

File No. 120434

Committee Item No. 5

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date December 3, 2012

Board of Supervisors Meeting Date \_\_\_\_\_

### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Environmental Review Determination, dtd 5/11/12</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Police Department Response, dtd 10/11/12</u>        |
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Completed by: Alisa Miller Date November 30, 2012

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.

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

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

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

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

15  
16 Section 1. Environmental Findings. The Planning Department has determined that the  
17 actions contemplated in this ordinance comply with the California Environmental Quality Act  
18 (California Code Section 21000 et seq.). Said determination is on file with the Clerk of the  
19 Board of Supervisors in File No. 120434 and is incorporated herein by reference.

20  
21 Section 2. Factual Findings.

22 (a) San Francisco has been plagued with a rash of metal theft. On a regular basis,  
23 thieves steal copper and other metals from residences, businesses, municipal properties,  
24 transportation systems, and utility companies. That theft causes thousands of dollars in  
25

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

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

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

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

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

23 (f) The purpose of this legislation is to ensure that junk dealers in San Francisco  
24 operate their businesses in compliance with the substantive state laws that govern their  
25

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

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

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

10  
11 Section 3. The San Francisco Police Code is hereby amended by amending Sections  
12 974.1, 974.2, 974.4, 974.8, 974.9, 974.10-1, 974.11, 974.14-1, 974.14-2, 974.21 and 974.22  
13 and repealing sections 974.5, 975.6, 974.10-2 and 974.23 as follows:

14 **SEC. 974.1. DEFINITIONS.**

15 (a) Except as otherwise specified in this section, the terms used in this Article,  
16 including "junk," "junk dealer," and "junk yard," shall have the same meaning as those terms  
17 are defined in the California Business and Professions Code, Chapter 9, Article 3, Section  
18 21600 et seq., including as those sections are hereafter amended.

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

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

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

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

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

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

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

10 ~~—— (vi) If the state legislature amends California Business and Professions Code Section~~  
11 ~~21606, that subsequent amendment shall be incorporated herein.~~

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

16 (d) Hazardous Materials shall be those materials defined in San Francisco Health  
17 Code Article 21, Division 1, Section 1102.

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

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

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

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

9 (bc) Exclusions.

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

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

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

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

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

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

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

#### 14 **SEC. 974.4. CONTENTS OF APPLICATION.**

15 The application for a junk dealer permit ~~to engage in, conduct or carry on a business of junk~~  
16 ~~dealer~~ shall set forth the following information:

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

20 (b) ~~The~~ business name and address of ~~each~~ the applicant;

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

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

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

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

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

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

17 (i) Such other information as the Chief of Police deems necessary to investigate  
18 the applicant and the applicant's proposed place of business and business operation.

19  
20 **~~SEC. 974.5. CORPORATE APPLICANTS.~~**

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



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

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

6  
7 **SEC. 974.8. NOTICE OF HEARING.**

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

14  
15 **SEC. 974.9. REFERRAL OF APPLICATIONS TO OTHER DEPARTMENTS.**

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

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

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

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

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

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

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

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

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

20 (f) *That Whether* the applicant, any officer, partner or shareholders owning 10 percent or  
21 larger ownership interest in the applicant, or any proposed authorized agent of the applicant has had  
22 civil penalties imposed by a court or other government agency related to the operation of a  
23 junk dealer or hazardous materials or the environment within the past five ten years prior to the  
24 date of application. The Chief of Police shall consider the imposition of civil penalties on a case-by-  
25

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

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

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

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

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

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

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1 ~~SEC. 974.10 2. ANNUAL RENEWAL.~~

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

4 ~~Such information shall include:~~

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

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

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

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

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

19 ~~(b) The Police Department shall within 30 days of the receipt of the annual renewal~~  
20 ~~information review the information and determine whether or not a revocation hearing is warranted.~~  
21 ~~The Police Department should inform the permit holder of its decision in writing by first class mail to~~  
22 ~~the address provided in the application within 30 days of the receipt of such information. Should the~~  
23 ~~Department determine that a revocation hearing is warranted, the Department shall follow the~~

