

PUBLIC PROTECTION COMMITTEE AGENDA
Monday, September 9, 2013 – 6:25 P.M.
(or immediately following previously scheduled meeting)
Lincoln Center, 1519 Water Street

[A quorum of the City Council may attend this meeting]

Discussion and Possible Action on the Following:

1. License List:
 - A. New Operator's (Bartender's) Licenses.
 - B. Temporary Class "B" License (Picnic) - St. Joseph Parish, 1709 Wyatt Avenue, Stevens Point for Holy Name Pig Roast, on October 12, 2013 at St. Joseph Parish, 1709 Wyatt Avenue. Licensed operator on the premise: David Ligman. (Beer Only)
 - C. "Class A" Liquor And Class "A" Fermented Malt Beverage License: Kwik Trip, Inc., for Kwik Trip 863, 5311 Old Hwy 18, Stevens Point; Jessica R. Pacyna, agent for license period beginning October 17, 2013.
 - D. Commercial Animal Establishment: Country Paws Bed and Biscuit, 2107 Country Club Drive, Stevens Point, WI; Laura Bronk, 2107 Country Club Drive, Stevens Point, owner.
2. Deer Management Committee Request for Authorization to Obtain Quotes to Employ Deer Cullers.
3. Ordinance Amendment – Licenses and Permits – Pawnbrokers and Covered Secondhand Shops.
4. Ordinance Amendment – Licenses and Permits – Licensed Premises of Grocery Stores for Display and Sale of Intoxicating Liquor and Fermented Malt Beverages.
5. Chronic Nuisance Ordinance (Discussion Only).
6. Monthly Inspection Report.
7. Adjournment.

Any person who has special needs while attending this meeting or needs agenda materials for this meeting should contact the City Clerk as soon as possible to ensure reasonable accommodations can be made. The City Clerk can be reached by telephone at (715) 346-1569, TDD #346-1556, or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

Copies of ordinances, resolutions, reports and minutes of the committee meetings are on file at the office of the City Clerk for inspection during normal business hours from 7:30 A.M. to 4:00 P.M.

**LICENSE LIST
PUBLIC PROTECTION COMMITTEE
September 9, 2013**

NEW OPERATOR (PROVISIONAL LICENSE ISSUED): 1YEAR**

- 1) Whetzel, Laurie J. 1415 N 1st Ave, Wausau, WI 54401
- 2) Markham, Amy K. C. 832 Smith Street, Stevens Point, WI 54481
- 3) Neville, Christopher L. 1574 Water Street, Stevens Point, WI 54481
- 4) Chatmon, Samantha J. 401 Michigan Ave, Stevens Point, WI 54481
- 5) Adamski, Brenda L. 164 Blue Jay, Stevens Point, WI 54481
- 6) Carriveau-Lesperance, Amanda A. 1548 W River Drive, Stevens Point, WI 54481
- 7) Rowe, Jenna M. 5585 Jefferson Street, Stevens Point, WI 54482
- 8) Callope, Nathan H. 708A Fourth Ave, Stevens Point, WI 54481
- 9) Neigbauer, Katelyne E. 1316 Wisconsin Street, Stevens Point, WI 54481
- 10) Martin, Margaret J. 2901 Fifth Ave B7, Stevens Point, WI 54481
- 11) Corwin, Vincent T. E3840 Hwy 54, Weyauwega, WI 54983
- 12) Engle Jr., Timothy M. 3262 Linwood Springs, Stevens Point, WI 54481
- 13) Churchill, Scott R. 2271 Pine Road, Rudolph, WI 54475
- 14) Piontek, Lyle J. 2700 Fifth Ave Apt 8, Stevens Point, WI 54481
- 15) Steltenpohl, Laurie S. 1313 Chase Street, Stevens Point, WI 54481
- 16) Knoll, Tanya L. 1133B Main Street, Stevens Point, WI 54481
- 17) Benson Jr., Bruce J. 2516 Fifth Ave Apt 1, Stevens Point, WI 54481
- 18) Pagni, Michael C. 3733 Patti Drive, Stevens Point, WI 54467
- 19) Schenk, Angela S. 3015 Birch Street, Stevens Point, WI 54481
- 20) Bruni, Katy E. 440 Union Street, Stevens Point, WI 54481

TEMPORARY CLASS "B" / "CLASS B" LICENSE (PICNIC):

St. Joseph Parish, 1709 Wyatt Avenue, Stevens Point for Holy Name Pig Roast, on October 12, 2013 at St. Joseph Parish, 1709 Wyatt Avenue. Licensed operator on the premise: David Ligman. (Beer Only)

"CLASS A" LIQUOR AND CLASS "A" FREMENTED MALT BEVERAGE LICENSE:

Kwik Trip, Inc., for Kwik Trip 863, 5311 Old Hwy 18, Stevens Point; Jesica R. Pacyna, agent for license period beginning October 17, 2013.

COMMERCIAL ANIMAL ESTABLISHMENT:

Country Paws Bed and Biscuit, 2107 Country Club Drive, Stevens Point, WI; Laura Bronk, 2107 Country Club Drive, Stevens Point, owner.

