[Police Code - Amendments to Junk Dealer and Junk Gatherer Permit Process]

Ordinance amending the San Francisco Police Code Sections 974.1, 974.2, 974.4, 974.8, 974.9, 974.10-1, 974.11, 974.14-1, 974.14-2, 974.21, 974.22, 895, 2.26 and 2.27 and repealing Sections 974.5, 974.6, 974.10-2, 974.23 and 896 through 898 to: 1) cause all existing junk dealer and junk gatherer permits to expire as of June 30, 2013~~December 31, 2012~~; 2) establish an annual permit for junk dealers with junk yards and a two-year permit for other junk dealers; 3) provide for permit suspensions and revocations to remain in effect during any administrative appeal; 4) amend the permit enforcement process; and 5) update fees; and making environmental findings.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 120434 and is incorporated herein by reference.

Section 2. Factual Findings.

(a) San Francisco has been plagued with a rash of metal theft. On a regular basis, thieves steal copper and other metals from residences, businesses, municipal properties, transportation systems, and utility companies. That theft causes thousands of dollars in

losses and can interrupt the delivery of crucial utility services and the operations of transit systems. Once stolen, metal is often stripped of any outer, exterior coating, and then sold to businesses like junk dealers that pay up to $4.00 per pound. Recent incidents of large scale metal theft have raised awareness of the need for law enforcement to ensure that junk dealers comply with California state laws regarding junk dealing.

(b) California Business and Professions Code section 21601 defines a junk dealer as anyone “engaged in the business of buying, selling and dealing in junk, any person purchasing, gathering, collecting, soliciting or traveling about from place to place procuring junk, and any person operating, carrying on, conducting or maintaining a junk yard or place where junk is gathered together and stored or kept for shipment, sale or transfer.”

(c) California Business and Professions Code section 21600 defines junk as "any and all secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, including any and all secondhand and used furniture, pallets, or other personal property, other than livestock, or parts or portions thereof."

(d) California Business and Professions Code section 21602 defines junk yard as including "any yard, plot, space, enclosure, building or any other place where junk is collected, stored, gathered together and kept."

(e) Junk dealers provide a great service by enabling San Francisco residents and businesses to recycle lawfully acquired copper and other metals, as well as other excess or unwanted items. However, the San Francisco Police Department has conducted numerous investigations and identified junk dealers purchasing stolen materials, accepting false documents, and failing to follow state law and local licensing and permitting requirements.

(f) The purpose of this legislation is to ensure that junk dealers in San Francisco operate their businesses in compliance with the substantive state laws that govern their

operations. In addition, by requiring junk dealers to comply with local law enforcement to renew their permits annually, the City and County of San Francisco can improve oversight and regulation of these businesses, to minimize criminal incidents and better protect the public safety and welfare.

(g) Clarification of the definition of junk dealer renders unnecessary the current "junk gatherers" definition and permit in the Police Code.

(h) The amendments in this Ordinance clarify the permit process for junk dealers in San Francisco and conform that permitting process to similar permitting schemes, such as those for Commercial Parking Permits and Tow Car Firms.

Section 3. The San Francisco Police Code is hereby amended by amending Sections 974.1, 974.2, 974.4, 974.8, 974.9, 974.10-1, 974.11, 974.14-1, 974.14-2, 974.21 and 974.22 and repealing sections 974.5, 975.6, 974.10-2 and 974.23 as follows:

SEC. 974.1. DEFINITIONS.

(a) Except as otherwise specified in this section, the terms used in this Article, *including "junk," "junk dealer," and "junk yard,"* shall have the same meaning as those terms are defined in the California Business and Professions Code, Chapter 9, Article 3, Section 21600 et seq., including as those sections are hereafter amended.

(b) *Chief of Police. The Chief of the San Francisco Police Department, or designee.* ~~*"Buy Book" is a form to be filled out that must contain all of the following information:*~~

~~*(i) The place and date of each sale or purchase of junk.*~~

~~*(ii) The name, valid driver's license number and state of issue or valid California-issued identification card number of the person buying or selling junk, and vehicle license number including*~~

~~*the state of issue of any motor vehicle used in transporting the junk to the junk dealer's or recycler's place of business.*~~

~~*(iii) The name and address of each person to whom junk is sold or disposed of, and the license number of any motor vehicle used in transporting the junk from the junk dealer's or recycler's place of business.*~~

~~*(iv) A description of the item or items of junk purchased or sold, including the item type and quantity, model number and/or model name, and identification number, if visible.*~~

