawnbroker unless the person first obtains a

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pawnbroker's license under this Section.

### **C. License For Secondhand Article Dealer.**

1. Except as provided in §2., no person may operate as a secondhand article dealer unless the person first obtains a secondhand article dealer's license under this Section.

2. A person who operates as a secondhand article dealer only on premises or land owned by a person having a secondhand dealer mall or flea market license under §K. need not obtain a secondhand article dealer's license.

**D. License For Secondhand Jewelry Dealer.** No person may operate as a secondhand jewelry dealer unless the person first obtains a secondhand jewelry dealer's license under this Section.

**E. License Application.** A person wishing to operate as a pawnbroker, secondhand article dealer or secondhand jewelry dealer in the City of Kenosha shall make application to the City Clerk for a license, accompanied by the required fee. The City Clerk shall furnish application forms, which shall require the following:

1. The applicant's name, place and date of birth and residence address.
2. The names and addresses 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 (10) years of a felony or within the preceding five (5) 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:
  - a. If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.
  - b. If the applicant is 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 Police Department or City Clerk may reasonably require.

**F. Investigation Of License Applicant.** Upon receipt of an application, the City Clerk shall send copies thereof to the Department of Community Development and Inspections and the Kenosha Police Department. The Department of Community Development and Inspections, within ten (10) days of receiving such copy, shall make a report, in writing, to the Committee on Licenses/Permits as to whether the premises meet the requirements of this Chapter and the Building and Zoning Codes. The Kenosha Police Department shall investigate each applicant for a pawnbroker's, secondhand article dealer's or secondhand jewelry dealer's license to determine whether the applicant has been convicted within the preceding ten (10) years of a felony or within the preceding five (5) years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal Ordinance violation described under E.3. and, if so, the nature and date of the offense and the penalty assessed. The Kenosha Police Department shall furnish the information derived from that investigation in writing to the City Attorney. The City Attorney, or his or her designee, shall examine said record and make a recommendation based thereon as to whether or not the license should be granted. Such reports shall be delivered to the City Clerk or Clerk for the Committee on Licenses/Permits who, in turn shall deliver them, with the application, to the Committee on Licenses/Permits. Such Committee shall recommend to the Common Council either the granting or denial of the application, or such other action as may be appropriate.

### **G. License Issuance.**

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1. The Common Council shall grant the license if all of the following apply:

a. 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 (10) years of a felony or within the preceding five (5) 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 pawnbroker, secondhand jewelry dealer, secondhand article dealer or secondhand article dealer mall or flea market owner.

b. With respect to an applicant for a pawnbroker's license, the applicant provides the City Clerk with a Five Hundred (\$500) Dollar bond, with at least two (2) sureties, for the observation of all City of Kenosha Ordinances relating to pawnbrokers.

2. No license issued under this Subsection shall be transferred.

3.a. Each license for a pawnbroker, secondhand article dealer or secondhand jewelry dealer is valid from January 1 until the following December 31.

b. Each license for a secondhand article dealer mall or flea market is valid for two (2) years, from May 1 of an odd numbered year until April 30 of the next odd numbered year.

**H. Fees.** The license fees under this Section are:

1. For a Pawnbroker's License, \$210
2. For a Secondhand Article Dealer's License, \$27.50
3. For a Secondhand Jewelry Dealer's License, \$30
4. For a Secondhand Article Dealer Mall or Flea Market License, \$165 .

**I. License Revocation.** The Common Council of the City of Kenosha may 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 this Section or §§943.34 (receiving stolen property), 948.62 (receiving stolen property from a child) or 948.63 (receiving property from a child), Wisconsin Statutes.

**J. Pawnbroker And Dealer Requirements.**

**1. Identification.** No pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer without first securing adequate identification from the customer. At the time of the transaction, the pawnbroker, secondhand article dealer or secondhand jewelry dealer shall require the customer to present one of the following types of identification:

- a. A County identification card.
- b. A State identification card.
- c. A valid Wisconsin motor vehicle operator's license.
- d. A valid motor vehicle operator's license, containing a picture, issued by another state.
- e. A military identification card.
- f. A valid passport.
- g. An alien registration card.
- h. A senior citizen's identification card containing a photograph.

i. Any identification document issued by a state or federal government, whether or not containing a picture, if the pawnbroker, secondhand article dealer or secondhand jewelry dealer obtains a clear imprint of the customer's right index finger.

**2. Transactions With Minors.**

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a. Except as provided in §b., no pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from any minor.

b. A pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction described under §a., if the minor is accompanied by his or her parent or guardian at the time of the transaction or if the minor provides the pawnbroker, secondhand article dealer or secondhand jewelry dealer with the parent's or guardian's written and notarized consent to engage in the particular transaction.