****ISSUANCE OF ANY LICENSE IS CONTINGENT UPON APPLICANTS COMPLIANCE WITH THE TRAINING REQUIREMENTS OF SEC. 125.17(16), WISCONSIN STATUTES.***

MEMO

TO: Chair, Public Protection Committee
FROM: Elbert Rackow, Chair, Deer Management Committee
SUBJECT: Extension of Deer Culling Authority
DATE: August 28, 2013

1. On January 18, 2010, the Council granted authority to the Deer Management Committee to obtain quotes to employ deer cullers to cull antlerless deer in the City by using archery tackle. That authority extended through April 30, 2013,
2. The Deer Management Committee requests that the Council grant authority to the Deer Management Committee to obtain quotes to employ deer cullers to cull antlerless deer by using archery tackle until such time as the Council would terminate such authority.
3. Thank you for considering this request.

DEER2.WPS

**ORDINANCE AMENDING THE REVISED MUNICIPAL CODE
OF THE CITY OF STEVENS POINT, WISCONSIN**

The Common Council of the City of Stevens Point do ordain as follows:

SECTION I: That Section 12.17 of the Revised Municipal Code of the City of Stevens Point is hereby amended to read as follows:

12.17 PAWNBROKERS AND COVERED SECONDHAND SHOPS.

(1) Purpose

a. The City Council finds that the services offered by pawnshops and covered secondhand shops provide an opportunity for individuals to readily transfer stolen property to those businesses. The Council also finds that consumer protection regulation is warranted in transactions involving these businesses. The Council further finds that pawnshops have outgrown the city's current ability to effectively or efficiently identify criminal activity related to them. The purpose of this ordinance is to prevent pawnshops and covered secondhand shops from being used to facilitate the commission of crimes and to assure that they comply with basic consumer protection standards, thereby protecting the public health, safety and general welfare of the citizens, and pursuant to the authority granted by section 134.71, Wis. Statutes

b. This ordinance implements and establishes the required use of the Automated Pawn System (APS)-Leads Online system to help the Police Department better regulate current and future pawnshops to decrease and stabilize costs associated with the regulation of pawnshops and covered secondhand shops, and to increase identification of criminal activities in pawnshops and covered secondhand shops through the timely collection and sharing of transaction information.

(2) Definitions

a. "Article" means any items of value.

b. "Billable Transaction" means every reportable transaction except renewals, redemptions, voids or extensions of existing pawns or purchases previously reported and continuously in the pawnbroker's possession.

c. "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.

e.d. "Covered secondhand shop" means businesses that engage in the buying and selling of coins, other collectable currency, and/or consumer electronics that have been previously used, rented, or leased.

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ed. “Customer” means a person with whom a pawnbroker, or an agent thereof, engages in a transaction of purchase, sale, receipt or exchange of any secondhand article.

f. “Media Article” means any book, video game, digital video disc, Blue Ray disc, compact disc, or other audio or video recording.

ge. “Pawnbroker” means any person who engages in the business of lending money on the deposit or pledge of any article or purchasing any article with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price. To the extent that a pawnbroker’s business includes buying personal property previously used, rented, leased or selling it on consignment, the provisions of this chapter shall be applicable. A person is not acting as a pawnbroker when engaging in any of the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show, or a convention.
2. Any transaction entered into by a person engaged in the business of junk collector, junk dealer, or scrap processor as described in section 70.995(2)(x), Wis. Stats.
3. Any transaction while operating as a charitable organization or conducting a sale, the proceeds of which are donated to a charitable organization. Any transaction between a buyer of a new article and the person who sold the article when new that involves any of the following:
 - a. The return of the article
 - b. The exchange of the article for a different, new article.
4. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.
5. Any transaction as a seller of a secondhand article that the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

h. “Reportable transaction” means every transaction conducted by a pawnbroker or covered secondhand shop in which an article or articles are received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided, or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, and is reportable except:

1. The bulk purchase or consignment of new or used articles from a merchandise, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the pawnbroker or covered secondhand shop must maintain a record of such purchase or consignment that describes each item, and must mark each item in a manner that relates it to that transaction record.

2. Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

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3. Transactions at covered secondhand shops where the customer transfers articles to the covered secondhand shop for in-store credit only.

4. Transactions at covered secondhand shops where the customer transfers media articles to the secondhand shop.

2.

ig. "Secondhand" means owned by any person, except a wholesaler, retailer or licensed secondhand article dealer, immediately before the transaction at hand.

(3) Inspection of Items. At all times during the term of the license, the pawnbroker or covered secondhand shop must allow the Police Department to enter the premises where the licensed business is located, including all off-site storage facilities, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, wares, merchandise, and records therein to verify compliance with this chapter or other applicable laws.

(3) License. No person may operate as a pawnbroker or covered secondhand shop in the city of Stevens Point unless the person first obtains a pawnbroker license under this chapter.

(5) Display of License. Each license issued under this chapter shall be displayed in a conspicuous place visible to anyone entering a licensed premise.

(6) License Application. A person wishing to operate as a pawnbroker or covered secondhand shop shall apply for a license to the city clerk. The clerk shall furnish application forms approved by the Police Department that shall require all of the following:

- a. The applicant's name, place and date of birth, residence address, and residence addresses for the 10 year period prior to the date of the application.
- b. The name and address of the business and of the owner of the business premises.
- c. Whether the applicant is a natural person, corporation, limited liability company, or partnership, and:
 - 1. If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.
 - 2. If the applicant is a partnership, the names and addresses of all partners.
 - 3. If the applicant is a limited liability company, the names and addresses of all members.
 - 4. The name of the manager or proprietor of the business.
 - 5. Any other information that the clerk may reasonably require.