~~*(v) A statement indicating either that the seller of the junk is the owner of it, or the name of the person he or she obtained it from, as shown on a signed transfer document.*~~

~~*(vi) If the state legislature amends California Business and Professions Code Section 21606, that subsequent amendment shall be incorporated herein.*~~

(c) *Covered Crime(s). The crimes of assault, battery, burglary, robbery, theft including identity theft, receipt of stolen property, fraud, and any offense related to environmental crimes including the improper maintenance, disposal or release of hazardous materials, committed anywhere in the United States of America.*

(d) Hazardous ~~m~~*M*aterials shall be those materials defined in San Francisco Health Code Article 21, Division 1, Section 1102.

(e) Prevailing Party. Prevailing Party has the same meaning as set forth in California Code of Civil Procedure Section 1032, or any successor provision. "Prevailing Party" includes the City and County of San Francisco in actions where the City and County obtains an injunction and/or civil penalties or other monies under Section 974.21 et seq. or under State law.

SEC. 974.2. *COLLECTING, BUYING, SELLING, OR DISPOSING OF JUNK;* PERMIT REQUIRED.

(a) *A person may collect, buy, sell or otherwise dispose of junk within the City and County of San Francisco only if that person holds a current and valid junk dealer permit, is an authorized agent of a junk dealer permittee, or falls within one of the enumerated exclusions in subsection (c) below.*

(b) It shall be unlawful for any person to engage in, conduct, or carry on the business of junk dealer in the City and County of San Francisco without first securing a permit therefor from the Chief of Police.

(~~b~~*c*) Exclusion*s*.

(i) A recycler, processor, recycling center, or noncertified recycler, as those terms are defined in Chapter 2 (commending with Section 14502) of Division 12.1 of the California Public Resources Code shall not be subject to the requirements of this Article, but shall be regulated by provisions of Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code~~.~~*; and*

(ii) Persons excluded from the state law junk dealer requirements as described in California Business and Professions Code Section 21604.

(d) As of June 30, 2013~~December 31, 2012~~*all existing permits issued by the San Francisco Police Department to junk dealers under Police Code Sections 974.1 et seq. and to junk gatherers under Police Code Sections 895 et seq. shall expire. All persons wishing to conduct business in the City and County of San Francisco as a junk dealer after* June 30, 2013~~December 31, 2012~~ *must apply for and obtain a new permit pursuant to this Article.*

(e) As of July 1, 2013~~January 1, 2013~~*, a junk dealer permit issued to a junk dealer operating in conjunction with a junk yard shall authorize the permittee to operate for one year from the date the Chief of Police issues the permit, unless the Chief of Police suspends or revokes the permit. As of* July

1, 2013~~January 1, 2013~~, *all other junk dealer permits shall authorize the permittee to operate for two years from the date the Chief of Police issues the permit, unless the Chief of Police suspends or revokes the permit. Each junk dealer permit shall expire at the end of the applicable permitting period. Notwithstanding Section 2.10 of the Police Code, a permittee wishing to operate beyond the applicable permit term must renew the junk dealer permit before the existing permit expires.*

(f) After a noticed public hearing, the Chief of Police may adopt such rules and regulations to effect the purposes of this Article as are not in conflict therewith.

(g) All junk dealers must post the junk dealer permit in a conspicuous place visible to the public within any junk yard or building used to conduct the business of a junk dealer. In addition all junk dealers must maintain a copy of the junk dealer permit in any vehicle used by the junk dealer and with any authorized agent. All junk dealer permits must be provided to law enforcement personnel for inspection upon request.

SEC. 974.4. CONTENTS OF APPLICATION.

The application for a *junk dealer* permit ~~*to engage in, conduct or carry on a business of junk dealer*~~ shallset forth the *following information:*

(a) The proposed place of business and facilities therefor, including whether or not the ~~*junk dealer*~~ *applicant* will engage in welding, use of a propane tank, or cutting torches operated by compressed gasses*;*

(b) ~~*t*~~*T*he *business* name and address of ~~*each*~~ *the* applicant~~,~~*;*

(c) The name, residence address, and business contact information of an individual the applicant has authorized to serve as the point of contact for the application and any junk dealer permit the Chief of Police issues;

(d) If the applicant is a corporation, partnership or other entity, the names and residence addresses of every officer and partner of the applicant, and every person with 10 percent or larger ownership interest in the applicant;

(e) The name, residence address, and business contact information of each proposed authorized agent of the applicant, if any;