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1 ~~procedure set forth in this article for revocation hearings. Failure to inform the permit holder of the~~  
2 ~~decision within 30 days does not preclude the Department from initiating a revocation hearing.~~

3  
4 **SEC. 974.11. SUSPENSION OR REVOCATION OF PERMIT.**

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

8 (a) Cause may include:

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

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

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

21 (iv) The premises are in violation of the San Francisco Municipal Code,  
22 including but not limited to the ~~b~~Building, ~~h~~Health, ~~f~~Fire, ~~e~~City ~~p~~Planning and/or ~~p~~Police  
23 ~~e~~Codes.;

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

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

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

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

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

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

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

19  
20 **SEC. 974.14-1. OPERATION OF A JUNK DEALER.**

21 Every junk dealer shall:

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

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

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

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

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

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

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

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

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

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

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

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

25 Supervisor Cohen  
BOARD OF SUPERVISORS

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

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

5  
6       **SEC. 974.14-2. PROHIBITIONS ON PARTICULAR PURCHASES.**

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

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

13           ~~(b) Junk, including A~~automotive or mechanical parts, that contain ~~h~~Hazardous  
14 mMaterials.

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

17  
18       **SEC. 974.21. PENALTY AND ENFORCEMENT.**

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

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

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

4           ~~(2) Subsequent Convictions. In any accusatory pleading charging a violation of Section~~  
5 ~~974.14 1(f) or (g), if the defendant has been previously convicted of a violation of such Section(s), each~~  
6 ~~such previous violation and conviction may be charged in the accusatory pleading. Any person~~  
7 ~~violating any provision of this section a second time shall be guilty of an infraction or a misdemeanor,~~  
8 ~~at the discretion of the prosecutor. A violation which is an infraction is punishable by a fine of not less~~  
9 ~~than \$500 or more than \$1000 for each provision violated. A violation that is a misdemeanor is~~  
10 ~~punishable by a fine of not more than \$1000, or by imprisonment in the County Jail for not more than~~  
11 ~~six months, or by both such fine and imprisonment.~~

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

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

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

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

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

4  
5 **SEC. 974.22. LIMIT ON SUSPENSION FOR IMMEDIATE THREAT TO SAFETY.**

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

14  
15 **~~SEC. 974.23. LICENSE FEES.~~**

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

19  
20           Section 4. The San Francisco Police Code is hereby amended by amending Section  
21 895 and repealing Sections 896-898 to read as follows:

22 **SEC. 895. PERMIT REQUIRED.**

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

25  
Supervisor Cohen  
BOARD OF SUPERVISORS

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9/24/2012

1 wishing to conduct business in the City and County of San Francisco as a junk dealer after December  
2 31 2012, must apply for and obtain a junk dealer permit pursuant to Police Code Section 974.1 et seq.  
3 ~~It shall be unlawful to engage in business the activities of a as a junk gatherer disposer either buying,~~  
4 ~~selling, collecting or exchanging junk within from vehicles or in any other manner upon the streets of~~  
5 ~~the City and County of San Francisco without first having obtained a permit therefor from the Chief of~~  
6 ~~Police.~~

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

9  
10 **~~SEC. 896. GATHERERS, JUNK.~~**

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

16  
17 **~~SEC. 897. PROVIDING FOR BADGES FOR JUNK GATHERERS.~~**

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

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

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

6  
7 Section 5. The San Francisco Police Code is hereby amended by amending Sections  
8 2.26 to read as follows:

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

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

13

14 TYPE OF PERMIT	FILING FEE
15 Permit Amendment	\$ 257
16 Permit Renewal (unless otherwise specified)	600
17 Amusement Park	0
18 Antique Shop	943
19 Auto Wrecker	1,069
20 Ball or Ring Throwing Games	0
21 Balloon and Kite Advertising	0
22 Billiard Parlor	456
23 Bingo Games	257

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Supervisor Cohen  
BOARD OF SUPERVISORS

