

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,**
 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,**
 5 **2.26, and 2.27 and repealing Sections 974.10-2, 974.23, and 896 through 898 to: 1)**
 6 **cause all existing junk dealer and junk gatherer permits to expire as of December 31,**
 7 **2012; 2) establish a new, annual permit for junk dealers; 3) provide for permit**
 8 **suspensions and revocations to remain in effect during any administrative appeal; 4)**
 9 **amend the permit enforcement process; 5) require that junk dealers purchase goods**
 10 **only from licensed contractors and permitted junk dealers; and 6) update fees; and**
 11 **making environmental findings.**

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

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

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

22 Section 2. Factual Findings.

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

1 dollars in losses and can interrupt the delivery of crucial utility services and the operations of
2 transit systems. Once stolen, metal is often stripped of any outer, exterior coating, and then
3 sold to businesses like junk dealers that pay up to \$4.00 per pound. Recent incidents of
4 large scale metal theft have raised awareness of the issue and highlighted the need for
5 changes in the way metal is bought and sold in San Francisco.

6 (b) California Business and Professions Code section 21601 defines a junk dealer
7 as 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
12 and all secondhand and used machinery and all ferrous and nonferrous scrap metals and
13 alloys, including any and all secondhand and used furniture, pallets, or other personal
14 property, other 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
17 collected, 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 and local law. Restricting the individuals and
23 businesses with whom junk dealers do business can mitigate nuisance and crime.

24 (f) By requiring junk dealers to buy metal only from certain sources and to renew
25 their permits annually, the City and County of San Francisco can improve oversight and

1 regulation of these businesses, to minimize criminal incidents and better protect the public
2 safety and welfare.

3 (g) Clarification of the definition of junk dealer, renders unnecessary the current
4 "junk gatherers" definition in the Police Code.

5 (h) The amendments in this Ordinance clarify the permit process for all who
6 collect, sell, buy, or otherwise dispose of junk in San Francisco and conform that permit
7 process with similar permitting schemes such as those for Commercial Parking Permits and
8 Tow Car Firms.

9
10 Section 3. The San Francisco Police Code is hereby amended by amending
11 Sections 974.1, 974.2, 974.4, 974.5, 974.6, 974.8, 974.9, 974.10-1, 974.11, 974.14-1,
12 974.14-2, 974.21, and 974.22 and repealing sections 974.10-2, 974.23 as follows:

13 **SEC. 974.1. DEFINITIONS.**

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

18 (b) ~~"Buy Book" is a form to be filled out that must contain all of the following information:~~

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

20 ~~——(ii)——The name, valid driver's license number and state of issue or valid California-~~
21 ~~issued identification card number of the person buying or selling junk, and vehicle license number~~
22 ~~including the state of issue of any motor vehicle used in transporting the junk to the junk dealer's or~~
23 ~~recycler's place of business.~~

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

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

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

8 ~~——(vi)—— If the state legislature amends California Business and Professions Code Section~~
9 ~~21606, that subsequent amendment shall be incorporated herein.~~

10 (b) Buy Book. For purposes of this Article, a "Buy Book" is a collection of documents,
11 consisting of a completed form and other documents for each junk dealing transaction maintained in
12 accordance with the provisions of Section 974.14-1(d) and (e) below.

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

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

19 (e) Prevailing Party. Prevailing Party has the same meaning as set forth in California
20 Code of Civil Procedure Section 1032, or any successor provision. "Prevailing Party" includes the
21 City and County of San Francisco in actions where the City and County obtains an injunction and/or
22 civil penalties or other monies under Sections 1215 through 1215.6 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
4 of San Francisco only if that person holds a current and valid junk dealer permit, is an Authorized
5 Agent of a permittee, or falls within one of the enumerated exceptions below. "Junk" as defined by
6 California Business and Professions Code, Chapter 9, Article 3, Section 21600 et seq., includes any
7 and all secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys.