### 3. Records.

a. Except as provided in §b., for each transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall:

(1) Require the customer to complete and sign, in ink, the appropriate form provided by the City of Kenosha or the Department of Agriculture. No entry on such form may be erased, mutilated or changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer shall retain an original and a duplicate of each form for not less than one (1) year after the date of the transaction except as provided in ¶5, and during that period shall make the duplicate available to any law enforcement officer for inspection at any reasonable time.

(2) Take a color photograph, a digital image or a video recording of:

(a) Each customer involved in a billable transaction.

(b) Every item pawned or sold.

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. The major portion of the photograph must include an identifiable facial image of the person who pawned or sold the item. Items photographed must be accurately depicted.

If a digital image is taken, it must be in a format specified by the police department, electronically cross-referenced to the reportable transaction they are associated with. Such images must be available to the Chief of Police, or the Chief's designee, upon request. The major portion of the image must include an identifiable facial image of the person who pawned or sold the item. Items recorded by digital image must be accurately depicted.

If a video photograph is taken, the video camera must focus on the person pawning or selling the item so as to include an identifiable image of that person's face. Video recordings must be available to the Chief of Police, or the Chief's designee, upon request. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate.

Photographs, digital images and video recordings shall be retained by the pawnbroker, secondhand article dealer or secondhand jewelry dealer for not less than one (1) year after the date of the transaction.

The Licensee must inform the person that he or she is being photographed and/or videotaped by displaying a sign of sufficient size in a conspicuous place on the premises.

b. For every secondhand article consigned to the secondhand article dealer for sale on the secondhand article dealer's premises, the secondhand article dealer shall keep a written inventory. In this inventory the secondhand article dealer shall record the name and address of each customer, the date, time and place of the transaction and a detailed description of the article which is the subject of the transaction. The customer shall sign his or her name, address and telephone number on a declaration of ownership of the secondhand article identified in the inventory and shall state that he or she owns the secondhand article. The secondhand article dealer 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 (1) year after the date of the transaction except as provided for in ¶5., and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any reasonable

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time.

### 4. Holding Period.

a. Except as provided in §d. and f., any secondhand article or secondhand jewelry purchased or received by a pawnbroker shall be kept on the pawnbroker's premises or other place for safekeeping for not less than thirty (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 or secondhand jewelry recovers it.

b. Except as provided in §d. and f., any secondhand article purchased or received by a secondhand article dealer shall be kept on the secondhand article dealer's premises or other place for safekeeping for not less than twenty-one (21) days after the date of purchase or receipt.

c. Except as provided in §d. and f., any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the secondhand jewelry dealer's premises or other place for safekeeping for not less than twenty-one (21) days after the date of purchase or receipt.

d. If a pawnbroker, secondhand article dealer, or secondhand jewelry dealer is required to submit a report under par. (5) concerning a secondhand article or secondhand jewelry purchased or received by the pawnbroker, secondhand article dealer, or secondhand jewelry dealer and the report is required to be submitted in an electronic format, the secondhand article or secondhand jewelry shall be kept on the pawnbroker's, secondhand article dealer's or secondhand jewelry dealer's premises or other place for safekeeping for not less than ten (10) days after the report is submitted.

e. During the period set forth in §§a., b., c. or d., the secondhand article or secondhand jewelry shall be held separate and apart and may not be altered in any manner. The pawnbroker, secondhand article dealer or secondhand jewelry dealer shall permit any law enforcement officer to inspect the secondhand article or secondhand jewelry during this period. Within twenty-four (24) hours after a written request of a law enforcement officer during this period, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall make available for inspection any secondhand article or secondhand jewelry which is kept off the premises for safekeeping. Any law enforcement officer who has reason to believe any secondhand article or secondhand jewelry was not sold or exchanged by the lawful owner may direct a pawnbroker, secondhand article dealer or secondhand jewelry dealer to hold that secondhand article or secondhand jewelry for a reasonable length of time which the law enforcement officer considers necessary to identify it.

f. Sections a. to d. do not apply to any of the following:

- (1) A coin of the United States, any gold or silver coin or gold or silver bullion.
- (2) A secondhand article or secondhand jewelry consigned to a pawnbroker, secondhand article dealer or secondhand jewelry dealer.