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d. A statement as to whether the applicant, including an individual, agent, officer, director, member, partner, manager or proprietor has been convicted of any crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation. If so, the applicant must furnish information as to the time, place and offense of all such convictions.

e. Whether the applicant or any other person listed in subsection **d.** above has ever used or been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.

f. Whether the applicant or any other person listed in subsection **d.** above has previously been denied or had revoked or suspended a pawnbroker license from any other governmental unit. If so, the applicant must furnish information as to the date, location, and reason for the action.

(7) Investigation of License Applicant. The Police Department shall investigate each applicant and any other person listed in subsection C above for a pawnbroker license. The department shall furnish the information derived from that investigation in writing to the city clerk. The investigation shall include each agent, officer, member, partner, manager or proprietor.

(8) License Issuance

a. The City Council shall grant the license if all of the following apply:

1. The applicant, including an individual, a partner, a member of a limited liability company, a manager, a proprietor, or an officer, director, or agent of any corporate applicant, does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335 of the Wisconsin Statutes.

2. The applicant provides to the city clerk a bond of \$2,500 with not less than two sureties for the observation of all municipal ordinances or state or federal laws relating to pawnbrokers. The bond must be in full force and effect at all times during the term of the license.

b. No license issued under this subsection may be transferred.

c. Each license is valid from January 1 until the following December 31.

(9) Requirements

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

1. Current, valid Wisconsin's driver's license;
2. Current, valid Wisconsin identification card;

3. Current, valid photo identification card or photo driver's license issued by another state or province of Canada.

b. Transactions with minors.

1. Except as provided in subsection **b, 2.**, no pawnbroker or covered secondhand shop may engage in a transaction of purchase, receipt or exchange of any second hand article from any minor, defined as a person under the age of 18 years.

2. A pawnbroker or covered secondhand shop may engage in a transaction described under subsection **b, 1.**, if the minor is accompanied by his or her parent or guardian at the time of the transaction and the parent or guardian signs the transaction form and provides identification as required by this section.

c. Records required. At the time of any reportable transaction other than renewals, extensions, or redemptions, every pawnbroker or covered secondhand shop must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the Police Department:

1. A complete and accurate description of each item, including, but not limited to any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

2. The purchase price, amount of money loaned upon or pledged therefore.

3. The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.

4. Date, time and place the item of property was received by the pawnbroker or covered secondhand shop, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the pawnbroker's records.

5. Full name, current residence address, current residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including sex, height, weight, race, color of eyes, and color of hair.

6. The identification number and state of issue from any of the following forms of identification of the seller:

a. Current, valid Wisconsin Driver's license;

b. Current, valid Wisconsin identification card;

c. Current, valid photo identification card or photo driver's license issued by another state or province of Canada.

7. The signature of the person identified in the transaction.

8. Renewals, extensions, and redemptions. The pawnbroker or covered secondhand shop shall provide the original transaction identifier, the date of the current transaction, and the type of transaction for renewals, extension, and redemptions.

9. Record retention. Data entries shall be retained for at least 1 year from the date of transaction and may not be removed from the Leads Online system by a pawnbroker or covered secondhand shop.

10. For every secondhand article purchased, received, or exchanged by a pawnbroker or covered secondhand shop from a customer off the pawnbroker's premises, or consigned to the pawnbroker or covered secondhand shop for sale on their premises, the pawnbroker or covered secondhand shop shall keep a written inventory. In this inventory the pawnbroker or covered secondhand shop shall record the name and address of each customer, the date, time and place of the transaction, and a detailed description of the article that is the subject of the transaction. The customer shall sign his or her name on a declaration of ownership of the secondhand article identified in the inventory and shall state he or she owns the secondhand article. The pawnbroker or covered secondhand shop 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 year after the date of the transaction, except as provided in subsection e., and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any reasonable time.

d. Holding Period

1. Except as provided in subsection **d. 3**, any secondhand article purchased or received by a pawnbroker shall be kept on the premises or other place for safekeeping for not less than 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 redeems it.

2. During the period set forth in subsection **d. 1.**, the secondhand article shall be held separate from saleable inventory and may not be altered in any manner. The pawnbroker shall permit any law enforcement officer to inspect the secondhand article during this period. Within 24 hours after a request of a law enforcement officer during this period, a pawnbroker shall make available for inspection any secondhand article which is kept off the premises for safekeeping.

3. Subsections **d. 1** and **2**. Do not apply to a secondhand article consigned to a pawnbroker or any items consigned to or sold to a covered secondhand shop.

e. Redemption period. Any person pledging, pawning or depositing any item for security must have a minimum of 60 days from the date of that transaction to redeem the item before it may be forfeited and sold. During the 60 day holding period, items may not be removed from the licensed location. Pawnbrokers are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with the approval of the Police Department. Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record in accordance with subsection **c. 9**.

f. Police order to hold property.

1. Investigative hold. Whenever a law enforcement officer from any agency notifies a pawnbroker or covered secondhand shop not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within 72 hours and will remain in effect for 15 days from the date of initial notification, or until the investigative order is canceled, or until an order to confiscate is issued, pursuant to subsection 2, whichever comes first.