8 (b) It shall be unlawful for any person to engage in, conduct, or carry on the
9 business of junk dealer in the City and County of San Francisco without first securing a
10 permit therefor from the Chief of Police. Junk dealers who also operate junk yards are subject to
11 additional requirements outlined in Section 974.14-1 below.

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

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

19 (ii) A contractor with a current and valid license issued by the California
20 Contractors State Licensing Board who is conducting activities pursuant to
21 California Business and Professions Code Sections 7008 and 7056-7059 and
22 any agent or employee of the contractor meeting the minimum requirements of
23 Section 974.14-1(d)(ii)(b) below ("Contractor's Agent"); and

24 (iii) An individual lawfully selling or giving away his or her own junk within twenty
25 feet of that individual's residence.

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

6 (e) As of January 1, 2013, a junk dealer permit shall authorize the permittee to operate
7 for one year from the date the Chief of Police issues the permit, unless the Chief of Police suspends
8 or revokes the permit. Each junk dealer permit shall expire at the end of the one year period.
9 Notwithstanding Section 2.10 of the Police Code, a permittee wishing to operate beyond the one year
10 permit term must renew the junk dealer permit before the existing permit expires.

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

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

18
19 **SEC. 974.4. CONTENTS OF APPLICATION.**

20 The application for a permit to engage in, conduct or carry on a business of junk
21 dealer shall set forth the following information: (a) the proposed place of business and
22 facilities therefor, including whether or not the junk dealer will engage in welding, use of a
23 propane tank, or cutting torches operated by compressed gasses, (b) the name and address
24 of each applicant and each individual, if any, authorized to act on behalf of the applicant junk
25 dealer ("Authorized Agent"), (c) a list of each conviction of or plea of guilty or no contest to a

1 Covered Crime in the five years preceding the application for each applicant and each Authorized
2 Agent, including the nature of the offense and the place and date of the conviction or plea, and (d)
3 such other information as the Chief of Police deems necessary to investigate the applicant
4 and the applicant's proposed place of business.

5
6 **SEC. 974.5. CORPORATE APPLICANTS.**

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

11
12 **SEC. 974.6. PARTNERSHIP APPLICANTS.**

13 If the applicant to conduct, carry on, or engage in the business of junk dealer is a
14 partnership, the application shall set forth the names and addresses of each partner,
15 including limited partners, and each Authorized Agent, if any. If one or more of the partners is a
16 corporation, the provisions for corporate applicant shall apply to such corporate partners.

17
18 **SEC. 974.8. NOTICE OF HEARING.**

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

1 **SEC. 974.9. REFERRAL OF APPLICATIONS TO OTHER DEPARTMENTS.**

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

10
11 **SEC. 974.10-1. ISSUANCE OF JUNK DEALERS PERMIT.**

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

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

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

23 (c) ~~That~~ Whether the applicant or Authorized Agent of the same has ~~not~~ been
24 convicted of or pled guilty or no contest to a Covered Crime, or has committed a Covered Crime
25 within the last ten years ~~a crime involving the possession or theft of property, fraud, hazardous~~

1 ~~materials or the environment, or crimes related to the operation of a junk dealer, provided, however,~~
2 ~~the Chief of Police shall not take into account such conviction if the applicant suffered such~~
3 ~~conviction at least five years prior to the date of the application and at least five years has elapsed~~
4 ~~since the applicant has been free of any disability resulting from said conviction and the applicant~~
5 ~~has suffered no subsequent convictions for a felony or misdemeanor offense relating to theft or the~~
6 ~~possession of stolen property, fraud, crimes related to hazardous materials or the environment;~~

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

11 (e) ~~That~~ Whether the applicant or any Authorized Agent has ~~not~~ had a permit or license
12 revoked or suspended that was any permit or license issued by the State of California or the City
13 and County of San Francisco or other government agency to engage in a business or
14 profession within the State of California because of a violation of law or because of violation
15 of regulations promulgated by the regulating agency having control or jurisdiction over the
16 license or permit; ~~further provided that~~ the Chief of Police shall not consider any such
17 revocation if ~~such revocation it~~ occurred ~~at least~~ more than five ten years prior to the date of the
18 application;