(f) For all individuals listed in subsections (b), (c), (d) and (e) above, a list of each conviction of or plea of guilty or no contest to a Covered Crime in the ten years preceding the application, including the nature of the offense and the place and date of the conviction or plea;

(g) A copy of a current and valid business registration certificate that the Office of the Treasurer and Tax Collector has issued to the applicant under Business and Tax Regulations Code Section 853. The name on the business registration certificate must match the name of the applicant on the application for the junk dealer permit;

(h) If the applicant does not own the proposed place of business or facilities to be used in the junk dealer operations, the name, business address and contact information of the owner, and documentation demonstrating the nature of the applicant's interest in the proposed place of business or facilities; and

(i) ~~s~~*S*such other information as the Chief of Police deems necessary to investigate the applicant and the applicant's proposed place of business *and business operation*.

~~***SEC. 974.5. CORPORATE APPLICANTS.***~~

~~*If the applicant for a permit is a corporation, the application shall set forth the name of the corporation exactly as set forth in the Articles of Incorporation, together with the names and addresses of each officer, director and shareholder owning more than 10 percent of the stock of such corporation.*~~

~~***SEC. 974.6. PARTNERSHIP APPLICANTS.***~~

~~*If the applicant to conduct, carry on, or engage in the business of junk dealer is a partnership, the application shall set forth the names and addresses of each partner, including limited partners. If one or more of the partners is a corporation, the provisions for corporate applicant shall apply to such corporate partners.*~~

SEC. 974.8. NOTICE OF HEARING.

When an application is filed for a permit pursuant to the provisions of this Article, the Chief of Police shall set a date for said hearing *within a reasonable time* ~~*not less than 10 days*~~ from the date of the application. The Chief of Police shall cause to have posted on the premises in a conspicuous place a notice of such hearing and the type of business to be conducted therein at least 10 days prior to the hearing. The applicant shall maintain such notice on his premises.

SEC. 974.9. REFERRAL OF APPLICATIONS TO OTHER DEPARTMENTS.

The Chief of Police, upon receiving an application to engage in, conduct, or carry on the business of junk dealer, ~~*shall*~~ *may* refer the application *for review and input from any applicable government agency as determined by the Chief of Police, including but not limited* to the ~~*Bureau*~~ *Department* of Building Inspection, Fire Department, the Department of Public Health and to the City Planning Department. *Upon referral from the Chief of Police, City* departments shall inspect the premises proposed to be operated as a junk yard by the applicant *or conduct any other requested review* and shall make written recommendations to the Chief of Police.

SEC. 974.10-1. ISSUANCE OF JUNK DEALERS PERMIT.

The Chief of Police shall hear and decide the application within a reasonable time after conducting the hearing. In deciding the application, the Chief of Police may exercise his or her discretion as to whether the permit should be granted or denied. The Chief of Police may take into account the following considerations in determining whether to issue a junk dealer permit: ~~*The Chief of Police may issue a permit within 14 days after the date of hearing if the Chief finds:*~~

(a) ~~*That*~~ ~~*the*~~ *Whether any* proposed premises to be used by the applicant as a junk yard conforms to all applicable laws, including, but not limited to, the Building, Health, Fire, City Planning and Housing Codes of the City and County of San Francisco;

(b) ~~*That*~~ *Whether* the applicant has appropriate *or required* permits for welding, use of propane tanks, or cutting torches operated by compressed gasses if the permit holder will use such items in the business;

(c) ~~*That*~~ *Whether* the applicant*, including any officers, partners or shareholders owning 10 percent or larger ownership interest in the applicant, or any proposed authorized agent of the applicant,* has ~~*not*~~ been convicted of *or pled guilty or no contest to a Covered Crime, or has committed a Covered Crime within the last ten years. A conviction, plea or commission of a Covered Crime in the ten-year period shall not be an automatic bar to granting the permit. The Chief of Police shall consider criminal history on a case-by-case basis with due consideration given to the following factors: (a) the nature and gravity of the offense; (b) the time elapsed since the offense; (c) age at the time of the offense; (d) frequency of Covered Crimes; (e) evidence of rehabilitation; and (f) any other mitigating circumstances.* ~~*crime involving the possession or theft of property, fraud, hazardous materials or the environment, or crimes related to the operation of a junk dealer, provided, however, the Chief of Police shall not take into account such conviction if the applicant suffered such conviction at least five years prior to the date of the application and at least five years has elapsed since the*~~