2. Order to confiscate.

a. If an item is identified as stolen or evidence in a criminal case, the police department may physically confiscate and remove it from the shop, pursuant to a written order from the police department.

b. When an item is confiscated, the person doing so shall provide identification upon request of the pawnbroker or covered secondhand shop, and shall provide the pawnbroker or covered secondhand shop with the name and phone number of the confiscating officer and the case number related to the confiscation.

c. When an order to confiscate is no longer necessary, the police department shall so notify the pawnbroker or covered secondhand shop.

g. Daily reports to police.

1. Pawnbrokers and covered secondhand shop must submit every reportable transaction to the police department daily in the following manner. Pawnbrokers and covered secondhand shops must provide to the police department all information required in subsection c and other required information, by ~~transferring uploading~~ it from their computer to ~~the APS via modem~~ leadsonline.com. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the police department using procedures that address security concerns of the ~~pawnbroker business~~ and the police department. ~~The p~~Pawnbrokers and covered secondhand shops 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 department and APS Leads Online.

2. Billable transaction fees. Pawnbrokers will be charged for each billable transaction reported to the police department. These fees are intended to pay for the cost of the police department's participation in the APS subscription to Leads Online.

3. If a pawnbroker or covered secondhand shop fails to is unable to successfully transfer upload the required reports to leadsonline.com by modem on the same day the transactions occur, it shall be charged a daily reporting failure fee of \$25.00 per day until the reports are properly uploaded.~~the pawnbroker must provide the police department with printed copies of all reportable transactions by 12:00 noon the next business day.~~

4. ~~If the problem is determined to be in the pawnbroker's system and is not corrected by the close of the first business day following the failure, the pawnbroker must provide the required reports as detailed in subsection 3 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~~

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~~pawnbroker's system, the pawnbroker must provide the required reports in subsection 3 and resubmit all such transactions via modem when the error is corrected.~~

~~5. Regardless of the cause or origin of the technical problems that prevented the pawnbroker from uploading the reportable transactions, upon correction of the problem, the pawnbroker shall upload every reportable transaction from every business day the problem has existed.~~

~~6.~~ 4. The provisions of this section notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

~~7. Subsection g. shall not apply to businesses that did not have 200 reportable transactions in the past calendar year. However, any such pawnbroker must follow the daily reporting procedure for each reportable transaction by submitting a written transaction form approved by the police department to the department on the business day following the date of the reportable transaction.~~

h. Exception for customer return or exchange. Nothing in this section applies to the return or exchange from a customer to a pawnbroker or covered secondhand shop of any secondhand article purchased from ~~the pawnbroker that establishment.~~

(10) Receipt required. Every pawnbroker and covered secondhand shop must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for 3 years. The receipt must include at least the following information:

- a. The name, address and telephone number of the licensed business.
- b. The date and time the item was received by the pawnbroker or covered secondhand shop.
- c. Whether the item was pawned or sold, or the nature of the transaction.
- d. An accurate description of each item received, including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- e. The signature or unique identifier of the ~~pawnbroker or~~ employee that conducted the transaction.
- f. The amount advanced or paid.

~~g-i.~~ The monthly and annual interest rates, including all pawn fees and charges.

~~h-j.~~ The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.

i. The full name, residence address, residence telephone number, and date of birth of the pledger or seller.

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j. The identification number and state of issue from any of the following forms of identification of the seller;

1. Current, valid Wisconsin Driver's License
2. Current, valid Wisconsin identification card.

3. Current, valid photo driver's license or identification card issued by another state or province of Canada.

k. Description of the pledger or seller, including approximate age, height, weight, race, color of eyes, and color of hair.

- l. The signature of the pledger.

(11) Label Required. Pawnbrokers and covered secondhand shops must attach a label to every item at the time it is pawned, purchased or received in inventory from any reportable transaction. Permanently recorded on this label must be the name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the items as reported to the police department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be reused.

(12) Prohibited Acts

a. No person under the age of 18 years may pawn or sell or attempt to pawn or sell goods with any pawnbroker, nor may any pawnbroker receive any goods from a person under the age of 18- years, except as permitted by section 12.17 (8)(b)2. ~~- No such section~~

b. No pawnbroker or covered secondhand shop may receive any goods from a person of unsound mind or an intoxicated person.

c. No pawnbroker or covered secondhand shop may receive any goods through a reportable transaction unless the seller presents identification in the form of a valid driver's license, a valid state of Wisconsin identification card, or current, valid photo driver's license or identification card issued by the state of residency of the person from whom the item was received.

d. No pawnbroker or covered secondhand shop may receive any item of property that possesses an altered or obliterated serial number or other identification number, or any item of property that has had its serial number removed.

e. No person may pawn, pledge, sell, consign, leave or deposit any article of property not their own, nor shall any person pawn, pledge, sell, consign, leave or deposit the property of another, whether with permission or without, nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest with any pawnbroker.

f. No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any pawnbroker or covered secondhand shop shall give a false or fictitious name,

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nor give a false date of birth, nor give a false or out-of-state address of residence or telephone number, nor present a false or altered identification or the identification of another to any pawnbroker.

(13) License Denial, Suspension, or Revocation

a. The city council may deny, suspend, or 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 Sec. 12.17 of the Revised Municipal Code and sections 134.71, 943.34, 948.62 or 948.63, Wis. Statutes, or for any other violation of local, state, or federal law substantially related to the businesses licensed under this chapter.

