



Legislation Details (With Text)

File #: 21847 **Version:** 1 **Name:** Secondhand
Type: Ordinance **Status:** Passed
File created: 3/22/2011 **In control:** PUBLIC SAFETY REVIEW COMMITTEE
On agenda: 5/3/2011 **Final action:** 5/3/2011
Enactment date: 5/14/2011 **Enactment #:** ORD-11-00067

Title: Creating Secs. 9.24(1)(d), (2)19. and amending Sec. 9.24(9)(a) and (b) of the Madison General Ordinances to clarify that temporary secondhand dealers are required to be licensed and to add gold and silver to the list of articles requiring a secondhand dealers license.

Sponsors: Michael E. Verveer

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/3/2011	1	COMMON COUNCIL	Adopt	Pass
4/12/2011	1	PUBLIC SAFETY REVIEW COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	
3/29/2011	1	COMMON COUNCIL	Referred	
3/22/2011	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

There may be a minimal increase in General Fund revenues derived from fines and license fees.

Title

Creating Secs. 9.24(1)(d), (2)19. and amending Sec. 9.24(9)(a) and (b) of the Madison General Ordinances to clarify that temporary secondhand dealers are required to be licensed and to add gold and silver to the list of articles requiring a secondhand dealers license.

Body

DRAFTER'S ANALYSIS: This proposal clarifies that a person who engages in the activities of a secondhand dealer or a secondhand jewelry dealer from a temporary location, such as a hotel meeting room or guest room, is required to be licensed under Sec. 9.24, MGO. The proposal also adds the buying and selling of gold or silver, including coins, bullion, watches, watch bands or other items made primarily from gold and silver to the list of articles for which a secondhand dealer's license is required. The proposal also provides that it shall be prima facie evidence that a person is engaged in the buying or selling of subject items if the person advertises that such purchases or sales may be made at a location within the City of Madison. The potential maximum penalty is increased to reflect the significant increases in the market value of gold and silver. The minimum penalty is unchanged.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (d) of Subsection (1) entitled "License Required" of Section 9.24 entitled "Licensing of Secondhand Dealers" of the Madison General Ordinances is created to read as follows:

"(d) 1. A secondhand dealer includes a person who is engaged, from a temporary location in the City of Madison, in the business of selling or purchasing articles under this Sec. 9.24. Such persons shall obtain a secondhand dealer's license under this Sec. 9.24. For the purposes of this subdivision (d), a temporary location shall include, but shall not be limited to, a hotel or motel meeting room or guest room.

2. A secondhand jewelry dealer includes a person who is engaged in the business of selling or purchasing jewelry from a temporary location in the City of Madison and such person shall obtain a secondhand jewelry dealer's license under this Sec. 9.24. For the purposes of this subdivision (d), a temporary location shall include, but shall not be limited to, a hotel or motel meeting room or guest room.
3. For the purposes of this subdivision (d), it shall be prima facie evidence that a person is engaging in the activities covered by this subdivision (d), if the person places advertisements, listings or notices in any media offering to sell or purchase items subject to this Section and provides a location where such purchases may be made within the City of Madison or the advertisement provides a telephone number or an internet or other electronic communication address, through which appointments are made for such transactions to be conducted within the City of Madison."

2. Paragraph 19. of Subsection (2) entitled "Definitions" of Section 9.24 entitled "Licensing of Secondhand Dealers" of the Madison General Ordinances is created to read as follows:

"19. Gold or silver, including coins, bullion, watches, watch bands, or other items made primarily from gold or silver."

3. Subsection (9) entitled "Penalty" of Section 9.24 entitled "Licensing of Secondhand Dealers" of the Madison General Ordinances is amended to read as follows:

"(9) Penalty.

(a) Upon conviction for a first offense under this section, a person shall forfeit not less than \$50 nor more than ~~\$1,000~~5,000.

(b) Upon conviction for a second or subsequent offense under this section, a person shall forfeit not less than \$500 nor more than ~~\$2,000~~10,000."