1	Charitable Organizations - Certificate of Registration	
2	Sales Solicitations	130
3	Non-Sales Solicitations	99
4	Document Copies	25
5	ID Card	25
6	Circus	0
7	Closing-Out Sale	0
8	Commercial Parking (garage or lot)	455
9	Dance Hall Keeper	1,401
10	Amendment to Permit	660
11	One Night Dance	40
12	Dealer in Firearms and/or Ammunition	1,276
13	Renewal	364
14	Discharge of Cannon	636
15	Driverless Auto Rental	1,039
16	Encounter Studio	
17	Owner	725
18	Employee	202
19	Escort Service	
20	Owner	976
21	Employee	373
22	Extended Hours Permit	1,500
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Supervisor Cohen  
**BOARD OF SUPERVISORS**

1	Amendment to Permit	660
2	Fortuneteller	0
3	Funeral Procession Escort	353
4	Insignia and Uniform	0
5	General Soliciting Agent	252
6	Itinerant Show	680
7	Itinerant Show/Nonprofit [Fee set by Police Code Section]	100
8	Junk Dealer	1,358
9	<i>Junk Dealer operating within or in conjunction with a junk yard</i>	<u>1358</u>
10	<i>Junk Dealer operating without a junk yard</i>	<u>768</u>
11	<i>Junk Gatherer</i>	
12	<i>Resident</i>	768
13	<i>Nonresident</i>	841
14	Licensed Tour Guide	
15	Owner - Buses	975
16	Owner - Other Motorized Vehicles	694
17	Owner - Bicycle/Segway/Other Mechanism	483
18	Owner - Walking	389
19	Employee	114
20	Limited Live Performance	385
21	Amendment to Permit	129
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Supervisor Cohen  
**BOARD OF SUPERVISORS**

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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	

Supervisor Cohen  
BOARD OF SUPERVISORS



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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

Supervisor Cohen  
**BOARD OF SUPERVISORS**

1	Second Hand Dealer, Auto Accessories	1,075
2	Shooting Gallery	886
3	Skating Rink	693
4	Tow Car Driver	570
5	Tow Car Firm	1,013
6	Trade-In Dealer	1,039
7	Valet Parking	
8	Fixed Location	886
9	Annual Special Event	886
10	Vehicle for Hire, Nonmotorized	966
11	Advertising and notices	165
12	Backgrounds	66
13	Fingerprints	96

15  
16 Section 6. The San Francisco Police Code is hereby amended by amending Section  
17 2.27 to read as follows:

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

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

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

23	TYPE OF PERMIT	LICENSE FEE
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25 Supervisor Cohen  
BOARD OF SUPERVISORS

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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

Supervisor Cohen  
BOARD OF SUPERVISORS

1	Funeral Procession Escort	0
2	General Soliciting Agent	88
3	Itinerant Show, Each Concession	43 per day
4	<i>Junk Dealer</i>	<i>542</i>
5	<i>Junk Gatherer</i>	
6	<i>Resident</i>	<i>103</i>
7	<i>Nonresident</i>	<i>103</i>
8	Licensed Tour Guide	
9	Owner - Buses, per vehicle	957
10	Owner - Other Motorized Vehicles, per vehicle	153
11	Owner - Bicycle/Segway/Other Mechanisms, per mechanism	153
12	Owner - Walking	153
13	Employee	26
14	Limited Live Performance	139
15	Loudspeaker	150
16	Masked Ball	231 per day
17	Massage Establishment	860
18	Masseur/Masseuse	119
19	Trainee	119 per 90-day permit
20	Mechanical Amusement Devices	
21	First Machine	279
22		
23		
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25		

Supervisor Cohen  
**BOARD OF SUPERVISORS**

1	Each Additional Machine	0
2	Mechanical Contrivance	0
3	Miniature Golf Course	164
4	Mobile Caterer	695
5	Assistant	49
6	Museum	206
7	Nude Models in Public Photographic Studio	
8	Owner	488
9	Employee	90
10	Off-Heliport Landing Site	38 per day
11	Outcall Massage	469
12	Pawnbroker	535
13	Peddler	
14	Food for Human Consumption	747
15	Nonfood	199
16	Employee	81
17	Pedicab Driver	26
18	Pedicab Owner	0
19	Photographer, Public Place	
20	Owner	206
21	Solicitor	80
22	Photographic Solicitor	
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Supervisor Cohen  
**BOARD OF SUPERVISORS**

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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

Supervisor Cohen  
**BOARD OF SUPERVISORS**

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

3  
4 Section 8. This section is uncodified. In enacting this Ordinance, the Board intends to  
5 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
6 punctuation, charts, diagrams, or any other constituent part of the Police Code that are  
7 explicitly shown in this legislation as additions, deletions, Board amendment additions, and  
8 Board amendment deletions in accordance with the "Note" that appears under the official title  
9 of the legislation.