### 5. Report To Law Enforcement Agency.

a. Within twenty-four (24) hours after purchasing or receiving a secondhand article or secondhand jewelry, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall make available, for inspection by a law enforcement officer, the original form completed under ¶3.a. or the inventory under ¶3.b., whichever is appropriate.

b. Every pawnbroker, secondhand article dealer or secondhand jewelry dealer shall, within seven(7) days after receiving the secondhand article or secondhand jewelry, send to the Chief of Police a photocopy of the original form completed under ¶3.a.

c. Notwithstanding §19.35(1), Wisconsin Statutes, a law enforcement agency receiving the original form or inventory or a declaration of ownership may disclose it only to another law enforcement agency.

d. Effective no later than sixty (60) days after the police department provides a pawnbroker, secondhand article dealer, or secondhand jewelry dealer with the current version of the software utilized by the police department, a pawnbroker, secondhand article dealer, or secondhand jewelry dealer must submit every reportable transaction to the police department daily by transferring it electronically to the police department in the manner designated by the Kenosha Police Department. All required records must be transmitted completely and accurately after the close of business each day in accordance with the standards and procedures established by the police department.

## CODE OF GENERAL ORDINANCES, 2013 - KENOSHA, WISCONSIN

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(1) The pawnbroker, secondhand article dealer or secondhand 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.

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

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

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

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

**6. Exception For Customer Return Or Exchange.** Nothing in this Subsection applies to the return or exchange, from a customer to a secondhand article dealer or secondhand jewelry dealer, of any secondhand article or secondhand jewelry purchased from the secondhand article dealer or secondhand jewelry dealer.

**7. Altered Serial Number.** No pawnbroker, secondhand article dealer or secondhand jewelry dealer may receive any item of property that possesses an altered or obliterated serial number or operation identification number or any item of property that has had its serial number removed.

**8. Business at Only One Place.** A License under this chapter authorizes the Licensee to carry on its business only at the permanent place of business designated in the License. However, upon written request, the Chief of Police, or the Chief's designee, may approve an off-site locked and secured storage facility. The Licensee shall permit an inspection of the facility in accordance with this Chapter. All provisions of this Chapter regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the city code. The Licensee must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premises that extends for more than six (6) months.

### **9. Payment.**

a. All payments made by a pawnbroker who lends money on the deposit or pledge of any article or jewelry or who purchases any article or jewelry shall be made by check or automated clearing house.

b. All payments of more than Twenty-Five Dollars (\$25.00) made by a secondhand article dealer for the purchase of any secondhand article shall be made by check or automated clearing house.

c. All payments made by a secondhand jewelry dealer for the purchase of any jewelry shall be made by check or automated clearing house.

### **K. Secondhand Article Dealer Mall Or Flea Market.**

1. The owner of any premises or land upon which two (2) 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:

a. Each secondhand article dealer occupies a separate sales location and identifies himself or herself to the public as a separate secondhand article dealer.

b. The secondhand article dealer mall or flea market is operated under one (1) name and at one (1) address, and

## CODE OF GENERAL ORDINANCES, 2013 - KENOSHA, WISCONSIN

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is under the control of the secondhand article dealer mall or flea market license holder.

c. 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.

2. The secondhand article dealer license holder or flea market licensed holder and each secondhand article dealer operating upon the premises or land shall comply with §J..

### L. Penalty.

1. Upon conviction for a first offense under this Section, a person shall forfeit not less than Fifty (\$50) Dollars nor more than One Thousand (\$1,000) Dollars.

2. Upon conviction for a second or subsequent offense under this Section, a person shall forfeit not less than Five Hundred (\$500) Dollars nor more than Two Thousand (\$2,000) Dollars.

**M. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid or be repealed, it shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid or repealed.

### 13.025 CHARITABLE, RELIGIOUS AND POLITICAL SOLICITATIONS

It shall be unlawful for any person, firm or corporation to solicit or cause to be solicited contributions of money, goods or services to be utilized for a charitable, religious or political purpose in a residentially zoned area without a prearranged appointment during the hours of 8:00 P.M. to 8:00 A.M.

In the event that it is determined by a Court of law that the City cannot constitutionally prohibit such solicitation during the hours of 8:00 P.M. to 9:00 P.M., then the hours of prohibited solicitation shall be the hours of 9:00 P.M. to 8:00 A.M.

### 13.03 PEDDLERS

**A. Purpose.** The purpose and intent of this Ordinance is to regulate unsolicited contacts with the citizens of this City designed to influence the citizen to buy or accept periodicals, goods, merchandise or services.

**B. License Required.** It shall be unlawful for any person to engage in the business of a "Peddler" or perform the act of "Peddling", as herein defined, within the City, without first having obtained a license from the City Clerk.