~~*applicant has been free of any disability resulting from said conviction and the applicant has suffered no subsequent convictions for a felony or misdemeanor offense relating to theft or the possession of stolen property, fraud, crimes related to hazardous materials or the environment*~~;

(d) ~~*That*~~ *Whether* the proposed location of the business is a suitable place to carry on the business of junk dealer. In making such finding, the Chief of Police may take into consideration the effect of the issuance of the permit upon the surrounding property and the inhabitants thereof;

(e) ~~*That*~~ *Whether* the applicant*, any officer, partner or shareholders owning 10 percent or larger ownership interest in the applicant, or any proposed authorized agent of the applicant,* has ~~*not*~~ had *a permit or license* revoked *or suspended that was* ~~*any permit or license*~~ issued by the State of California or the City and County of San Francisco or other government agency to engage in a business or profession within the State of California because of a violation of law or because of violation of regulations promulgated by the regulating agency having control or jurisdiction over the license or permit. *The Chief of Police shall consider prior suspensions or revocations on a case-by-case basis with due consideration given to the following factors: (a) the facts underlying the suspension and or revocation; (b) the nature and gravity of the underlying violations of law or regulation; (c) the time elapsed since the suspension or revocation; and (d) any other mitigating circumstance*; ~~*further*~~ *provided that* the Chief of Police shall not consider any such revocation if ~~*such revocation*~~ *it* occurred ~~*at least*~~ *more than* ~~*five*~~ *ten* years prior to the date of the application;

(f) ~~*That*~~ *Whether* the applicant*, any officer, partner or shareholders owning 10 percent or larger ownership interest in the applicant, or any proposed authorized agent of the applicant* has had civil penalties imposed by a court or other government agency related to the operation of a junk dealer or hazardous materials or the environment within the *past* ~~*five*~~ *ten* years prior to the date of application. *The Chief of Police shall consider the imposition of civil penalties on a case-by-*

case basis with due consideration given to the following factors: (a) the facts underlying the imposition of civil penalties; (b) the nature and gravity of the underlying violations of law or regulation; (c) the time elapsed since the imposition of civil penalties; and (d) any other mitigating circumstance;

(g) Whether the applicant, any officer, partner or shareholders owning 10 percent or larger ownership interest in the applicant, or any proposed authorized agent of the applicant has violated any of the provisions of this Article or conditions placed upon a prior junk dealer permit within the last ~~five~~ ten years. The Chief of Police shall consider the violations of this Article or imposed permit conditions on a case-by-case basis with due consideration given to the following factors: (a) the facts underlying the violations of this Article or imposed permit conditions; (b) the nature and gravity of the underlying violations of this Article or imposed permit conditions; (c) the time elapsed since the underlying violations of this Article or imposed permit conditions occurred; and (d) any other mitigating circumstance;

(h) Whether the applicant, any officer, partner or shareholders owning 10 percent or larger ownership interest in the applicant, or any proposed authorized agent of the applicant, has created, caused, or contributed to the creation or maintenance of a public nuisance in the operation of the junk dealer business;

(i) Whether the application contains intentionally false or misrepresented information, or omits required or material information; and

(j) Whether granting the permit is consistent with the public interest, health, safety and welfare.

The Chief of Police may grant a junk dealer permit while not approving one or more of an applicant's proposed authorized agents. The Chief of Police's denial of a junk dealer permit application or denial of a proposed authorized agent shall be subject to the provisions outlined in San Francisco Business and Tax Regulations Code Section 31.

~~***SEC. 974.10-2. ANNUAL RENEWAL.***~~

~~*(a) Every junk dealer shall provide to the Chief of Police, by the anniversary date of the issuance of the permit, information regarding changes in the business or status of the permit holder. Such information shall include:*~~

~~*(i) Information regarding all notices of violation issued by any governmental entity, including but not limited to the San Francisco Department of Public Health, Building Inspection, Fire Department, or City Planning, to the business, property owner, permit holder, or employees, during the past year.*~~

~~*(ii) Information detailing corrective actions taken to address previous notices of violation or other conditions placed upon the business.*~~

~~*(iii) Information regarding criminal citations issued to the business, property owner, permit holder or employees related to the operation of the business, including citations regarding failure to comply with state or local law applicable to junk dealers, or for receiving stolen property.*~~

~~*(iv) Any change in information regarding the permit holder or ownership of the business, including change of address, change of ownership or change of partnership or corporate status.*~~

~~*(v) If the permit holder welds, uses propane tanks, or cutting torches operated by compressed gasses on the premises or as part of its business, proof of valid permits for such use.*~~

~~*(b) The Police Department shall within 30 days of the receipt of the annual renewal information review the information and determine whether or not a revocation hearing is warranted. The Police Department should inform the permit holder of its decision in writing by first class mail to the address provided in the application within 30 days of the receipt of such information. Should the Department determine that a revocation hearing is warranted, the Department shall follow the procedure set forth in this article for revocation hearings. Failure to inform the permit holder of the decision within 30 days does not preclude the Department from initiating a revocation hearing.*~~

SEC. 974.11. SUSPENSION OR REVOCATION OF PERMIT.

