

..Number
131641
..Version
PROPOSED SUBSTITUTE
..Reference

..Sponsor
ALD. DONOVAN

..Title
A substitute ordinance relating to exceptions to secondhand dealer licensing and regulation requirements.

..Sections
92-2-1-b rn
92-2-1-b cr
92-2-1-c rn
92-2-1-d rn
92-2-1-e rn
92-2-6-c rc
92-2-6-d am
92-2-6-e am

..Analysis
This ordinance provides 2 exceptions to the holding, record-keeping and reporting requirements for licensed secondhand dealers. Currently, except for second hand clothing and clothing accessories, secondhand dealers are required to maintain records on items purchased, exchanged or consigned for sale, to report these items to the police department and to hold items for a minimum of 10 days. This ordinance provides additional exceptions to the record-keeping, reporting and holding requirements for video, cassettes, compact discs, vinyl records and for large appliances and furniture.

The ordinance defines “large appliances and furniture” to mean beds, tables, chairs, bureaus, dressers, desks, bookcases, refrigerators, freezers and all other household furnishings and appliances occupying a space greater than 8 cubic feet.

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

Part 1. Section 92-2-1-b to e of the code is renumbered 92-2-1-c to f.

Part 2. Section 92-2-1-b of the code is created to read:

92-2. Secondhand Dealer’s License.

1. DEFINITIONS.

b. “Large appliances and furniture” means beds, tables, chairs, bureaus, dressers, desks, bookcases, refrigerators, freezers and all other household furnishings and appliances occupying a space greater than 8 cubic feet.

Part 3. Section 92-2-6-c of the code is repealed and recreated to read:

6. REGULATIONS.

c. Recordkeeping. For every item purchased or exchanged by a secondhand dealer on the dealer's premises, or in the city but off the dealer's premises, and for every item consigned to a secondhand dealer for sale on the dealer's premises, the secondhand dealer shall keep a transaction description record as stipulated s. 92-12 with the exception of secondhand videos, cassettes, compact discs, vinyl records, large furniture and appliances, clothing and clothing accessories.

Part 4. Section 92-2-6-d and f of the code is amended to read:

d. Transaction Record Reporting. Every secondhand dealer, regardless of whether items are purchased or exchanged on or off the dealer's premises, or consigned for sale on the dealer's premises, except purchases and exchanges of secondhand >>videos, cassettes, compact discs, vinyl records, large furniture and appliances,<< clothing and clothing accessories, shall report transaction description records as stipulated in s. 92-13, including color photographs and color video recordings as required in s. 92-12-3.

f. Holding Period. ~~[[Every]]~~ >>Except for secondhand videos, cassettes, compact discs, vinyl records, large furniture and appliances, clothing and clothing accessories, a<< secondhand dealer shall hold all items purchased, exchanged or accepted in consignment separate and apart from any other items, unchanged and unaltered from the form it was received for 10 days for inspection by the chief of police, or the chief's designee.

..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

Police Department

..Drafter

LRB151487-2.0
Richard L. Withers
4/24/2014