(14) Fees

a. The license fee under this chapter shall be as contained in the City of Stevens Point Fees and Licenses Schedule.

b. A billable transaction fee as contained in the City of Stevens Point Fees and Licenses Schedule shall be charged for each billable transaction, and such fees shall be billed to each pawnbroker or covered secondhand shop monthly and are due and payable within 30 days of the billing date. Failure to pay within that time period is a violation of this chapter.

(15) Penalty. Any person who is convicted of violating any of the provisions of this chapter shall forfeit not less than \$5 or more than \$500, and in default of such payment, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days. Each day of violation shall constitute a separate offense.

(16) Severability. If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

80-6.1. Discharge of Offensive or Hazardous Substances. Any industry, factory, shop, yard or premises which discharges, as defined in s. 236-41-1-a, any dust, lint, fumes, particles, vapors, mist, waste or hazardous substance, as defined in s. 236-41-1-b, or any other matter which is dangerous, or which threatens, impairs or effects the public health, is declared a public nuisance.

80-6.2. Excessive Discharge of Air-polluting Materials Prohibited. Any person or persons, firm, corporation or organization which in the conduct of any activity or business carries on any operation or activity which allow or cause to be emitted into the open air any dust, lint, fumes, particles, vapors, mist, gases, offensive odors, waste or any other matter in such a manner as to cause injury, detriment, nuisance or annoyance to any person, or to threaten to or does impair or affect the health of any person or to endanger the health or safety of any person, or to cause or have a natural tendency to cause injury or damage to business or property, shall take the most effective practical measures to reduce such discharge to a minimum. The commissioner is empowered to determine what measures are practical in any given instance and shall be guided by the generally accepted modern standards of control measures for the given operation, activity or industry in making such determination. The commissioner may order such changes or improvements necessary to meet the requirements of this section. The person, firm, corporation or organization shall comply with such an order within the period of time deemed reasonable by the commissioner.

80-7. Garage, Service Station, or Parking Lot Nuisances. Any public garage, used car lot, automobile service station, parking lot or space which shall become noxious, foul, offensive or dangerous and prejudicial to public health or which shall seriously or permanently interfere with life or safety by the testing or running of gasoline engines at various speeds, backfire or the emitting of smoke and gases, odors of gasoline or oils, or the stirring up of dusts and dirt, is declared a public nuisance.

80-8. Notice to Abate Nuisance. It shall be the duty of the commissioner to give notice in writing to the person, firm or corporation owning, occupying, in charge or control of any premises wherein a public nuisance shall be, to forthwith abate and remove the same; and any premises or conditions so described in ss. 80-6 to 80-7 which shall be so maintained or permitted to exist for a

period of 2 hours after reasonable notice in writing, signed by the commissioner, shall have been given to the person, firm or corporation owning, occupying, in charge or control of the same, are declared to be public nuisances which shall be forthwith abated.

80-10. Chronic Nuisance Premises.

1. FINDINGS. The common council finds that any premises, including a manufactured home community, that has generated 3 or more responses from the police department for nuisance activities has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the city. The common council further finds that premises owners, and other parties conducting business activities upon the premises, that chronically fail to control the use of their property substantially interfere with the comfortable enjoyment of life, health and safety of the community. The common council therefore directs the chief of police, the commissioner of neighborhood services and the city attorney, as provided in this section, to charge the owners of such premises the costs associated with abating the violations at premises at which nuisance activities chronically occur.

2. DEFINITIONS. For the purposes of this section: a. "Chief of police" means the chief of the police department or the chief's designee. The chief's designee includes, but is not limited to, a commanding officer signing a notice under sub. 3-a-1 or 2 or any other specifically named designee in any notice under this section.

b. "Manufactured home community" means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located.

c. c-1. "Nuisance activity" means any of the following activities, behaviors or conduct whenever engaged in by persons associated with a premises:

c-1-a. An act of harassment as defined in s. 947.013, Wis. Stats.

c-1-b. Disorderly conduct as defined in s. 106-1 of the code or s. 947.01, Wis. Stats.

c-1-c. Cruelty to animals or any other violation of s. 78-31.

c-1-d. Indecent exposure as defined in s. 106-5 of the code or s. 944.20(1)(b), Wis. Stats.

c-1-e. Keeping a place of prostitution as defined in s. 106-3 of the code or s. 944.34, Wis. Stats., or leasing a building for the purposes of prostitution as defined in s. 106-4 of the code.

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c-1-f. Littering of premises as defined in s. 79-12.

c-1-g. Theft as defined in s. 110-16 of the code or s. 943.20, Wis. Stats.

c-1-h. Arson as defined in s. 943.02, Wis. Stats.

c-1-i. Possession, manufacture or delivery of a controlled substance or related offenses as defined in ch. 961, Wis. Stats.

c-1-j. Gambling as defined in ss. 107-1 and 2 of the code or s. 945.02, Wis. Stats.

c-1-k. Crimes against life and bodily security as enumerated in ss. 940.01 to 940.32, Wis. Stats., except as provided in subd. 2.

c-1-l. Crimes involving illegal possession or use of firearms as defined in ch. 941 and s. 948.60, Wis. Stats.

c-1-m. Keeping a prohibited dangerous animal as defined in s. 78-25.