The Chief of Police may suspend or revoke ~~A~~a*ny* permit *issued* to a junk dealer ~~*may be suspended or revoked by the Chief of Police*~~ *and may withdraw approval to one or more authorized agents of a permittee* after a hearing for cause.

(a) Cause may include:

(i) Violations of any of the provisions of this Article *or conditions placed upon the permit, or any rules and regulations issued by the Chief of Police under Section 974.2(f)*, including violations by ~~*employees*~~ *any authorized agent*, where the permit holder knew or should have known of the violation~~.~~*;*

(ii) Refusal to permit *periodic and other inspections as provided for by Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code* ~~*any peace officer of the State of California or the United States or other person with authority to enforce applicable rules and regulations to inspect the premises of the junk dealer, the junk stored thereon or the operations therein.*~~*;*

(iii) Violations of *Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code* ~~*the Business and Professions Code of the State of California*~~ relating to the operations of a junk dealer*;*

(iv) The premises are in violation of the San Francisco Municipal Code, including but not limited to the ~~*b*~~*B*uilding, ~~*h*~~*H*ealth, ~~*f*~~*F*ire, ~~*c*~~*C*ity ~~*p*~~*P*lanning and/or ~~*p*~~*P*olice ~~*c*~~*C*odes~~.~~*;*

(v) Failure to maintain *records and documentation as required by Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code*~~buy books in the manner required by this Article, including failure to completely fill out the required form~~ ~~.~~*;*

(vi) Use of welding equipment, propane tanks, or cutting torches operated by compressed gasses without valid permits~~,~~*;*

(vii) The permittee, or any authorized agent of the permittee, has created, caused, or contributed to the creation or maintenance of a public nuisance in the operation of the junk dealer business; and

(viii) The permittee, or any authorized agent of the permittee, has operated the junk dealer business or junk yard in a manner contrary to the public interest, health, safety or welfare.

(b) The standard of proof at the hearing shall be preponderance of the evidence.

(c) The Chief of Police's decision to suspend or revoke a junk dealer permit or to withdraw approval for an authorized agent of a permittee shall be subject to the provisions outlined in San Francisco Business and Tax Regulations Code Section 31.

(d) Notwithstanding Section 8(i)(5) of the Business and Tax Regulations Code, the filing of an appeal with the Board of Appeals from a decision of the Chief of Police to suspend or revoke a junk dealer permit or to withdraw approval for an authorized agent of a permittee shall not effect a suspension of the Chief of Police's action.

SEC. 974.14-1. OPERATION OF A JUNK DEALER.

Every junk dealer shall:

(a) *Comply with all state and municipal laws regarding junk dealers including this Article and Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code*;~~*Maintain on the business premises all junk purchased by the permitted business except ferrous*~~

~~*metals as set forth in (b) below, or aluminum cans, in the same condition as purchased for a period of five working days unless exempted pursuant to this Article; however, this holding period may be extended for a period not to exceed 14 working days at the request of a peace officer but not beyond 14 working days without an order of court*~~;

(b) *Post the permit in a conspicuous place at the junk yard or at the junk dealer's place of business;* ~~*Maintain on his premises all ferrous metals purchased by the permitted business in the same condition as purchased that are fence material, pipe, chain, foundry castings, cable or conduit or thin wall tubing for a period of three days unless exempted pursuant to provisions of this Article*~~;

(c) *Maintain the sidewalks, driveways and other areas adjacent to the premises clear of obstacles, trash and debris*; *and* ~~*Allow any peace officer or other person with authority to enforce applicable rules and laws to inspect the premises and articles stored therein and operation thereof of the junk dealer at the junk yard.*~~

(d) *Take reasonable steps to ensure that its customers do not loiter in the areas adjacent to or near the premises*. ~~*Maintain a "Buy Book" in the following manner:*~~

~~*(i) Fill out the form completely for every transaction;*~~

~~*(ii) Require the seller to present a valid form of identification at the time of each transaction and record the information from that piece of identification at the time of the transaction;*~~