19 (f) ~~That~~ Whether the applicant or any Authorized Agent has had civil penalties
20 imposed by a court or other government agency related to the operation of a junk dealer or
21 hazardous materials or the environment within the ~~past five~~ ten years prior to the date of
22 application;

23 (g) Whether the applicant or any Authorized Agent has violated any of the provisions of
24 this Article or conditions placed upon a prior permit within the last five ten years;

1 (h) Whether the applicant or any Authorized Agent, has created, caused, or contributed to
2 the creation or maintenance of a public nuisance in the operation of the junk dealer business;

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

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

7 The Chief of Police's denial of a junk dealer permit application or suspension or revocation of
8 a junk dealer permit, shall be subject to the provisions outlined in San Francisco Business and Tax
9 Regulations Code Section 31.

10
11 **~~SEC. 974.10-2. ANNUAL RENEWAL.~~**

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

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

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

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

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

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

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

13
14 **SEC. 974.11. SUSPENSION OR REVOCATION OF PERMIT.**

15 ~~The Chief of Police may suspend or revoke Any permit issued to a junk dealer may be~~
16 ~~suspended or revoked by the Chief of Police after a hearing for cause.~~

17 (a) Cause may include:

18 (i) Violations of any of the provisions of this Article or conditions placed upon
19 the permit, or any rules and regulations issued by the Chief of Police under Section 974.2(e),
20 including violations by any Authorized Agent ~~employees~~ where the permit holder knew or should
21 have known of the violation.;

22 (ii) Refusal to permit any peace officer of the State of California or the
23 United States or other person with authority to enforce applicable rules and regulations to
24 inspect the premises of the junk dealer, the junk stored thereon or the operations therein.;

1 (iii) Violations of the Business and Professions Code of the State of
2 California relating to the operations of a junk dealer;

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

6 (v) Failure to maintain a ~~b~~Buy ~~b~~Books in the manner required by this Article,
7 including failure to completely fill out the required form and provide all required information;

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

10 (vii) The permittee, or any Authorized Agent of the permittee, has created, caused,
11 or contributed to the creation or maintenance of a public nuisance in the operation of the junk dealer
12 business; and

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

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

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

19
20 **SEC. 974.14-1. OPERATION OF DUTIES OF A JUNK DEALER WHO ALSO OPERATES A**
21 **JUNK YARD.**

22 Every junk dealer operating a junk yard shall:

23 (a) Maintain on the business premises all junk purchased by the permitted
24 business except ferrous metals as set forth in (b) below, or aluminum cans, in the same
25 condition as purchased for a period of five working days unless exempted pursuant to this

1 Article; however, this holding period may be extended for a period not to exceed 14 working
2 days at the request of a peace officer but not beyond 14 working days without an order of
3 court;

4 (b) Maintain on his premises all ferrous metals purchased by the permitted
5 business in the same condition as purchased that are fence material, pipe, chain, foundry
6 castings, cable or conduit or thin wall tubing for a period of three days unless exempted
7 pursuant to provisions of this Article;

8 (c) Allow any peace officer or other person with authority to enforce applicable
9 rules and laws to inspect the premises and articles stored therein and operation thereof of
10 the junk dealer at the junk yard.

11 (d) Maintain a "Buy Book" in the following manner and containing the following
12 information:

13 (i) ~~Fill out the form completely for every transaction;~~ The place and date of each
14 sale or purchase of junk.

15 (ii) ~~Require the seller to present a valid form of identification at the time of each~~
16 ~~transaction and record the information from that piece of identification at the time of the transaction;~~
17 For each person collecting, buying, selling, or otherwise disposing of junk, the full name listed on a
18 valid federal, state, or local government-issued driver's license or identification card, as well as the
19 card number, state of issue of the card, and any expiration number. In addition to the foregoing
20 information, the following information must be disclosed and collected:

21 (a) For each contractor collecting, buying, selling, or otherwise disposing
22 of junk, the contractor must disclose his or her contractor's license number. If a contractor fails to
23 provide the information required herein, the contractor shall not be permitted to collect, buy, sell, or
24 otherwise dispose of junk.