c-1-n. Trespass to land as defined in s. 943.13, Wis. Stats., or criminal trespass to dwelling as defined in s. 943.14, Wis. Stats.

c-1-o. Any act of aiding and abetting, as defined in s. 50-18 or s. 939.05, Wis. Stats., of any of the activities, behaviors or conduct enumerated in subpars. a to L.

c-1-p. Any conspiracy to commit, as defined in s. 939.31, Wis. Stats., or attempt to commit, as defined in s. 939.32, Wis. Stats., any of the activities, behaviors or conduct enumerated in subpars. a to n.

c-1-q. Discharge of a firearm as defined in s. 105-35.

c-1-r. The production or creation of excessive noise as defined in s. 80-63.

c-1-s. Loitering as defined in s. 106-31.

c-1-t. Public drinking as defined in s. 106-1.8.

c-1-u. The sale, offering for sale, bartering or giving away of any intoxicating liquors or fermented malt beverages without a license as provided in s. 90-3-1 of the code or s. 125.04(1), Wis. Stats.

c-1-v. The operation of a convenience store in violation of any provision of s. 68-4.3.

c-1-w. The possession of counterfeit items as defined by s. 132.02, Wis. Stats.

c-1-x. Selling or giving away tobacco products to persons under the age of 18 as defined in s. 106-30-2.

c-1-y. The possession, possession with intent to sell or deliver, or delivery of drug paraphernalia as defined in s. 106-36.

c-1-z. Owning, keeping, having or harboring any bird or animal that causes a disturbance of the peace as defined in s. 78-29.

c-1-aa. Misuse of emergency telephone numbers as defined in s. 105-77.

c-1-bb. Illegal sale, discharge and use of fireworks as defined in s. 105-47-1.

c-1-cc. Loitering-illegal drug activity as defined in s. 106-35.6.

c-1-dd. Truancy and contributing to truancy as defined in ss. 106-23.1 and 106-23.3.

c-1-ee. Underage alcohol activities, as defined in s. 90-18.

c-1-ff. Adult contributing, allowing, providing alcohol to underage persons activities, as defined in s. 90-18.

c-1-gg. Robbery as enumerated in s. 943.32, Wis. Stats.

c-1-hh. Receiving or concealing stolen property as enumerated in s. 943.34, Wis. Stats.

c-2. "Nuisance activity" does not include activities, behaviors or conduct that results in a call for assistance made by the owner or occupant requesting law enforcement services related to any of the following:

c-2-a. "Domestic abuse," as defined in s. 813.12(1)(am), Wis. Stats.

c-2-b. "Sexual assault," as described in ss. 940.225, 948.02, and 948.025, Wis. Stats.

c-2-c. "Stalking," as described in s. 940.32, Wis. Stats.

d. "Other responsible party" means any individual or entity other than the owner of the premises that is licensed or subject to license in the operation of a business upon the premises.

e. "Person associated with a premises" means the premises owner, operator, manager, resident, occupant, guest, visitor, patron or employe or agent of any of these persons.

3. PROCEDURE. a. Notices. a-1. Whenever the chief of police determines that the police department has responded to 3 or more nuisance activities that have occurred at a premises on separate days during a 30-day period or that the police department has responded to 2 or more nuisances of the types defined in sub. 2-c-1-e, i to L that have occurred at a premises within one year, the chief of police may notify the premises owner or other responsible party in writing that the premises is a nuisance. This notice shall contain:

a-1-a. The street address or legal description sufficient for identification of the premises.

a-1-b. A description of the nuisance activities that have occurred at the premises.

a-1-c. A statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, or referred or collection, and that the owner or other responsible party may be cited under sub. 6.

a-1-d. Examples of nuisance abatement measures.

a-1-e. A statement that the premises owner or other responsible party shall within 10 days either respond to the chief of police with an acceptable, written course of action to abate the nuisance activities at the premises or file an appeal pursuant to sub. 5-a.

a-2. Whenever the chief of police determines that modification of an accepted written course of action is necessary to abate nuisance activities at the premises, the chief of police shall notify the premises owner or other responsible party in writing that the written course of action must be modified. This notice shall contain:

a-2-a. The street address or legal description sufficient for identification of the premises.

a-2-b. A description of the nuisance activities that have occurred at the premises that require modification of the accepted written course of action.

a-2-c. A copy of the previously-accepted written course of action.

a-2-d. A statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, or referred for collection, and that the owner or other responsible party may be cited under sub. 6.

a-2-e. A statement that the premises owner or other responsible party shall within 10 days, respond to the chief of police with an acceptable, modified written course of action to abate the nuisance activities at the premises.

b. A notice under par. a shall be deemed to be properly delivered if sent either by first class mail to the premises owner's or other responsible party's last known address or if delivered in person to the premises owner or other responsible party. If the premises owner or other responsible party cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the premises owner's or other responsible party's usual place of abode or regular business in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing or conducting business there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first class mail to the last known address of the owner

or other responsible party as identified by the records of the commissioner of assessments, to the appropriate licensing authority or the commissioner of neighborhood services.

c. Upon receipt of the nuisance premises notice or a demand for modification notice, the premises owner or other responsible party shall respond within 10 days to the chief of police with a written course of action or modified written course of action outlining the abatement actions the premises owner or other responsible party will take in response to the notice. Upon review of the written course of action or modified written course of action, the chief shall accept or reject the proposed course of action.