**C. License Not Required.** The following shall be excluded herefrom:

1. Persons selling to or taking orders from any retail or wholesale business establishment.
2. Persons selling or taking orders for agricultural products grown by said persons within the State of Wisconsin.
3. Persons under the age of 18 who sell or take orders for a newspaper which said persons deliver within the City where said sale of order occurs in the normal course of delivering said newspaper.
4. Persons who under the state license engage in the real estate or insurance business.
5. Persons selling or taking orders by prearranged appointment.
6. Persons selling at art, craft, and antique shows, at rummage fairs, and at trade shows.

Persons herein excluded are not excused from complying with any other Ordinances, laws, rules or regulations

**Pawn Shops / Secondhand Dealers**

City or Municipality	Zoning District	CUP Required & Review Authority	Distance Requirements	Special Standards	License Required	License Application	License Fee	Adoption Date	Number of Applications	Issues/ Problems
City of Appleton, WI	C-1 Neighborhood Commercial District	Permitted Use -- as a Permitted General Retail Use.	No spacing or clustering requirements.	Required to electronically submit equipment to Police Department.	License Application for Pawnbroker and Second-hand Article and Jewelry Dealer.	Required Pawnbroker's License.	\$217 - \$210* initial and renewal + 7 police investigation fee.			
	C-2 General Commercial District									
	C-3 Central Commercial District									
City of Green Bay, WI	C1 General Commercial Districts	Permitted Use		Pawnbroker's Application must go through the Protection and Welfare Committee.	WI Dept. of Justice License Application for Pawnbroker/Secondhand Jewelry Article Dealer.		\$50 for Pawnbroker's License.			
	C2 Highway Commercial District									
	C3 Community Center Commercial District									
	D Downtown Districts (D-1 and D-2)	Conditional Use								
	LI Light Industrial District									
	Special Purpose Districts									
City of Madison, WI	"MXC" Mixed-Use Center District	Permitted Use	No distance or separation requirements.	Pawnbroker falls under Secondhand Dealer. Inspections needed from the following: Building, Police Background Check, including Financing members & employees.	Requires Common Council approval and \$5,000 bond with a minimum of two securities.	"Second-hand Dealer/ Pawnbroker Application" and "Fingerprint Form" (City of Madison Applications).	\$5,000 Pawnbroker's License.	02/01/12		
	"CC-T" Commercial Corridor-Transitional District									
	"CC" Commercial Center District									
	"DC" Downtown Core District									
	"UMX" Urban Mixed-Use Districts									
	"LMX" Limited Mixed-Use District									
	"NMX" Neighborhood Mixed-Use District									
"TSS" Traditional Shopping Street District										

## Pawn Shops / Secondhand Dealers

City or Municipality	Zoning District	CUP Required & Review Authority	Distance Requirements	Special Standards	License Required	License Application	License Fee	Adoption Date	Number of Applications	Issues/ Problems
City of Milwaukee, WI	Neighborhood Shopping Districts (NS-1 and NS-2)	"S" Special Use – This is permitted only if the board approves a special use permit pursuant to s. 295-311-2 of the City of Milwaukee Zoning Ordinance.	No currency exchange, payday loan agency, title loan agency, cash-for-gold business or pawn shop is located within 1,500 feet of the proposed use, and the proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.	Pawnbroker's License falls under Section 92-1 for Secondhand Dealers (Chapter 92 of the City of Milwaukee Code of Ordinances).	Bond License for Pawnbrokers and two (2) forms of Sureties and be in the amount of \$500.	City Bond License Required.	\$375 Pawnbroker's License.			
	Local Business Districts (LB-1 and L-3)									
	Regional Business Districts (RB-1 and RB-2)									
	Commercial Service (CS)									
	Residential and Specialty Use (C9B)									
	Neighborhood Retail (C9C)									
	Civic Activity (C9D)									
	Major Retail (C9E)									
	Office and Shopping (C9F)									
	Mixed Activity (C9G)									
Warehouse and Light Manufacturing (C9H)										
Industrial-Mixed (IM)										
Institutional District (TL)										
City of Racine, WI	B2 Community Shopping	CUP Required for both the B2 and B3 Districts and Common Council may grant or deny an application for a CUP upon a majority vote.	Pawnbroker businesses, provided that no other pawnbroker business is located within 2,500 feet, and the business is located at least 250 feet from a residential district.	Section 22-891. Pawnbrokers and secondhand article and jewelry dealers. (Municipal Code of Ordinances).	Section 22-891 (3). Licensed required. (City of Racine City Clerk Office).	Section 22-891 (4). License application. (City Clerk).	Section 22-891 (6). a. Pawnbrokers license, <b>\$210.*</b>	02/06/07 (but may be an amendment to section that includes pawn shops).		
	B3 General Commercial									
City of Janesville, WI	B2 Community Shopping	Permitted Use under secondhand stores & rummage shops— <i>retail sales</i> of clothing & household goods.	No distance or separation requirements.	Automated reporting of merchandise sold to the Police Department.	Requires licensing for Pawnbrokers.	License obtained from the City Clerk's Office.	Annual fee of <b>\$210*</b> with a \$1,000 bond.			
	B3 General Commercial									
	B4 Business Highway									
	B5 Central Business									
B6 Central Service										