1 **(b) For each Contractor's Agent collecting, buying, selling, or otherwise**
2 **disposing of junk, the Contractor's Agent must provide a copy of the contractor's license and a letter**
3 **from the licensed contractor, on contractor's letterhead, identifying the Contractor's Agent as an**
4 **employee or agent of the contractor. If a Contractor's Agent fails to provide the information required**
5 **herein, the Contractor's Agent shall not be permitted to collect, buy, sell, or otherwise dispose of**
6 **junk.**

7 **(c) For each permitted junk dealer buying, selling, or otherwise disposing**
8 **of junk, the permitted junk dealer must provide a copy of a current and valid junk dealer permit. If a**
9 **permitted junk dealer fails to provide the information required herein, the permitted junk dealer shall**
10 **not be permitted to collect, buy, sell, or otherwise dispose of junk.**

11 **(d) For each Authorized Agent of a permitted junk dealer buying, selling,**
12 **or otherwise disposing of junk, the Authorized Agent must provide a copy of a current and valid junk**
13 **dealer permit showing that the Authorized Agent was a person approved of by the Chief of Police. If**
14 **an Authorized Agent of a permitted junk dealer fails to provide the information required herein, the**
15 **Authorized Agent shall not be permitted to collect, buy, sell, or otherwise dispose of junk.**

16 **(iii) ~~Consecutively number each buy book;~~ The vehicle license number, including**
17 **the state of issue, the make, model, and the business name, if any, appearing on the vehicle, of each**
18 **motor vehicle used to transport junk to and from the junk dealer's place of business.**

19 **(iv) ~~Include in the buy book any and all voided tags;~~ The name and address of each**
20 **person to or from whom junk is collected, bought, sold or otherwise disposed of, and the license**
21 **number, including the state of issue, the make, model, and the business name, if any, appearing on the**
22 **vehicle of any motor vehicle used to transport the junk from the junk dealer's place of business.**

23 **(v) ~~Maintain the buy book in serial number order for a period of three years from~~**
24 **the last date in the book;** **A description of the item or items of junk purchased or sold, including the**
25 **item type and quantity, model number and/or model name, and identification number, if visible.**

1 (vi) Allow inspection by law enforcement agencies of the buy book immediately on
2 request without a subpoena. A statement indicating either that the seller of the junk is a contractor or
3 a permitted junk dealer or Authorized Agent of a permitted junk dealer.

4 (vii) Any other information or disclosure required under California Business and
5 Professions Code Section 21606, if subsequently amended shall be incorporated herein.

6 (e) Post the permit in a conspicuous place at the junk yard. In maintaining the Buy Book,
7 the junk dealer will do all of the following:

8 (i) Fill out a form completely for every transaction including all the information
9 required in Section 974.14-1(d) above;

10 (ii) Consecutively number each form in the Buy Book;

11 (iii) Include in the Buy Book any and all voided tags;

12 (iv) Maintain the Buy Book in serial number order for a period of three
13 years from the last date in the Buy Book;

14 (v) Allow inspection by personnel for law enforcement agencies of the Buy Book
15 immediately on request without a subpoena.

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

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

20 (h) Issue any and all payments for the collection, purchase, sale, or disposal of junk in the
21 name of the licensed contractor or permitted junk dealer only.

22
23 **SEC. 974.14-2. PROHIBITIONS ON PARTICULAR PURCHASES.**

24 ~~A No~~ person holding a junk dealer permit may not shall purchase:
25

1 (a) ~~Any item from a seller who does not present at the time of the transaction a valid~~
2 ~~driver's license or other valid government issued identification. Any junk that is collected, sold,~~
3 ~~bought, or disposed of in a manner that is inconsistent with the provisions of this Article.~~

4 (b) Junk, including Aautomotive or mechanical parts, that contain hazardous
5 materials.