c-1. If the proposed course of action is accepted, the chief shall inform the owner or other responsible party of same and permit the owner or other responsible party 45 days to implement the accepted course of action. If the premises owner or other responsible party has implemented the accepted written course of action within 45 days, no further action by the department may be taken except that if nuisance activity continues, the chief may request the premises owner or other responsible party to modify the accepted written course of action.

c-2. If the premises owner or other responsible party fails to respond, proposes a course of action that is rejected by the chief of police, or fails to implement an accepted written course of action, the chief shall notify the premises owner or other responsible party that the cost of future enforcement may be assessed as a special charge against the premises, or referred for collection, and that the owner or other responsible party may be cited under sub. 6.

d. The chief of police may calculate the cost of police services and refer the cost to the commissioner of neighborhood services or the city attorney for subsequent nuisance activities occurring at the premises within one year of the date of a notice under par. a provided such nuisance activity occurs under one of the following circumstances:

d-1. 13 days after notice was given pursuant to sub. 3-a if the premises owner or other responsible party fails to respond, or proposes a course of action that is rejected by the chief of police.

d-2. 45 days after a proposed course of action was accepted by the chief of police and the premises owner or other responsible party failed to properly implement the accepted course of action.

d-3. After the administrative review appeals board affirms the nuisance premises

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determination as provided in s. 320-11 if an appeal is timely filed pursuant to sub. 5-a.

e. The chief of police shall notify the premises owner or other responsible party of the decision to refer the cost of police services by copy of the chief's cost referral letter to the commissioner of neighborhood services or, alternatively, the chief of police shall notify the responsible party of the decision to refer the cost of police services by copy of the chief's referral letter to the city attorney for collection and to the appropriate licensing authority. Delivery of this notice shall be made as set forth in sub. 3-b. The cost referral letter shall contain:

e-1. The street address or legal description sufficient for identification of the premises.

e-2. A statement that the chief of police has referred the cost of enforcement to the commissioner or to the city attorney and to the appropriate licensing authority, with a concise description of the nuisance activities and the relevant sections of the code.

e-3. A notice of the premises owner's or other responsible party's right to appeal pursuant to sub. 5-b.

e-4. A statement that each subsequent incident of nuisance activity may be deemed a separate violation.

e-5. A statement that whenever a premises owner or other responsible party has been billed, on 3 or more separate dates, for the costs of enforcement within one year, he or she may be issued a citation of not less than \$1,000 nor more than \$5,000 after notification by the chief of police that the premises is a chronic nuisance due to the premises owner's or other responsible party's failure to abate the nuisance activities.

4. COST RECOVERY. a. Upon receipt of a cost referral letter from the chief of police pursuant to sub. 3-d, the commissioner of neighborhood services shall charge any premises owner found to be in violation of this section the costs of enforcement, including administrative costs, in full or in part. All costs so charged are a lien upon such premises and may be assessed and collected as a special charge. The commissioner shall establish a reasonable charge for the costs of administration and enforcement of this section.

b. Upon receipt of a cost referral letter from the chief of police pursuant to sub. 3-d, the city attorney shall initiate a collections action against any other responsible party found to be in violation of this section for the costs of enforcement, including administrative costs, in full or in part. The city attorney shall establish a

reasonable charge for the costs of administration and enforcement of this section.

5. APPEAL. a. Appeal of a determination that a premises is a nuisance under sub. 3-a-1 shall be submitted to the administrative review appeals board as provided in s. 320-11 within 10 days from the date of the notice.

b. Appeal of the subsequent cost referral by the chief of police pursuant to sub. 3-d shall be submitted to the administrative review appeals board as provided in s. 320-11 within 30 days from the date of the cost referral letter.

6. CHRONIC NUISANCE PREMISES.

a. Whenever a premises owner or other responsible party has been notified that a nuisance exists at his or her premises and has been billed on 3 or more separate dates within a one-year time period for the costs of enforcement, the chief of police may designate the premises as a chronic nuisance premises. Delivery of this notice shall be made as set forth in sub. 3-b. The chronic nuisance premises letter shall contain:

a-1. The street address or legal description sufficient for identification of the premises.

a-2. A statement that the premises owner or other responsible party has been billed, on 3 or more separate dates, for the costs of enforcement within a one-year time period, along with a concise description of the nuisance activities, bills and relevant sections of the code.

a-3. A statement that any subsequent incident of nuisance activity shall be subject to a forfeiture of not less than \$1,000 nor more than \$5,000 for failure to abate the nuisance activity.

a-4. A statement that each subsequent incident of nuisance activity may be deemed a separate violation.

b. Any person failing to abate nuisance activities after receiving notice under par. a shall be subject to a forfeiture of not less than \$1,000 nor more than \$5,000 for failure to abate the nuisance activity. Upon default of payment, the premises owner shall be imprisoned in the county jail or house of correction for a period of not less than 40 days nor more than 90 days.