10  
11 Section 9. This section is uncodified. If any section, subsection, subdivision,  
12 paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason  
13 held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such  
14 decision shall not affect the validity or effectiveness of the remaining portions of this Article or  
15 any part thereof. The Board of Supervisors hereby declares that it would have passed each  
16 section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of  
17 the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences,  
18 clauses or phrases be declared unconstitutional or ineffective.

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

21 By:

  
22 YVONNE R. MERE  
23 Deputy City Attorney

24  
25 Supervisor Cohen  
**BOARD OF SUPERVISORS**

**REVISED LEGISLATIVE DIGEST**

(9/25/2012, Substituted in Board)

[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 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.**

Existing Law

Under existing municipal law, there are two different permitting schemes related to junk dealing in San Francisco: the junk dealer permitting process and the junk gathering permitting process. Under municipal law, junk dealers must secure a permit from the Chief of Police to operate as a junk dealer within the City and County of San Francisco. In contrast, the permitting process for junk gatherers is not clearly delineated in the municipal code. State law establishes operating standards for junk dealers yet maintain no state licensing or permitting process, leaving those functions to local governments.

Amendments to Current Law

This legislation amends the Police Code to make San Francisco's local permitting scheme regarding junk dealers and gatherers consistent with state law. The amendments eliminate the definition of junk gatherer, subsuming it within the definition of junk dealer and clarify procedural permitting requirements for "junk dealers." Under the amendments permits of all junk dealers will expire as of December 31, 2012 and all junk dealers seeking to operate after that date will have to obtain a new permit under these procedures.

Background Information

San Francisco is seeing a significant amount of metal theft 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.



In San Francisco, "junk dealers" collect, buy, sell, and otherwise dispose of metal" Those junk dealers are regulated locally by a permitting process detailed in the Police Code in conjunction with state law definitions and regulations codified in California Business and Professions Code section 21600 *et seq.*, a subset of which are included below.

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."

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."

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."

As illustrated from the definitions above, the state law definition of "junk dealer" includes the activities and functions of "junk gatherers." This legislation brings our local junk dealer and junk gatherer definitions in harmony with state law by bringing all who buy, sell, collect or otherwise dispose of junk under the umbrella of "junk dealer." For that reason, this legislation would repeal Police Code provisions regarding junk gatherers.

In addition to eliminating the definitional ambiguities, this legislation changes the permitting procedures to conform to similar permitting schemes such as those for Commercial Parking Permits and Tow Car Firms.

Lastly, this legislation removes language that merely duplicates state law.

Clarifying the permitting process and eliminating surplusage and duplication in the legislation should harmonize local and state laws and mitigate nuisance and crime.

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

May 10, 2012

File No. 120434

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Mr. Wycko:

On May 1, 2012, Supervisor Cohen introduced the following proposed legislation:

**File No. 120434 Ordinance amending the San Francisco Police Code Sections 974.1, 974.2, 974.4, 974.5, 974.6, 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 974.10-2, 974.23, and 896 through 898 to: 1) cause all existing junk dealer and junk gatherer permits to expire as of December 31, 2012; 2) establish a new, annual permit for junk dealers; 3) provide for permit suspensions and revocations to remain in effect during any administrative appeal; 4) amend the permit enforcement process; 5) require that junk dealers purchase goods only from licensed contractors and permitted junk dealers; and 6) update fees; and making environmental findings.**

This legislation is being transmitted to you for environmental review.