**Pawn Shops / Secondhand Dealers**

City or Municipality	Zoning District	CUP Required & Review Authority	Distance Requirements	Special Standards	License Required	License Application Fee	Adoption Date	Number of Applications	Issues/ Problems
Fort Worth, TX	General Commercial Restricted ("FR") District	Permitted Uses (P*) - (*) Supplemental Use Standards. Existing Nonconforming Pawnshops - Any pawnshop legally in existence on (date), shall be deemed to be a nonconforming use and shall meet all requirements for nonconforming uses; provided that the existing pawnshop is nonconforming only as to the distance restrictions contained in Section 5.125 A. of the Zoning Ordinance.	Regardless of the zoning district in which it is located, a pawnshop shall be subject to the following distance restrictions: 1) no pawnshop shall be located within 500 feet of any one- or two-family district and 2) no pawnshop shall be located within 500 feet of any other pawnshop. (Section 5.125 A. of the Zoning Ordinance).	BOA may grant a special exception to the distance requirements, but the BOA shall place conditions on the location, use and operation of the pawnshop as are necessary to protect & maintain nearby one- & two-family districts. (Section 5.125 B. of the Zoning Ordinance).	A second-hand dealers license is required. Left a telephone message regarding this issue with City of Fort Worth's Zoning Division.	(1) Any secondhand dealer desiring a license shall make written application to the chief of police upon forms provided by the police department. (2) The application must be signed & sworn to by the applicant before an officer authorized by law to administer oaths. (3) Secondhand dealers shall pay an annual fee in the amount of \$25 to the city tax assessor-collector. (4) Upon approval of the application by the police chief & payment of the license fee, the city tax assessor-collector shall issue a license to the applicant.			
	General Commercial ("F") District								
	Intensive Commercial ("G") District								
	Central Business ("H") District								
	Light Industrial ("I") District								
	Medium Industrial ("J") District								
Faribault, MN (substituted Northfield, MN)	Heavy Industrial ("K") District								
	C-2 Highway Commercial District	Permitted Use	No distance or separation requirements.		No License Required for Pawnshops.	\$2,000 for Pawnbroker fee.			
	C-3 Community Commercial District CBD Central Business District								

**Pawn Shops / Secondhand Dealers**

City or Municipality	Zoning District	CUP Required & Review Authority	Distance Requirements	Special Standards	License Required	License Application	License Fee	Adoption Date	Number of Applications	Issues/ Problems
Pittsburgh, PA	HC Highway Commercial District	Special Exceptions (S) – shall be allowed in the respective district only if reviewed and approved by the Zoning Board of Appeals in accordance with the the Special Exception review procedures of Section 922.07.	(1) Pawn Shop facilities shall not be open for business to customers for more than 9 hours within any 24 hour period and shall not be open for business on Sundays. (2) Pawn Shop facility shall not be located w/in 500 feet from any residential use as measured from the center point of the building. (3) Pawn shop facility shall not be located w/in 1,000 feet from another Pawn Shop, Check Caching facility, Gaming Enterprise, etc. as measured from the center point of the building. (4) The use of bars, chains, or similar security devices visible from a public street or sidewalk shall be prohibited.	Section 992.07 – This section sets out the required review, criteria, public hearing and approval procedures for Special Exceptions.	Antique/ Second-Dealer Application form the City of Pittsburgh Bureau of Building Inspection (Application and License).	Pawn Shop means an establishment engaged in retail sales of new or second-hand merchandise and offering loans secured by personal property. (Ord. 42/ Dec. 30, 2005).	Annual fee of \$722 for Pawn-brokers. Annual fee of \$337 for Second-hand Dealers.			
	GI General Industrial District									
	UI Urban Industrial District									