7. EVICTION OR RETALIATION PROHIBITED.

a. It shall be unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant or otherwise retaliate against any tenant because that tenant complained to the chief of police about nuisance activities on the landlord's premises. It shall be presumed that any attempt to increase charges, reduce services, or to otherwise harass or retaliate against the tenant during the 12-month period following receipt of the complaint by the chief of

police constitutes unlawful retaliation under this subsection. This presumption shall be rebutted by the preponderance of evidence that the actions taken by the landlord were based upon good cause. "Good cause" as used in this subsection means that a landlord must show good cause for his or her actions, other than one related to or caused by the operation of this section. Notwithstanding the foregoing, a tenant's lease agreement or periodic tenancy may be terminated for a failure to pay rent; committing nuisance activity as defined in sub. 2-c-1-a to hh; for the commission of waste upon the premises; violating the terms and conditions of the lease agreement or periodic tenancy or as otherwise provided in ch. 709, Wis. Stats., and ch. ATCP 134, Wis. Adm. Code. A landlord's failure to renew a lease agreement or periodic tenancy upon expiration of such lease agreement or periodic tenancy shall not be deemed a violation of this subsection.

b. Any person violating par. a shall be subject to a forfeiture of not less than \$100 nor more than \$2000 for each violation and in default of payment thereof, be imprisoned in the county jail or house of correction for a period of not less than 4 days nor more than 80 days.

8. SUBSEQUENT NOTICE OF NUISANCE ACTIVITY. Nothing in this section shall prevent or prohibit the chief of police from issuing or reissuing a notice under sub. 3-a-1 regarding subsequent nuisance activity at a premises.

80-11. Unlicensed Taverns. 1. FINDINGS. The common council finds that the unlicensed sale or distribution of alcohol beverages by individuals or entities that have not applied for and received the appropriate licenses as required by this code, particularly when these activities take place on premises not zoned for commercial activities, constitute a public nuisance.

2. OWNER'S LIABILITY. a. An owner, operator or owner's registered agent of any premises shall be liable for all the costs of administration and enforcement of this subsection whenever the following occur:

a-1. A person in the premises has been charged with the unlicensed sale or distribution of alcohol beverages pursuant to s. 90-3-1.

a-2. The department has sent by first class mail a written notice of the violation described in subd. 1, addressed to the last known address of the owner, operator or owner's registered agent.

a-3. A person in the premises has been charged with the unlicensed sale or distribution of alcohol beverages pursuant to s. 90-3-1 and that violation occurred not less than 8 business days after the mailing of notice under subd. 2. The violation shall be at the same address and in the same unit and involve the same occupancy, but need not involve the same person for whom notice of violation was sent under subd. 2.

b. The chief of police shall provide a record of each charged violation of s. 90-3-1 and the costs of enforcement to the commissioner. Upon issuance of a citation, the commissioner may provide written notice under par. a-2 to the owner, operator or owner's registered agent of the premises in which the charged violation occurred.

c. In the event of the occurrence of all the provisions set forth in par. a., the costs of the enforcement of the second and all subsequent charged violations referred to in par. a-3, including administrative costs, may be charged in full or in part against the real estate on which the nuisance occurred. If those costs are charged, they shall be a lien upon this real estate and shall be assessed and collected as a special charge. The city shall establish a reasonable charge for the costs of administration and enforcement of this subsection.

d. Appeal of the determination of the commissioner imposing special charges against the premises may be submitted to the administrative review appeals board as provided by s. 320-11. Appeals filed pursuant to this paragraph shall be filed no later than 30 days after the special charges are imposed.

Community Development Report - August 2013

Construction Report

New Construction	Owner/Location	Declared Valuation	Fees
Residential	James Moe 1132 Soo Marie Avenue	\$200,000.00	\$1,000.00
	Lurie Olsen 4601 Heritage Drive	\$175,500.00	\$1,000.00
Commercial	Hoffman's Hobbies 3001 Michigan Avenue	\$16,400.00	\$350.00

Remodeling/ Additions	# of Permits	Declared Valuation	Fees
Residential	68	\$461,912.57	\$4,196.95
Commercial	19	\$651,824.00	\$3,860.69

Monthly Permits	Monthly Valuation	Monthly Fees	YTD Valuation	YTD Fees
90	\$1,505,636.57	\$10,407.64	\$16,593,997.90	\$135,202.73

2012:	\$28,902,661.06	\$112,180.94
2011:	\$16,548,078.96	\$52,231.91
2010:	\$14,605,369.00	\$71,786.00

Violation Report

Exterior Property Area Complaints

*Multiple Exterior Property Violations	14
*Other Exterior Property Violations	4
Accumulation of Rubbish or Garbage	4
Grass or Weeds	18
Improper Parking of Vehicles	2
Improper Storage of Refuse or Refuse Carts	1
Refuse or Refuse Carts on Curb	18
Snow and Ice	0
Storage of Household Items Outside	3
Unlicensed or Inoperable Vehicles	0
Unsanitary Conditions	0

Exterior Structure Complaints

*Multiple Exterior Structure Violations	6
*Other Exterior Structure Violations	0
Broken or Missing Windows	0
Defective Protective Treatment	4
Missing or Defective Handrails/Guards	0

Interior Structure Complaints

*Multiple Interior Structure Violations	2
*Other Interior Structure Violations	2

Multiple Violations

*Multiple Property Violations	1
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Other Violations

*Other Property Violations	6
Expired Multiple-Family License	0
Improper Occupancy: Multi-Family Dwelling	0
Improper Occupancy: Residential Dwelling	1
Noise	4
Unlicensed Well	0
Work Without Permit	12
Work Without Historic Preservation Review	0

Total Violations / Total Service Fees Billed	102/\$2,525.00
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