



Legislation Details (With Text)

**File #:** 100136      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 5/25/2010      **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

**On agenda:**      **Final action:** 7/27/2010

**Effective date:**

**Title:** A substitute ordinance relating to zoning regulations for businesses that buy used jewelry or gold.

**Sponsors:** ALD. BOHL, ALD. WITKOWSKI

**Indexes:** SECONDHAND DEALERS, ZONING

**Attachments:** 1. Legislative Record, 2. Legislative Record Submitted by Ald Witkowski, 3. Minutes of the Zoning Code Technical Committee, 4. Recording of the Zoning Code Technical Committee meeting, 5. Zoning Meeting Letter, 6. Notice Published on 6-25-10 and 7-2-10, 7. City Plan Commission Letter.pdf, 8. Hearing Notice List, 9. Notice Published on 8-12-10

Date	Ver.	Action By	Action	Result	Tally
5/25/2010	0	COMMON COUNCIL	ASSIGNED TO		
5/26/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
5/27/2010	0	CITY CLERK	REFERRED TO		
6/25/2010	0	CITY CLERK	PUBLISHED		
7/12/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
7/15/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
7/15/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
7/20/2010	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
7/20/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Pass	5:0
7/20/2010	1	CITY CLERK	DRAFT SUBMITTED		
7/27/2010	1	COMMON COUNCIL	PASSED	Pass	15:0
8/5/2010	1	MAYOR	SIGNED		
8/12/2010	1	CITY CLERK	PUBLISHED		

100136  
SUBSTITUTE 1

ALD. BOHL AND WITKOWSKI

A substitute ordinance relating to zoning regulations for businesses that buy used jewelry or gold.

295-201-525 am

295-203-5-k am

This ordinance adds an establishment primarily engaged in buying used jewelry or gold -- a use not specifically enumerated in the zoning code -- to the zoning code definition of "secondhand store" (a

use which is specifically enumerated in the zoning code). A retail jewelry store would, however, remain a general retail establishment, rather than a secondhand store.

The inclusion of an establishment that buys used jewelry or gold in the definition of secondhand store codifies an administrative determination by the department of city development that such an establishment is most similar to a secondhand store.

Whereas, An establishment primarily engaged in the business of buying used jewelry or gold (commonly known as a “cash-for-gold” business) is required under the Wisconsin statutes to obtain a secondhand jewelry dealer license from the state of Wisconsin; and

Whereas, Based on this licensing requirement and the similarity of the term “secondhand jewelry dealer” to “secondhand store,” the department of city development has used its authority under s. 295-113 of the Milwaukee code of ordinances to determine that, for zoning purposes, a cash-for-gold business is essentially a secondhand store; and

Whereas, It is also appropriate to classify a cash-for-gold business as a secondhand store because the current definition of the term “secondhand store” includes businesses (namely, secondhand stores and pawn shops) that buy or sell used merchandise and are required to be licensed for that buying or selling activity; now, therefore

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

Part 1. Section 295-201-525 of the code is amended to read:

**295-201. Definitions.**

**525. SECONDHAND STORE** means an establishment in which used merchandise is sold at retail. This term includes a pawn shop >>or an establishment primarily engaged in buying used jewelry or gold,<< but does not include an antique or collectibles store >>, jewelry store<< or other general retail establishment.

Part 2. Section 295-203-5-k of the code is amended to read:

**295-203. Use Definitions.**

**5. COMMERCIAL AND OFFICE USES.**

k. “Secondhand store” means an establishment in which used merchandise is sold at retail. This term includes a pawn shop >>or an establishment primarily engaged in buying used jewelry or gold,<< but does not include an antique or collectibles store >>, jewelry store<< or other general retail establishment.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

Office of the City Attorney  
Date: \_\_\_\_\_

LRB10211-2  
JDO  
06/28/2010