**Pawn Shops / Secondhand Dealers**

City or Municipality	Zoning District	CUP Required & Review Authority	Distance Requirements	Special Standards	License Required	License Application	License Fee	Adoption Date	Number of Applications	Issues/ Problems
Riverside, CA	Commercial Retail Zone (CR)	Permitted Use – (MC) MC = Subject to granting of Minor Conditional Use Permit (MCUP), Chapter 19.730.	(1) The business shall not be located within 600 feet of a public or private school, assemblies of people–non-entertainment or public park, etc. (2) The business shall not be located within 100 feet of any existing residential dwelling or property zoned for residential uses, etc. (3) The business shall be located a minimum distance of 1,000 feet from any existing parolee/probationer home, emergency shelter, supportive housing, transitional housing and transitional housing development or business licensed by the State of California for off- or on-sale of alcoholic beverages.	Required to electronically submit equipment to Police Department.	2 year Pawn-broker License. (1) All persons with financial interest must be listed on application and fingerprinted. (2) Current City of Riverside Business Tax License. (3) DOJ Form JUS 125 (Secondhand Dealers application) completed. (4) \$20,000 Nonrevocable Surety Bond (original). (5) Financial statement from State of California C.P.A., confirming at least \$100,000 in liquid assets.	State of California Application for Second-hand Dealer or Pawn-broker License.	\$300 to Dept. of Justice. \$333 to City of Riverside. \$32 to City of Riverside for each person fingerprinted.			
	Commercial General Zone (CC)		(4) The business shall be in a location that is fully visible from a public street with an unobstructed view from public street for public safety.							

**Pawn Shops / Secondhand Dealers**

City or Municipality	Zoning District	CUP Required & Review Authority	Distance Requirements	Special Standards	License Required	License Application	License Fee	Adoption Date	Number of Applications	Issues/ Problems
Buffalo, MN	This community has NOT identified any zoning districts.	Not Applicable	No spacing or clustering requirements.	Automated Pawn System was outlined.	None.	None.	None.			
Casper, WY	C-2 General Business District	Permitted Use	No spacing or clustering requirements.	Required to electronically submit equipment to Police Department.	Pawnbroker/Second-hand Dealer shall file with the city clerk an application for a license, under, and pay a license fee as established by resolution of the city council. Any change of ownership shall require a new license application and license. In addition, a General Business License a and State License form from the Administrator of the Wyoming Uniform Consumer Credit Code must be submitted.	Annual fee of \$100. plus \$1,000 bond furnished to City Clerk.				
	C-3 Central Business District									
	C-4 Highway Business District									
	M-1 Limited Industrial District									
Currituck County, NC	LI Light Industrial District	U = Use Permit. A "U" in a cell of the use table indicates that the corresponding category or use type is allowed in the corresponding base zoning district or parallel conditional zoning district only upon approval of a use permit in accordance with Section 2.4.6, and any conditions imposed as part of conditional rezoning (if applicable).			License Application for Pawnbroker and Second-hand Article and Jewelry Dealer.	License Required Pawnbroker's License.	Annual fee of \$250 to Currituck County Finance Dept. Bond payable to the County in the sum of \$5,000.			

### Pawn Shops / Secondhand Dealers

City or Municipality	Zoning District	CUP Required & Review Authority	Distance Requirements	Special Standards	License Required	License Application	License Fee	Adoption Date	Number of Applications	Issues/ Problems
Raymore, MO	C-2 General Commercial District	Conditional Use	(1) A pawnshop shall not be established or expanded within 750 feet of the district boundary line of any Residential Zoning District. (2) A pawnshop shall not be established or expanded within 1,000 feet of the property line of a church, school or public park. (3) A pawnshop shall not be established or expanded within 500 feet of any other pawnshop.	Required to electronically submit equipment to Police Department.	City of Raymore Occupational License Application.	Required Occupational License.	Annual fee of \$100. Applicant must have net assets of at least \$100,000 (one-hundred thousand)			
	C-3 Regional Commercial District									
City of Kenosha, WI	B-2 Community Business District	Permitted Use – Secondhand store.	No spacing or clustering requirements.	Required to electronically submit equipment to Police Department.	No person may operate as a pawnbroker unless the person first obtains a pawnbroker's license under Section 13.02 of the General Code.	A person wishing to operate as a pawnbroker, secondhand article dealer or second-hand jewelry dealer in the City of Kenosha shall make two (2) sureties.	<b>\$210*</b> annual fee plus \$500 provided to the City Clerk, with at least two (2) sureties.			
	B-3 Central Business District	Permitted Use – Secondhand and antique store.								
	B-4 Mixed Use District	Permitted Use – Secondhand and antique store.								

Pawn Shops / Secondhand Dealers

\*Per Wisconsin Statutes 134.71(11)(a), the minimum fee that must be charged for a pawnbrokers license is \$210.

Additional Wisconsin State Statutes that should be considered include the following:

134.71(7)(a)2. With respect to an applicant for a pawnbroker's license, the applicant provides to the governing body a bond of \$500, with not less than 2 sureties, for the observation of all municipal ordinances relating to pawnbrokers.