Sincerely,

*Gail Johnson*  
Gail Johnson, Committee Clerk  
Public Safety Committee

Attachment

c: Monica Pereira, Environmental Planning  
Joy Navarrete, Environmental Planning

*Not a project per CEQA  
Guidelines Sections  
15060(c)(3) and  
15378.*

*M. L. Lurell*  
May 11, 2012



**Re: Fw: Referral: BOS File No. 120434-3**  
**Steve Ford** to: Alisa Miller, Christine Fountain  
Cc: Tim Oberzeir, James Dudley, Lyn Tomioka

10/11/2012 01:43 PM

Thank you Alisa for allowing us the in-road to weigh in on this very important subject. Regarding BOS File No. 120434-3, the only issue of concern is as follows.

It is our respectful recommendation that the Buy Book be maintained. The main function of the Buy Book allows for the tracking and monitoring of items sold, the addresses of the "seller," drivers license information, vehicle license information etc. In the larger picture, the Buy Book helps the Police Department in regulating the exchange of stolen/illicit/counterfeit/fenced items.

If you have any additional concerns or questions please do not hesitate to inquire with us. Moving forward, please continue to keep us informed on these very important matters. Thank you again.

Sincerely,

Steven A. Ford, M.S.  
Lieutenant of Police  
San Francisco Police Department  
Bureau of Administration, Permits/Facilities  
(415) 553-9550

Gail → Alish  
COB, Key Dep

President, Board of Supervisors  
District 3



City and County of San Francisco

**DAVID CHIU**  
邱信福  
市參事會主席

TO: Angela Calvillo, Clerk of the Board  
FROM: Supervisor David Chiu *ASC*  
DATE: May 9, 2012  
RE: **Transfer of File No. 120434 from Public Safety to Land Use**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 MAY 10 AM 10:21  
BY *[Signature]*

Madam Clerk,

Please transfer File No. 120434, an ordinance amending the San Francisco Police Code by making changes to the Junk Dealer and Junk Gatherer Permit Process, from the Public Safety Committee to the Land Use Committee.

Thank you for your prompt assistance in this matter.

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Chief Greg Suhr, Police Department  
Jose Cisneros, Treasurer/Tax Collector

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: October 10, 2012

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Economic Development Committee has received the following substitute legislation, introduced by Supervisor Cohen on September 25, 2012. This matter is being referred to your department informational purposes only and no additional action is required.

**File No. 120434**

Ordinance amending the San Francisco Police Code Sections 974.1, 974.2, 974.4, 974.5, 974.6, 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 974.10-2, 974.23, and 896 through 898 to: 1) cause all existing junk dealer and junk gatherer permits to expire as of December 31, 2012; 2) establish a new, annual permit for junk dealers; 3) provide for permit suspensions and revocations to remain in effect during any administrative appeal; 4) amend the permit enforcement process; 5) require that junk dealers purchase goods only from licensed contractors and permitted junk dealers; and 6) update fees; and making environmental findings.

If you do wish to submit any reports or documentation to be included as part of the file, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Christine Foundation, Office Manager, Police Department  
DJ Dull-MacKenzie, Office of the Treasurer/Tax Collector

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

# MEMORANDUM

TO: Regina Dick-Endrizzi, Director  
Chris Schulman, Commission Secretary  
**Small Business Commission, City Hall, Room 448**

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: October 10, 2012

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use & Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following substitute legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 120434-3**

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 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.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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RESPONSE FROM SMALL BUSINESS COMMISSION - Date: \_\_\_\_\_

- No Comment
- Recommendation Attached

\_\_\_\_\_  
Chairperson, Small Business Commission

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Chief Greg Suhr, Police Department

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: May 11, 2012

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Cohen on May 1, 2012.

This matter is being referred to your department informational purposes only and no additional action is required.

**File No. 120434**

Ordinance amending the San Francisco Police Code Sections 974.1, 974.2, 974.4, 974.5, 974.6, 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 974.10-2, 974.23, and 896 through 898 to: 1) cause all existing junk dealer and junk gatherer permits to expire as of December 31, 2012; 2) establish a new, annual permit for junk dealers; 3) provide for permit suspensions and revocations to remain in effect during any administrative appeal; 4) amend the permit enforcement process; 5) require that junk dealers purchase goods only from licensed contractors and permitted junk dealers; and 6) update fees; and making environmental findings.