~~*(iii) Consecutively number each buy book;*~~

~~*(iv) Include in the buy book any and all voided tags;*~~

~~*(v) Maintain the buy book in serial number order for a period of three years from the last date in the book;*~~

~~*(vi) Allow inspection by law enforcement agencies of the buy book immediately on request without a subpoena.*~~

~~*(e) Post the permit in a conspicuous place at the junk yard.*~~

~~*(f) Maintain the sidewalks, driveways and other areas adjacent to the premises clear of obstacles, trash and debris.*~~

~~*(g) Take reasonable steps to ensure that its customers do not loiter in the areas adjacent to or near the premises.*~~

SEC. 974.14-2. PROHIBITIONS ON PARTICULAR PURCHASES.

~~*No*~~ *A* person holding a junk dealer permit *may not* ~~*shall*~~ purchase *or permit an authorized agent to purchase, and an authorized agent shall not purchase*:

(a) ~~*Any item from a seller who does not present at the time of the transaction a valid driver's license or other valid government-issued identification.*~~ *Any junk that is collected, bought, sold or disposed of in a manner that is inconsistent with the provisions of this Article or Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code.*

(b) *Junk, including* ~~*A*~~*automotive* or mechanical parts, that contain ~~*h*~~*H*azardous ~~*m*~~*M*aterials.

(c) ~~*Goods*~~ *Junk* where the permit holder or ~~*employee*~~ *authorized agent* has or should have reason to believe that the ~~*goods*~~ *junk* may be stolen.

SEC. 974.21. PENALTY *AND ENFORCEMENT*.

~~*(a) Violation of the provisions of this Article, with the exception of Section 974.14-1(f) and (g), shall be punishable as a misdemeanor by a fine not to exceed $1000 or by imprisonment in the County Jail not to exceed six months or by both such fine and imprisonment.*~~

~~*(b) Violation of 974.14-1(f) and (g) of this Article shall be punishable as follows:*~~

~~*(1) First Conviction. Any person violating Section 974.14-1(f) and (g) shall be guilty of an infraction. Upon conviction, the violator shall be punished by a fine of not to exceed $500 for each provision violated*~~.

~~*(2) Subsequent Convictions. In any accusatory pleading charging a violation of Section 974.14-1(f) or (g), if the defendant has been previously convicted of a violation of such Section(s), each such previous violation and conviction may be charged in the accusatory pleading. Any person violating any provision of this section a second time shall be guilty of an infraction or a misdemeanor, at the discretion of the prosecutor. A violation which is an infraction is punishable by a fine of not less than $500 or more than $1000 for each provision violated. A violation that is a misdemeanor is punishable by a fine of not more than $1000, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.*~~

(a) *In addition to the remedies and enforcement mechanisms provided for by provisions of state and local law including Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code, the City Attorney may enforce the provisions of this Article through a civil action in any court of competent jurisdiction.*

(i) The City Attorney may apply to any court of competent jurisdiction for an order seeking injunctive relief to abate any nuisance caused by a failure to comply with this Article.

(ii) In any civil court action brought by the City Attorney to enforce this Article in which the City succeeds in obtaining any order from the Court, the City shall be entitled to recover from any and all applicable Persons all of its costs of investigation, enforcement, abatement, and litigation.

(iii) The Prevailing Party in any court action to abate a violation pursuant to this Article shall be entitled to reasonable attorneys' fees.

(b) *Nothing in this Article shall be interpreted as restricting or otherwise limiting the enforcement authority conferred upon other City employees, City agencies, or state agencies by other provisions of the Municipal Code or state law.*

SEC. 974.22. ~~*LIMIT ON*~~ SUSPENSION *FOR IMMEDIATE THREAT TO SAFETY*.

If the Chief of Police determines based on reasonable cause that ~~*the junk*~~ *any* business *operated under a junk dealer permit* poses an immediate threat to the safety of the employees or the public, the Chief shall have the authority to immediately suspend the permit *and to immediately withdraw approval for an authorized agent*. The Chief shall provide notice to the permit holder within one week of the suspension as to a date for a revocation hearing. The revocation hearing must be held within 45 days of the suspension *or withdrawal of approval* absent an agreement of the permit holder to voluntarily continue the hearing date and extend the period of suspension *or withdrawal of approval*.