134.71(14) Ordinance. A county or municipality may enact an ordinance governing pawnbrokers, secondhand article dealers or secondhand jewelry dealers if that ordinance is at least as stringent as this section.

Brian Reining, AICP  
Community Planner  
April 22, 2013

# ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

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## 3.13 B-1 NEIGHBORHOOD BUSINESS DISTRICT

The primary purpose and characteristics of the B-1 Neighborhood Business District are intended to allow for limited commercial, retail and service establishments in areas where the surrounding neighborhood is predominately residential and the character and operation of which are compatible with the character of the surrounding area.

### A. Permitted Uses.

1. **Convenience retail and service stores** as follows, all conducted wholly within an enclosed building and including only the retailing of new merchandise:

- a. Bakery, retail.
- b. Barbershop.
- c. Beauty or styling salon.
- d. Bicycle sales, rental and repair shop.
- e. Book and stationery shop, or newsstand; excluding adult uses, as defined.
- f. Camera and photographic supply store.
- g. Candy and ice cream store.
- h. Clothes and costume rental service.
- i. Coffee shop.
- j. Dressmaking, tailor or alteration shop.
- k. Drugstore.
- l. Florist shop.
- m. Food store; grocery; meat, poultry and fish market; and delicatessen; including the use of controlled atmosphere smoke producing and processing equipment for retail and custom order purposes.
- n. Gift or antique shop, excluding secondhand shops.
- o. Hobby shop.
- p. Jewelry store.
- q. Laundromat and dry cleaning establishment.
- r. Locksmith.
- s. Office supply store.
- t. Package beverage store.
- u. Pet shop.
- v. Photocopying center.
- w. Record or tape store.
- x. Repair, rental or servicing of any article the sale of which is a permitted use in the B-1 District.
- y. Restaurant.
- z. Shoe repair and combination shoe sales store.
- aa. Tobacco and pipe shop.
- bb. Travel bureau and transportation ticket office.
- cc. Upholstering shop.
- dd. Artisan Studio.

2. **Miscellaneous Retail and Service Uses** as follows, all conducted wholly within an enclosed building and only including the retailing of new merchandise:

- a. Banks and other financial institutions.
- b. Civic, social and fraternal clubs and lodges; including for-profit and nonprofit establishments.
- c. Adult day care centers.
- d. Hardware store.
- e. Medical clinic and laboratory, excluding hospitals.
- f. Nursery and child care centers.
- g. Offices; business, professional, governmental, civic, service, philanthropic, political and union, excluding union halls.

# ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

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## 3.14 B-2 COMMUNITY BUSINESS DISTRICT

The primary purpose and characteristics of the B-2 Community Business District are intended to accommodate the needs of a larger consumer population than is served by the B-1 Neighborhood Business District, thereby permitting a wider range of uses and development sizes for both convenience and community shopping.

### A. Permitted Uses.

1. Hotels and motels existing on the effective date of this Ordinance.

2. **Convenience Retail and Service Stores** as follows, all conducted wholly within an enclosed building, except as provided for herein:

- a. Bakery, retail.
- b. Barber shop.
- c. Beauty or styling salon.
- d. Bicycle sales, rental and repair shop.
- e. Book and stationery shop, newsstand; excluding adult uses, as defined.
- f. Camera and photographic supply store, including drive-in, pickup/drop-off centers.
- g. Candy and ice cream store.
- h. Clothes and costume rental service.
- i. Coffee shop.
- j. Dressmaking and tailor shop.
- k. Drugstore.
- l. Florist shop.
- m. Food store; grocery; meat, poultry and fish market; and delicatessen; including the use of controlled atmosphere smoke producing and processing equipment for retail and customer order purposes.
- n. Gift or antique shop.
- o. Hobby shop.
- p. Jewelry store.
- q. Laundromat and dry cleaning establishment, including clothes or garment pickup/drop-off facilities.
- r. Locksmith.
- s. Office supply store.
- t. Package beverage store, including drive through facilities.
- u. Pet shop.
- v. Photocopying center.
- w. Record or tape store.
- x. Repair, rental, and servicing of any article the sale of which is a permitted use in the B-2 District, except automobile body repair.
- y. Restaurant, including drive-in and outdoor cafe restaurants and refreshment stands.
- z. Secondhand store.
- aa. Shoe repair and combination shoe sales store.
- bb. Tobacco and pipe shop.
- cc. Travel bureau and transportation ticket.
- dd. Upholstering shop.
- ee. Artisan Studio.