If you do wish to submit any reports or documentation to be included as part of the file, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

## INTRODUCTION FORM

By a member of the Board of Supervisors or the Mayor

Time Stamp or  
Meeting Date

I hereby submit the following item for introduction:

- 1. For reference to Committee: \_\_\_\_\_  
An ordinance, resolution, motion, or charter amendment
- 2. Request for next printed agenda without reference to Committee
- 3. Request for hearing on a subject matter at Committee: \_\_\_\_\_
- 4. Request for letter beginning "Supervisor \_\_\_\_\_ inquires..."
- 5. City Attorney request
- 6. Call file from Committee
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File Nos.
- 9. Request for Closed Session
- 10. Board to Sit as A Committee of the Whole
- 11. Question(s) submitted for Mayoral Appearance before the BOS on \_\_\_\_\_

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- |   |  |
|---|--|
| <input type="checkbox"/> Small Business Commission      | <input type="checkbox"/> Youth Commission    |
| <input type="checkbox"/> Ethics Commission              | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Building Inspection Commission |  |

**Note:** For the Imperative Agenda (a resolution not on the printed agenda), use a different form.]

**Sponsor(s):** Cohen

**Subject:** Substitute Legislation for File No. 120434

The text is listed below or attached:

Attached

Signature of Sponsoring Supervisor : \_\_\_\_\_



**For Clerk's Use Only:**



## INTRODUCTION FORM

By a member of the Board of Supervisors or the Mayor

Time Stamp or  
Meeting Date

I hereby submit the following item for introduction:

- 1. For reference to Committee: Land Use and Economic Development  
An ordinance, resolution, motion, or charter amendment
- 2. Request for next printed agenda without reference to Committee
- 3. Request for hearing on a subject matter at Committee: \_\_\_\_\_
- 4. Request for letter beginning "Supervisor \_\_\_\_\_ inquires..."
- 5. City Attorney request
- 6. Call file from Committee
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File Nos.
- 9. Request for Closed Session
- 10. Board to Sit as A Committee of the Whole
- 11. Question(s) submitted for Mayoral Appearance before the BOS on \_\_\_\_\_

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- |   |  |
|---|--|
| <input type="checkbox"/> Small Business Commission      | <input type="checkbox"/> Youth Commission    |
| <input type="checkbox"/> Ethics Commission              | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Building Inspection Commission |  |

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.]**

**Sponsor(s):** Cohen

**Subject:** SUBSTITUTE ORDINANCE FOR FILE NO. 120434

The text is listed below or attached:

Attached

  
Signature of Sponsoring Supervisor: \_\_\_\_\_

**For Clerk's Use Only:**

## INTRODUCTION FORM

By a member of the Board of Supervisors or the Mayor

Time Stamp or  
Meeting Date

I hereby submit the following item for introduction:

- 1. For reference to Committee: Public Safety  
An ordinance, resolution, motion, or charter amendment
- 2. Request for next printed agenda without reference to Committee
- 3. Request for hearing on a subject matter at Committee: \_\_\_\_\_
- 4. Request for letter beginning "Supervisor \_\_\_\_\_ inquires..."
- 5. City Attorney request
- 6. Call file from Committee
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File Nos.
- 9. Request for Closed Session
- 10. Board to Sit as A Committee of the Whole
- 11. Question(s) submitted for Mayoral Appearance before the BOS on \_\_\_\_\_

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- |   |  |
|---|--|
| <input type="checkbox"/> Small Business Commission      | <input type="checkbox"/> Youth Commission    |
| <input type="checkbox"/> Ethics Commission              | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Building Inspection Commission |  |

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.]**

**Sponsor(s):** Cohen

**Subject:** Police Code - Amendments to Junk Dealer and Junk Gatherer Permit Process

The text is listed below or attached:

Attached

Signature of Sponsoring Supervisor: \_\_\_\_\_



**For Clerk's Use Only:**

170434