~~***SEC. 974.23. LICENSE FEES.***~~

~~*Every person issued a permit pursuant to the provisions of this Article shall pay an annual license fee to the Tax Collector. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.* *~~

Section 4. The San Francisco Police Code is hereby amended by amending Section 895 and repealing Sections 896-898 to read as follows:

SEC. 895. PERMIT REQUIRED.

~~*(a)*~~ *As of* June 30, 2013~~December 31, 2012~~ *all existing permits issued by the San Francisco Police Department to junk gatherers pursuant to Police Code Section 895 et seq. shall expire. All*

persons wishing to conduct business in the City and County of San Francisco as a junk dealer after June 30, 2013~~December 31, 2012~~, *must apply for and obtain a junk dealer permit pursuant to Police Code Section 974.1 et seq.* ~~*It shall be unlawful to engage in business the activities of a as a junk gatherer disposer either buying, selling, collecting or exchanging junk within from vehicles or in any other manner upon the streets of the City and County of San Francisco without first having obtained a permit therefor from the Chief of Police.*~~

~~*(b) Applications for junk gatherer permits shall be filed with the Chief of Police on a form provided for said permit together with a nonrefundable fee.*~~

~~***SEC. 896. GATHERERS, JUNK.***~~

~~*Every person, firm or corporation engaged in the business or occupation of gathering junk in the City and County of San Francisco and who is not required to pay a license fee under the provisions of Article 13.1 of this Code shall pay an annual license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.* *~~

~~***SEC. 897. PROVIDING FOR BADGES FOR JUNK GATHERERS.***~~

~~*Every person required to obtain a permit and license pursuant to Section 895 and 896 of this Article must, at the time the license is issued to him, pay a badge fee to the Tax Collector and receive therefor from the Tax Collector a junk gatherer's metal badge, having imprinted thereon a number and the year for which same is issued. The design and lettering of said badge shall be determined by the Tax Collector, but such design must be distinctively different for each year.*~~

~~***SEC. 898. JUNK GATHERERS REQUIRED TO WEAR BADGES.***~~

~~*Every person engaged in business as a junk gatherer either buying, selling or exchanging junk from vehicles or in any other manner upon the streets of the City and County of San Francisco, must wear conspicuously exposed on the outside lapel of his coat the metal badge prescribed in the preceding section.*~~

Section 5. The San Francisco Police Code is hereby amended by amending Sections 2.26 to read as follows:

SEC. 2.26 SCHEDULE OF PERMITS AND SERVICES; FILING AND SERVICE FEES.

The following filing fees, payable in advance to the City and County of San Francisco, are required when submitting applications for permits to the Police Department or Entertainment Commission:

TYPE OF PERMIT	FILING FEE
Permit Amendment	$ 257
Permit Renewal (unless otherwise specified)	600
Amusement Park	0
Antique Shop	943
Auto Wrecker	1,069
Ball or Ring Throwing Games	0
Balloon and Kite Advertising	0
Billiard Parlor	456
Bingo Games	257
Charitable Organizations - Certificate of Registration	

Sales Solicitations	130
Non-Sales Solicitations	99
Document Copies	25
ID Card	25
Circus	0
Closing-Out Sale	0
Commercial Parking (garage or lot)	455
Dance Hall Keeper	1,401
Amendment to Permit	660
One Night Dance	40
Dealer in Firearms and/or Ammunition	1,276
Renewal	364
Discharge of Cannon	636
Driverless Auto Rental	1,039
Encounter Studio	
Owner	725
Employee	202
Escort Service	
Owner	976
Employee	373
Extended Hours Permit	1,500
Amendment to Permit	660
Fortuneteller	0

Funeral Procession Escort	353
Insignia and Uniform	0
General Soliciting Agent	252
Itinerant Show	680
Itinerant Show/Nonprofit [Fee set by Police Code Section]	100
Junk Dealer	~~*1,358*~~
Junk Dealer operating within or in conjunction with a junk yard	*1358*
Junk Dealer operating without a junk yard	*768*
~~*Junk Gatherer*~~	
~~*Resident*~~	~~*768*~~
~~*Nonresident*~~	~~*841*~~
Licensed Tour Guide	
Owner - Buses	975
Owner - Other Motorized Vehicles	694
Owner - Bicycle/Segway/Other Mechanism	483
Owner - Walking	389
Employee	114
Limited Live Performance	385
Amendment to Permit	129
Loudspeaker	416
Vehicle	416
Masked Ball	779

