

FILE NO. 120671

ORDINANCE NO. 196-12

1 [Police Code – Repeal Secondhand Dealer and Antique Dealer Permit Requirements]

2
3 **Ordinance amending the San Francisco Police Code by: 1) repealing Sections 850, 851,**
4 **852, 1276, ~~1279, 1279.1, 1279.2, 1280, 1280.1, and 1281~~ and ~~1282~~ to eliminate certain**
5 **requirements for Secondhand and Antique Dealers; and 2) amending Sections 1279, 1279.1**
6 **and 1282 to modify the Secondhand Dealer permit requirement; and 3) amending Sections**
7 **2.26 and 2.27 to set the permit application fee for a Secondhand Dealer permit at**
8 **\$200**~~eliminate the permit requirement and other local regulation of secondhand dealers and~~
9 ~~antique dealers.~~

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

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

15 Section 1. The San Francisco Police Code is hereby amended by repealing Sections
16 850, 851, 852, 1276, ~~1279, 1279.1, 1279.2, 1280, 1280.1, and 1281~~ and ~~1282~~, as follows:

17 ~~SEC. 850. REGULATING SALE OF SECONDHAND SCHOOL BOOKS.~~

18 ~~It shall be unlawful for any person, firm or corporation to purchase from any person, firm or~~
19 ~~corporation any secondhand school text book or books in use in any public or private school without~~
20 ~~first obtaining from the principal or administrative officer of the school where said text books are in~~
21 ~~use his or her written statement that the person offering the book for sale is the lawful owner thereof,~~
22 ~~and as such owner is free to make the sale.~~

23 ~~SEC. 851. DEALER TO OBTAIN LIST OF BOOKS AND KEEP SAME POSTED.~~

24 ~~On or before the 20th day of July in each year, every dealer in second-hand books must apply to~~
25 ~~the office of the Board of Education and receive from the Secretary of said Board a complete list of all~~

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1 *Public School Text Books to be used in the public schools during the school year. Said dealer shall post*
2 *said list and keep it conspicuously posted in his place of business throughout the school year, for the*
3 *inspection of the police officers and others who may be interested in the sale and purchase of*
4 *secondhand school text books.*

5 ~~SEC. 852. SALE OF TEXT BOOKS UNDER CERTAIN CONDITIONS PROHIBITED.~~

6 *It shall be unlawful for any dealer in secondhand books to purchase or offer for sale any of the*
7 *text books referred to in the preceding section, which are secondhand, without having first obtained the*
8 *list of books mentioned in Section 851 of this Article, and without conspicuously posting it as required*
9 *by Section 851 of this Article.*

10 ~~SEC. 1276. SECONDHAND DEALERS REQUIRED TO KEEP RECORDS OF PURCHASES AND~~
11 ~~SALES.~~

12 *Every person, firm or corporation dealing in secondhand goods or licensed to deal in*
13 *secondhand goods shall keep a record of the purchase and sale of all items of tangible personal*
14 *property (as that term is defined in Section 1279.1 of this Code) sold or purchased (including the*
15 *signature of the person selling the same), which shall at all times during business hours be open to the*
16 *inspection of the Chief of Police, or of any police officer.*

17 *Such person, firm or corporation shall at least once a day make and deliver to the Chief of*
18 *Police on a form to be furnished or approved by the State Department of Justice for that purpose, a full,*
19 *true and complete record of all transactions in tangible personal property by such person, firm or*
20 *corporation within the City and County of San Francisco during the 24 hours preceding said report,*
21 *together with the time (meaning the hour of the day) when purchased or sold or otherwise dealt in or*
22 *with, and a description of the person or persons from whom bought or to whom sold, or with whom*
23 *dealt, and also the true name thereof as nearly as the same is known to the person making such report.*
24 *Said report shall be written in the English language in a clear, legible manner.*