3. **General Merchandise and Service Stores** as follows, all conducted wholly within an enclosed building, except as provided for herein:

- a. Apparel store.
- b. Business machine sales and service.
- c. Catalog and mail-order store.
- d. Department store, including outdoor storage areas of building and garden supplies, as permitted in

# ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

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## 3.15 B-3 CENTRAL BUSINESS DISTRICT

The primary purpose and characteristics of the B-3 Central Business District are intended to accommodate the retail, service, office and institutional uses characteristic of the Downtown Business District and the Uptown Shopping District.

### A. Permitted Uses.

1. Hotels and motels existing on the effective date of this Ordinance.

2. **Convenience Retail and Service Stores** as follows, all conducted wholly within an enclosed building, except as provided for herein:

- a. Bakery, retail.
- b. Barbershop.
- c. Beauty and styling salon.
- d. Bicycle sales, rental and repair shop.
- e. Book and stationery shop, or newsstand. Adult bookstores, as defined, shall conform with this Ordinance.
- f. Camera and photographic supply store, including drive-in film pickup/drop-off centers.
- g. Candy and ice cream store.
- h. Clothes and costume rental service.
- i. Coffee shop.
- j. Dressmaking, tailor or alteration shop.
- k. Drugstore.
- l. Florist shop.
- m. Food store; grocery; meat, poultry and fish market; and delicatessen; including the use of controlled atmosphere smoke producing and processing equipment for retail and custom order purposes.
- n. Gift shop.
- o. Hobby shop.
- p. Jewelry store.
- q. Laundromat and dry cleaning establishment, including clothes or garment pickup/drop-off facilities.
- r. Locksmith.
- s. Office supply store.
- t. Package beverage store.
- u. Pet shop.
- v. Photocopying center.
- w. Record or tape store.
- x. Repair, rental, and servicing of any article the sale of which is a permitted use in the B-3 District, except automobile body repair.
- y. Restaurant, including drive-in and outdoor cafe restaurants and refreshment stands.
- z. Secondhand and antique store.
- aa. Shoe repair and combination shoe sales store.
- bb. Tobacco and pipe shop.
- cc. Travel bureau and transportation ticket office.
- dd. Upholstering shop.
- ee. Artisan studio.

3. **General Merchandise and Service Stores** as follows, all conducted wholly within an enclosed building:

- a. Apparel store.
- b. Business machine sales and service.
- c. Catalog and mail order store.
- d. Department store.

# ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

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## 3.155 B-4 MIXED-USE DISTRICT

The primary purpose and characteristics of the B-4 Mixed Use District are intended to accommodate retail, service, office, institutional and residential uses characteristic of a mixed-use neighborhood in a manner consistent with an adopted Neighborhood Plan or Site Development Plan in selected areas of the City.

### A. Permitted Uses

**1. Convenience Retail and Service Stores** as follows, all conducted wholly within an enclosed building, except as provided for herein, and in **Section 3.155 D.9.** of this Ordinance:

- a. Bakery, retail.
- b. Barbershop.
- c. Beauty or styling salon.
- d. Bicycle sales, rental and repair shop.
- e. Book and stationery shop, or newsstand; excluding adult uses, as defined.
- f. Camera and photographic supply store.
- g. Candy and ice cream store.
- h. Clothes and costume rental service.
- i. Coffee shop.
- j. Dressmaking, tailor or alteration shop.
- k. Drugstore.
- l. Florist shop.
- m. Food store; grocery; meat, poultry and fish market; and delicatessen; including the use of controlled atmosphere smoke producing and processing equipment for retail and custom order purposes.
- n. Gift shop
- o. Hobby shop
- p. Jewelry store.
- q. Laundromat and dry cleaning establishment, including clothes or garment pickup/dropoff facilities.
- r. Locksmith.
- s. Office supply store.
- t. Package beverage store.
- u. Pet shop.
- v. Photocopying center.
- w. Record or tape store.
- x. Repair, rental or servicing of any article the sale of which is a conditional use in the B-4 District.
- y. Restaurant, including outdoor café restaurants and refreshment stands
- z. Secondhand and antique shop.
- aa. Shoe repair and combination shoe sales.
- bb. Tobacco and pipe shop.
- cc. Travel bureau and transportation ticket office.
- dd. Upholstering shop.
- ee. Artisan studio.

**2. General Merchandise and Service Stores** as follows, all conducted wholly within an enclosed building, except as provided for in **Section 3.155 D.9.** of this Ordinance:

- a. Apparel store.
- b. Business machine sales and service.
- c. Catalog and mail-order store.
- d. Department store.
- e. Drapery, curtain, and fabric store.
- f. Furniture and home furnishing store.
- g. Furriers and fur shops.