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

8
9 **SEC. 974.21. PENALTY AND ENFORCEMENT.**

10 (a) Violation of the provisions of this Article, with the exception of Section 974.14-
11 1(f) and (g), shall be punishable as a misdemeanor by a fine not to exceed \$1000 or by
12 imprisonment in the County Jail not to exceed six months or by both such fine and
13 imprisonment.

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

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

18 (2) Subsequent Convictions. In any accusatory pleading charging a
19 violation of Section 974.14-1(f) or (g), if the defendant has been previously convicted of a
20 violation of such Section(s), each such previous violation and conviction may be charged in
21 the accusatory pleading. Any person violating any provision of this section a second time
22 shall be guilty of an infraction or a misdemeanor, at the discretion of the prosecutor. A
23 violation which is an infraction is punishable by a fine of not less than \$500 or more than
24 \$1000 for each provision violated. A violation that is a misdemeanor is punishable by a fine

1 of not more than \$1000, or by imprisonment in the County Jail for not more than six months,
2 or by both such fine and imprisonment.

3 (c) In addition to the remedies and enforcement mechanism provided above, the City
4 Attorney may enforce the provisions of this Article through a civil action in any court of competent
5 jurisdiction.

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

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

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

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

17
18 **SEC. 974.22. LIMIT ON SUSPENSION FOR IMMEDIATE THREAT TO SAFETY.**

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

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~~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 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 gatherer after 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~~

1 *annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business*
2 *and Tax Regulations Code.**

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

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

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

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

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

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

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

TYPE OF PERMIT	FILING FEE
Permit Amendment	\$ 257

1	Permit Renewal (unless otherwise specified)	600
2	Amusement Park	0
3	Antique Shop	943
4	Auto Wrecker	1,069
5	Ball or Ring Throwing Games	0
6	Balloon and Kite Advertising	0
7	Billiard Parlor	456
8	Bingo Games	257
9	Charitable Organizations - Certificate of Registration	
10	Sales Solicitations	130
11	Non-Sales Solicitations	99
12	Document Copies	25
13	ID Card	25
14	Circus	0
15	Closing-Out Sale	0
16	Commercial Parking (garage or lot)	455
17	Dance Hall Keeper	1,401
18	Amendment to Permit	660
19	One Night Dance	40
20	Dealer in Firearms and/or Ammunition	1,276
21	Renewal	364
22	Discharge of Cannon	636
23	Driverless Auto Rental	1,039
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1	Encounter Studio	
2	Owner	725
3	Employee	202
4	Escort Service	
5	Owner	976
6	Employee	373
7	Extended Hours Permit	1,500
8	Amendment to Permit	660
9	Fortuneteller	0
10	Funeral Procession Escort	353
11	Insignia and Uniform	0
12	General Soliciting Agent	252
13	Itinerant Show	680
14	Itinerant Show/Nonprofit [Fee set by Police Code Section]	100
15	Junk Dealer	1,358
16	<i>Junk Dealer Operating within or in conjunction with a junk yard</i>	<u>1358</u>
17	<i>Junk Dealer operating without a junk yard</i>	<u>768</u>
18	<i>Junk Gatherer</i>	
19	<i>Resident</i>	768
20	<i>Nonresident</i>	841
21	Licensed Tour Guide	
22	Owner - Buses	975
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1	Owner - Other Motorized Vehicles	694
2	Owner - Bicycle/Segway/Other Mechanism	483
3	Owner - Walking	389
4	Employee	114
5	Limited Live Performance	385
6	Amendment to Permit	129
7	Loudspeaker	416
8	Vehicle	416
9	Masked Ball	779
10	Massage Establishment	1,684
11	Masseur/Masseuse	202
12	Trainee	202
13	Mechanical Amusement Devices	568
14	Mechanical Contrivance	568
15	Miniature Golf Course	586
16	Mobile Caterer	1,092
17	Additional Stop	257
18	Assistant	320
19	Transfer of Stop	820
20	Museum	645
21	Nude Models in Public Photographic Studio	
22	Owner	704
23	Employee	202
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1	Off-Heliport Landing Site	667
2	One Time Event	255
3	Outcall Massage	462
4	Pawnbroker	925
5	Peddler	
6	Food for Human Consumption	824
7	Nonfood	551
8	Employee	161
9	Pedicab Driver	165
10	Pedicab Owner	
11	First Pedicab	446
12	Each Additional Pedicab	161
13	Photographer, Public Place	
14	Owner	634
15	Solicitor	415
16	Photographic Solicitor	
17	Owner	634
18	Employee	227
19	Place of Entertainment	1,500
20	Amendment to Permit	660
21	Poker	1,259
22	Amendment to Permit	257
23	Public Bathhouse	1,122
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1	Public Outcry Sales	1,134
2	Recreational Equipment Vendor	408
3	Rodeo Exhibition/Wild West Show	651
4	Second Hand Dealer	925
5	Second Hand Dealer, Auto Accessories	1,075
6	Shooting Gallery	886
7	Skating Rink	693
8	Tow Car Driver	570
9	Tow Car Firm	1,013
10	Trade-In Dealer	1,039
11	Valet Parking	
12	Fixed Location	886
13	Annual Special Event	886
14	Vehicle for Hire, Nonmotorized	966
15	Advertising and notices	165
16	Backgrounds	66
17	Fingerprints	96
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20
21 Section 6. The San Francisco Police Code is hereby amended by amending Section 2.27 to
22 read as follows:

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

25

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

3 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

1	Employee	90
2	Extended Hours Permit	505
3	Fortuneteller	0
4	Funeral Procession Escort	0
5	General Soliciting Agent	88
6	Itinerant Show, Each Concession	43 per day
7	<i>Junk Dealer</i>	<i>542</i>
8	<i>Junk Gatherer</i>	
9	<i>Resident</i>	<i>103</i>
10	<i>Nonresident</i>	<i>103</i>
11	Licensed Tour Guide	
12	Owner - Buses, per vehicle	957
13	Owner - Other Motorized Vehicles, per vehicle	153
14	Owner - Bicycle/Segway/Other Mechanisms, per mechanism	153
15	Owner – Walking	153
16	Employee	26
17	Limited Live Performance	139
18	Loudspeaker	150
19	Masked Ball	231 per day
20	Massage Establishment	860
21	Masseur/Masseuse	119
22	Trainee	119 per 90-day permit
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1	Mechanical Amusement Devices	
2	First Machine	279
3	Each Additional Machine	0
4	Mechanical Contrivance	0
5	Miniature Golf Course	164
6	Mobile Caterer	695
7	Assistant	49
8	Museum	206
9	Nude Models in Public Photographic Studio	
10	Owner	488
11	Employee	90
12	Off-Heliport Landing Site	38 per day
13	Outcall Massage	469
14	Pawnbroker	535
15	Peddler	
16	Food for Human Consumption	747
17	Nonfood	199
18	Employee	81
19	Pedicab Driver	26
20	Pedicab Owner	0
21	Photographer, Public Place	
22	Owner	206
23	Solicitor	80
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1	Photographic Solicitor	
2	Owner	166
3	Employee	80
4	Place of Entertainment	486
5	Poker	312
6	Public Bathhouse	436
7	Public Outcry Sales	294
8	Recreational Equipment Vendor	312
9	Rodeo Exhibition/Wild West Show	0
10	Second Hand Dealer	0
11	Second Hand Dealer, Auto Accessories	0
12	Shooting Gallery	0
13	Skating Rink	0
14	Tow Car Driver	34
15	Tow Car Firm	
16	First Tow Truck	546
17	Each Additional Tow Truck	217
18	Trade-In Dealer	613
19	Valet Parking	
20	Fixed Location	266
21	Annual Special Event	166
22	Vehicle for Hire, Nonmotorized	166
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1 Section 7. Effective Date. This ordinance shall become effective 30 days from the date of
2 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
9 title of the legislation.

10

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

13 By: _____
14 YVONNE R. MERÉ
15 Deputy City Attorney

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