25 ~~SEC. 1279.2. ANTIQUE SHOPS; DEFINITION; PERMIT.~~

1 (a) ~~Definition. As used in this Article:~~

2 ~~"Antique Shop" means a shop where secondhand merchandise is sold at retail but where at least~~
3 ~~90 percent, measured according to value, of the used or secondhand merchandise on hand at any one~~
4 ~~time consists of objects of art, bric-a-brac, curios or household furniture or furnishings, offered for sale~~
5 ~~upon the basis, express or implied, that the value of the property, in whole or in substantial part, is~~
6 ~~derived from its age or from its historical association.~~

7 (b) ~~Permit Required. The operator of any antique shop may, in lieu of the secondhand dealer's~~
8 ~~permit required by Section 1279.1 hereof, apply for and obtain a special permit from the Chief of~~
9 ~~Police to conduct an antique shop. The license fee for an antique shop permit shall be paid annually on~~
10 ~~or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax~~
11 ~~Regulations Code.*~~

12 (c) ~~Compliance with Provisions of Code. The holder of an antique shop permit shall comply~~
13 ~~with all the provisions of this Article pertaining to secondhand dealers.~~

14 ~~SEC. 1280. DEALERS IN SPECIFIED SECONDHAND GOODS.~~

15 (a) ~~Dealers in Secondhand Clothing. Every person, firm or corporation engaged in the~~
16 ~~principal business of buying, selling or exchanging secondhand clothing or personal apparel, or who,~~
17 ~~while so engaged in the principal business of buying, selling or exchanging secondhand clothing or~~
18 ~~personal apparel, buys, sells or exchanges as incidental to his aforesaid business, secondhand trunks,~~
19 ~~secondhand shoes, secondhand suitcases, secondhand musical instruments, secondhand jewelry,~~
20 ~~secondhand firearms, secondhand tools, or merchandise incidental or connected with the purchase,~~
21 ~~sale or exchange of secondhand clothing or personal apparel, shall (after securing a permit from the~~
22 ~~Chief of Police to carry on said business), pay a license fee; provided that nothing contained in this~~
23 ~~Section shall exempt any person, firm or corporation engaged in the business of buying, selling or~~
24 ~~exchanging secondhand furniture, from the paying of the license provided for in Section 1280.1 of this~~
25 ~~Article; and, provided further, that nothing contained in this Section shall relieve or exempt any~~

1 ~~person, firm or corporation from complying with all provisions of Sections 612 to 617 of this Code~~
2 ~~relating to the acquisition of firearms.~~

3 ~~(b) Dealers in Secondhand Furniture and Household Goods. Every person, firm or corporation~~
4 ~~engaged in the business of buying, selling or exchanging secondhand furniture and household goods,~~
5 ~~either exclusively or in conjunction with some other business, upon obtaining a permit from the Chief of~~
6 ~~Police to carry on said business, shall pay a license fee.~~

7 ~~The term "furniture and household goods" as used in this Article shall mean and include beds,~~
8 ~~bedding, tables, desks, chairs, stoves, floor coverings, crockery, glassware, kitchen and cooking~~
9 ~~utensils.~~

10 ~~(c) Dealers in Secondhand Barrels. Every person, firm or corporation engaged in the business~~
11 ~~of buying, selling or exchanging secondhand barrels shall pay a license fee.~~

12 ~~SEC. 1280.1. DEALERS IN SECONDHAND GOODS.~~

13 ~~Every person, firm or corporation engaged in the business of buying, selling or exchanging~~
14 ~~secondhand goods, such as provisions, goods, wares, merchandise, medicines, drugs, jewelry, precious~~
15 ~~metals or wares, upon obtaining a permit from the Chief of Police to carry on the business, shall pay a~~
16 ~~license fee.~~

17 ~~SEC. 1281. FURNITURE AND HOUSEHOLD GOODS DEFINED.~~

18 ~~The terms "furniture and household goods" as used in Sections 1276 to 1280, inclusive, of this~~
19 ~~Article shall mean and include beds, bedding, tables, desks, chairs, stoves, floor coverings, crockery,~~
20 ~~glassware, kitchen and cooking utensils; the terms "furniture and household goods" as used in Sections~~
21 ~~1276 and 1280 of this Article shall mean and include, in addition to the articles listed above, books,~~
22 ~~periodicals and printed matter.~~