Massage Establishment	1,684
Masseur/Masseuse	202
Trainee	202
Mechanical Amusement Devices	568
Mechanical Contrivance	568
Miniature Golf Course	586
Mobile Caterer	1,092
Additional Stop	257
Assistant	320
Transfer of Stop	820
Museum	645
Nude Models in Public Photographic Studio	
Owner	704
Employee	202
Off-Heliport Landing Site	667
One Time Event	255
Outcall Massage	462
Pawnbroker	925
Peddler	
Food for Human Consumption	824
Nonfood	551
Employee	161
Pedicab Driver	165

Pedicab Owner	
First Pedicab	446
Each Additional Pedicab	161
Photographer, Public Place	
Owner	634
Solicitor	415
Photographic Solicitor	
Owner	634
Employee	227
Place of Entertainment	1,500
Amendment to Permit	660
Poker	1,259
Amendment to Permit	257
Public Bathhouse	1,122
Public Outcry Sales	1,134
Recreational Equipment Vendor	408
Rodeo Exhibition/Wild West Show	651
Second Hand Dealer	925
Second Hand Dealer, Auto Accessories	1,075
Shooting Gallery	886
Skating Rink	693
Tow Car Driver	570
Tow Car Firm	1,013

Trade-In Dealer	1,039
Valet Parking	
Fixed Location	886
Annual Special Event	886
Vehicle for Hire, Nonmotorized	966
Advertising and notices	165
Backgrounds	66
Fingerprints	96

Section 6. The San Francisco Police Code is hereby amended by amending Section 2.27 to read as follows:

SEC. 2.27 SCHEDULE OF LICENSE FEES FOR PERMITS ISSUED BY THE POLICE DEPARTMENT OR ENTERTAINMENT COMMISSION.

The following license fees are payable to the Tax Collector for permits issued by the Police Department or Entertainment Commission and, when applicable, for their renewal:

Note: All license fees are at an annual rate unless otherwise indicated.

TYPE OF PERMIT	LICENSE FEE
Amusement Park	$0
Antique Shop	0
Auto Wrecker	488
Ball or Ring Throwing Games	136

Balloon and Kite Advertising	0
Billiard Parlor	
First Table	139
Each Additional Table	14
Bingo Game	66
Circus	0
Dance Hall Keeper	424
Dealer in Firearms and/or Ammunition	452
Discharge of Cannon	49 per day
Driverless Auto Rental	322
Encounter Studio	
Owner	510
Employee	58
Escort Service	
Owner	516
Employee	90
Extended Hours Permit	505
Fortuneteller	0
Funeral Procession Escort	0
General Soliciting Agent	88
Itinerant Show, Each Concession	43 per day
~~*Junk Dealer*~~	~~*542*~~
~~*Junk Gatherer*~~	

~~*Resident*~~	~~*103*~~
~~*Nonresident*~~	~~*103*~~
Licensed Tour Guide	
Owner - Buses, per vehicle	957
Owner - Other Motorized Vehicles, per vehicle	153
Owner - Bicycle/Segway/Other Mechanisms, per mechanism	153
Owner – Walking	153
Employee	26
Limited Live Performance	139
Loudspeaker	150
Masked Ball	231 per day
Massage Establishment	860
Masseur/Masseuse	119
Trainee	119 per 90-day permit
Mechanical Amusement Devices	
First Machine	279
Each Additional Machine	0
Mechanical Contrivance	0
Miniature Golf Course	164
Mobile Caterer	695
Assistant	49
Museum	206

Nude Models in Public Photographic Studio	
Owner	488
Employee	90
Off-Heliport Landing Site	38 per day
Outcall Massage	469
Pawnbroker	535
Peddler	
Food for Human Consumption	747
Nonfood	199
Employee	81
Pedicab Driver	26
Pedicab Owner	0
Photographer, Public Place	
Owner	206
Solicitor	80
Photographic Solicitor	
Owner	166
Employee	80
Place of Entertainment	486
Poker	312
Public Bathhouse	436
Public Outcry Sales	294
Recreational Equipment Vendor	312

Rodeo Exhibition/Wild West Show	0
Second Hand Dealer	0
Second Hand Dealer, Auto Accessories	0
Shooting Gallery	0
Skating Rink	0
Tow Car Driver	34
Tow Car Firm	
First Tow Truck	546
Each Additional Tow Truck	217
Trade-In Dealer	613
Valet Parking	
Fixed Location	266
Annual Special Event	166
Vehicle for Hire, Nonmotorized	166

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Section 7. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 8. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Police Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

Section 9. This section is uncodified. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or ineffective.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
YVONNE R. MERE
Deputy City Attorney