

..Number

100365

..Version

PROPOSED SUBSTITUTE A

..Reference

..Sponsor

ALD. WITKOWSKI AND BOHL

..Title

An ordinance amending recordkeeping and reporting requirements for junk collectors and junk dealers, and certain secondhand dealers.

..Sections

92-3-2-f	cr
92-3-8-d-5	am
92-3-8-e	rc
92-3-8-f-0	am
92-3-8-g	rn
92-3-8-g	cr
92-3-8-h	rn
92-3-8-i	rn
92-3-8-i	am
92-3-8-j	rn
92-3-8-j	am
92-3-8-k	rn
92-3-8-l	rn
92-3-8-m	rn
92-3-8-n	rn
92-3-8-o	rn

..Analysis

This ordinance amends recordkeeping requirements for junk collectors and junk dealers by requiring that transaction record descriptions of "regulated property" include pictures of the property, copies of seller identification and pictures of sellers.

This ordinance also amends reporting requirements for junk collectors and junk dealers by requiring that transaction records of "regulated property" purchases be posted or uploaded to a police-approved Internet website at the close of each business day.

Current code defines "regulated property" as aluminum siding, gutters, downspouts, screens, windows, window frames and doors, metal bathtubs and sinks, non-plastic pipe, copper, nonferrous metal items other than aluminum cans, stained glass, traffic signs, aluminum light poles, water meters, cemetery monument plaques, fixtures from houses of worship, catalytic converters, bicycles, bicycle frames or parts and manhole covers, including lids, grates and frames.

..Body

Whereas, Prompt reporting of certain theft-prone articles purchased by junk dealers and collectors will enable the police to more quickly and easily identify and recover stolen property, solve burglaries and property thefts, and help reduce theft-of-property crimes in the city; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 92-3-2-f is created to read:

92-3. Junk Collectors and Dealers.

2. DEFINITIONS.

f. "Truckload and bulk purchases" shall mean the purchase of property by weight, or in quantity, without unloading or closely inspecting individual items of property when purchased. Truckload and bulk purchases shall be at least 6 discrete items if purchased in quantity and not less than 200 pounds if purchased by weight.

Part 2. Section 92-3-8-d-5 of the code is amended to read:

8. REGULATIONS.

d-5. The type and weight of the property purchased >>, by the truckload or in bulk if a truckload or bulk purchase,<< along with any additional description of the property, if applicable.

Part 3. Section 92-3-8-e of the code is repealed and recreated to read:

e. Recordkeeping for Regulated Property. Every junk collector or junk dealer shall keep a transaction description record for any regulated property purchased as provided under s. 92-12 except as follows:

e-1. The description of the property purchased by junk collectors or junk dealers by the truckload or in bulk shall be limited to a listing of the quantity or the weight purchased by category of regulated

property purchased, and shall be exempt from the property description provisions of s. 92-6 and s. 92-12-2-b.

e-2. Junk collectors and junk dealers making truckload and bulk purchases shall include a color photograph or color video record of the truckload or bulk purchase as a whole and not of individual items purchased, and shall be exempt from the photographic record-keeping provisions of s. 92-12-3-a-2.

e-4. The written statement of ownership specified in s. 92-12-2-f shall include whether the property was purchased under a junk collector's license or if the seller is a licensed electrician under s. 222-11, a certified home improvement contractor under s. 95-14, or a licensed plumber under ch. 145, Wis. Stats., and all applicable license numbers.

Part 4. Section 92-3-8-f-0 of the code is amended to read:

f. ~~[[Transaction Record]]~~ Reporting > for Non-regulated Property < .

Part 5. Section 92-3-8-g to o of the code is renumbered 92-3-8-h to p.

Part 6. Section 92-3-8-g is created to read:

g. Reporting for Regulated Property. Junk collectors and junk dealers shall report purchases of regulated property as specified in s. 92-13 with the exception of the following: **Conflict with Part 4?**

g-1. Junk collectors are not required to display signs informing patrons that all transactions shall be reported to the police department daily through website postings.

g-2. The chief of police shall set batch data reporting standards and procedures that reasonably accommodate various mainstream data processing systems used by businesses to the extent practical. Junk collectors and junk dealers may choose to report transaction descriptions in computerized data batches so long as the batch data reporting conforms with the standards and procedures set by the chief of police, and transaction description record data not batch-reported in accordance with police procedures is maintained and reported as directed by the chief of police.

g-3. The police chief may permit a junk collector or a junk dealer to substitute customer identification numbers, or other seller identifiers assigned by the licensee, for a seller's name, address and date of birth, and all identification obtained from the seller as specified in s. 92-11 and s. 92-12-2-d, provided the licensee maintains a file containing this seller identifying information for police inspection, and this seller identifying information shall be readily available to the police

on short notice through a telephone call, an e-mail or other rapid-response means.

Part 7. Section 92-3-8-i and j of the code is amended to read:

- i. Holding Period. Junk collectors and dealers shall hold regulated property for ~~[[5]]>>2<<~~ business days.
- j. Additional Holding Period. The chief of police may, at the chief's sole discretion, cause any property purchased, which the police chief has reason to believe was not sold by the lawful owner, to be held for 5 additional business days after the elapse of the initial ~~[[5]]>>2<<~~-business-day holding period for identification by the lawful owner.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter

LRB 10332

Aaron Cadle

03/15/11