23
24 Section 2. The San Francisco Police Code is hereby amended by amending
25 Sections 1279, 1279.1 and 1282, to read as follows:

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1 **SEC. 1279. SECONDHAND DEALERS; DEFINITIONS.**

2 As used in this Article:

3 (a) "Secondhand ~~d~~Dealer" means a person engaging in, conducting, managing or
4 carrying on the business of buying, selling, or otherwise dealing ~~in secondhand or rebuilt, or~~
5 ~~reconditioned goods, wares or merchandise, in whole or in part, in Covered Secondhand~~
6 Goods. The term does not include an Antique Dealer, ~~secondhand jewelry dealer,~~
7 ~~secondhand clothing dealer, secondhand furniture and household goods dealer, or~~
8 ~~secondhand book dealer;~~

9 (b) "Covered Secondhand Goods" means secondhand tangible personal property that
10 falls into one or more of the following categories: (1) tangible personal property with a serial
11 number or personalized initials or inscription, or which at the time it is acquired by the
12 Secondhand Dealer, bears evidence of having had a serial number or personalized initials or
13 inscription; (2) electronic personal property, including but not limited to televisions, stereos,
14 radios, digital music players, computers, computer monitors and other accessories, tablet
15 computers and cell phones; (3) firearms; (4) jewelry and watches; but excluding jewelry and
16 watches with a fair market value as a secondhand good of \$40.00 or less; (5) precious and
17 semi-precious stones and imitation precious and semi-precious stones; (6) musical
18 instruments; and (7) sterling silver flatware, utensils and services, individually or as a set.

19 ~~"Secondhand jewelry dealer" means a person engaging in, conducting, managing or carrying~~
20 ~~on the business of buying, selling, or otherwise dealing in secondhand jewelry, precious and~~
21 ~~semi-precious stones and metals and imitations thereof, watches, rings, bracelets, and other~~
22 ~~similar goods, wares or merchandise;~~

23 (c) "Antique Dealer" means a person engaging in, conducting, managing or carrying
24 on a business where Covered Secondhand Goods are sold at retail, but where at least 90
25 percent of the Covered Secondhand Goods available for purchase on July 1 of each year are

1 more than 80 years old. A person claiming exemption from the requirement to obtain a
2 Secondhand Dealer permit because the person is an Antique Dealer shall provide records
3 and information as requested by the Chief of Police or designee to establish that the person is
4 an Antique Dealer. "Secondhand clothing dealer" means a person engaging in, conducting,
5 managing or carrying on the business of buying, selling, or otherwise dealing in secondhand
6 clothing, wearing apparel and other similar goods, wares and merchandise;

7 (d) ~~"Secondhand furniture and household goods dealer" means a person engaging in,~~
8 ~~conducting, managing or carrying on the business of buying, selling, or otherwise dealing in~~
9 ~~secondhand beds, bedding, tables, desks, chairs, stoves, floor coverings, crockery,~~
10 ~~glassware, kitchen and cooking utensils and appliances, radios, televisions and other similar~~
11 ~~goods, wares and merchandise;~~

12 (e) ~~"Secondhand book dealer" means a person engaging in, conducting, managing or~~
13 ~~carrying on the business of buying, selling or otherwise dealing in secondhand books and~~
14 ~~magazines, secondhand textbooks or secondhand educational materials.~~

15
16 **SEC. 1279.1. PERMIT FROM CHIEF OF POLICE; RULES AND REGULATIONS;**
17 **DEFINITIONS.**

18 (a) Before any person shall engage in the business of sSecondhand dDealer,
19 secondhand jewelry dealer, secondhand clothing dealer, secondhand furniture dealer and
20 household goods dealer, or secondhand book dealer, either exclusively or in conjunction with
21 some other business, that person must apply to the Chief of Police for a permit therefor. The
22 Chief may grant the permit application, and the applicant may receive a license from the Tax
23 Collector upon the payment of the license fee. The license fee shall be paid annually on or
24 before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax
25 Regulations Code.

1 ~~(b) Secondhand dealers in tangible personal property, as that term is hereinafter~~
2 ~~defined, must also obtain a state secondhand dealer license. The Chief of Police shall not~~
3 ~~issue any permit and the Tax Collector shall not issue any license to any person, firm or~~
4 ~~corporation to conduct the business of a secondhand furniture and household goods dealer~~
5 ~~within 200 feet of the property line of any church or school. Such restrictions shall not apply to~~
6 ~~any secondhand furniture and household goods dealer now conducting business within such~~
7 ~~distance. Said~~The Chief of Police shall have the power to revoke said permit after hearing
8 upon good cause being shown.

9 ~~(c) The Chief of Police may adopt, after a noticed public hearing, such rules and~~
10 ~~regulations regarding s~~Secondhand ~~d~~Dealers as will effectuate the purposes of this Article
11 and are not in conflict therewith or in conflict with State laws regulating secondhand dealers.
12 ~~Said~~ Unless otherwise specified therein, the rules and regulations shall become effective 10
13 days after adoption by the Chief of Police.

14 ~~"Tangible personal property" is defined as set forth in the California Business and~~
15 ~~Professions Code sections governing secondhand dealers, and shall include all personal~~
16 ~~property commonly sold by secondhand dealers which is determined by the Attorney General~~
17 ~~to be frequently stolen and is contained in that list of such personal property which is compiled~~
18 ~~and periodically revised by the Attorney General and supplied to local law enforcement~~
19 ~~agencies. The Chief of Police may by rule or regulation amend the Attorney General's list to~~
20 ~~include additional items which the Chief has determined to be frequently stolen in the City and~~
21 ~~County. Such additional items shall thereafter be considered tangible personal property for~~
22 ~~purposes of this Article.~~

23
24 **SEC. 1282. LICENSED AUCTIONEERS EXCEPTED.**
25

1 The terms of Sections 1279 and 1279.11276 to 1281, inclusive, of this Article shall not
2 apply to any licensed and bonded auctioneer.

3
4 Section 23. The San Francisco Police Code is hereby amended by amending Sections
5 2.26 and 2.27, to read as follows:

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

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

10 TYPE OF PERMIT	FILING FEE
11 Permit Amendment	\$ 257
12 Permit Renewal (unless otherwise specified)	600
13 Amusement Park	0
14 <i>Antique Shop</i>	<i>943</i>
15 Auto Wrecker	1,069
16 Ball or Ring Throwing Games	0
17 Balloon and Kite Advertising	0
18 Billiard Parlor	456
19 Bingo Games	257
20 Charitable Organizations - Certificate of 21 Registration	

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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

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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 1017.2]	100
Junk Dealer	1,358
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

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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

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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

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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	<u>925200</u>
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 34. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 45. Scope of Ordinance. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent part of the Police Code that are explicitly shown in this ~~legislation~~ Ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ~~legislation~~ Ordinance.

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

By:


KATHARINE HOBIN PORTER
Deputy City Attorney



City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 120671

Date Passed: September 18, 2012

Ordinance amending the San Francisco Police Code by: 1) repealing Sections 850, 851, 852, 1276, 1279.2, 1280, 1280.1, and 1281 to eliminate certain requirements for Secondhand and Antique Dealers; and 2) amending Sections 1279, 1279.1, and 1282 to modify the Secondhand Dealer permit requirement; and 3) amending Section 2.26 to set the permit application fee for a Secondhand Dealer permit at \$200.

July 30, 2012 Government Audit and Oversight Committee - REFERRED WITHOUT RECOMMENDATION

September 04, 2012 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

September 04, 2012 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

September 11, 2012 Board of Supervisors - AMENDED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

September 11, 2012 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

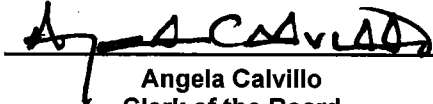
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

September 18, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 120671

I hereby certify that the foregoing
Ordinance was **FINALLY PASSED** on
9/18/2012 by the Board of Supervisors of the
City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor

9/24/12
Date Approved