

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

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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, 1281, and 1282; and 2) amending Sections**
5 **2.26 and 2.27 to eliminate the permit requirement and other local regulation of**
6 **secondhand dealers and antique dealers.**

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

10

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

12 Section 1. The San Francisco Police Code is hereby amended by repealing Sections
13 850, 851, 852, 1276, 1279, 1279.1, 1279.2, 1280, 1280.1, 1281 and 1282, to read as follows:

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

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

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

21 *On or before the 20th day of July in each year, every dealer in second-hand books must apply to*
22 *the office of the Board of Education and receive from the Secretary of said Board a complete list of all*
23 *Public School Text Books to be used in the public schools during the school year. Said dealer shall post*
24 *said list and keep it conspicuously posted in his place of business throughout the school year, for the*

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1 *inspection of the police officers and others who may be interested in the sale and purchase of*
2 *secondhand school text books.*

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

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

8 ~~SEC. 1276. SECONDHAND DEALERS REQUIRED TO KEEP RECORDS OF PURCHASES AND~~
9 ~~SALES.~~

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

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

23 ~~SEC. 1279. SECONDHAND DEALERS; DEFINITIONS.~~

24 *As used in this Article:*

1 ~~(a) "Secondhand dealer" means a person engaging in, conducting, managing or carrying on~~
2 ~~the business of buying, selling, or otherwise dealing in secondhand or rebuilt, or reconditioned goods,~~
3 ~~wares or merchandise. The term does not include secondhand jewelry dealer, secondhand clothing~~
4 ~~dealer, secondhand furniture and household goods dealer or secondhand book dealer;~~

5 ~~(b) "Secondhand jewelry dealer" means a person engaging in, conducting, managing or~~
6 ~~carrying on the business of buying, selling, or otherwise dealing in secondhand jewelry, precious and~~
7 ~~semi-precious stones and metals and imitations thereof, watches, rings, bracelets, and other similar~~
8 ~~goods, wares or merchandise;~~

9 ~~(c) "Secondhand clothing dealer" means a person engaging in, conducting, managing or~~
10 ~~carrying on the business of buying, selling, or otherwise dealing in secondhand clothing, wearing~~
11 ~~apparel and other similar goods, wares and merchandise;~~

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

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

20 ~~SEC. 1279.1. PERMIT FROM CHIEF OF POLICE; RULES AND REGULATIONS; DEFINITIONS.~~

21 ~~Before any person shall engage in the business of secondhand dealer, secondhand jewelry~~
22 ~~dealer, secondhand clothing dealer, secondhand furniture dealer and household goods dealer, or~~
23 ~~secondhand book dealer, either exclusively or in conjunction with some other business, that person~~
24 ~~must apply to the Chief of Police for a permit therefor. The Chief may grant the permit application, and~~
25 ~~the applicant may receive a license from the Tax Collector upon the payment of the license fee. The~~

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

3 ~~Secondhand dealers in tangible personal property, as that term is hereinafter defined, must also~~
4 ~~obtain a state secondhand dealer license. The Chief of Police shall not issue any permit and the Tax~~
5 ~~Collector shall not issue any license to any person, firm or corporation to conduct the business of a~~
6 ~~secondhand furniture and household goods dealer within 200 feet of the property line of any church or~~
7 ~~school. Such restrictions shall not apply to any secondhand furniture and household goods dealer now~~
8 ~~conducting business within such distance. Said Chief of Police shall have the power to revoke said~~
9 ~~permit after hearing upon good cause being shown. The Chief of Police may adopt, after a noticed~~
10 ~~public hearing, such rules and regulations regarding secondhand dealers as will effectuate the~~
11 ~~purposes of this Article and are not in conflict therewith. Said rules and regulations shall become~~
12 ~~effective 10 days after adoption by the Chief of Police.~~

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

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

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

23 ~~"Antique Shop" means a shop where secondhand merchandise is sold at retail but where at least~~
24 ~~90 percent, measured according to value, of the used or secondhand merchandise on hand at any one~~
25 ~~time consists of objects of art, bric-a-brac, curios or household furniture or furnishings, offered for sale~~

1 upon the basis, express or implied, that the value of the property, in whole or in substantial part, is
2 derived from its age or from its historical association.

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

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

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

11 (a) ~~Dealers in Secondhand Clothing.~~ Every person, firm or corporation engaged in the
12 principal business of buying, selling or exchanging secondhand clothing or personal apparel, or who,
13 while so engaged in the principal business of buying, selling or exchanging secondhand clothing or
14 personal apparel, buys, sells or exchanges as incidental to his aforesaid business, secondhand trunks,
15 secondhand shoes, secondhand suitcases, secondhand musical instruments, secondhand jewelry,
16 secondhand firearms, secondhand tools, or merchandise incidental or connected with the purchase,
17 sale or exchange of secondhand clothing or personal apparel, shall (after securing a permit from the
18 Chief of Police to carry on said business), pay a license fee; provided that nothing contained in this
19 Section shall exempt any person, firm or corporation engaged in the business of buying, selling or
20 exchanging secondhand furniture, from the paying of the license provided for in Section 1280.1 of this
21 Article; and, provided further, that nothing contained in this Section shall relieve or exempt any
22 person, firm or corporation from complying with all provisions of Sections 612 to 617 of this Code
23 relating to the acquisition of firearms.

24 (b) ~~Dealers in Secondhand Furniture and Household Goods.~~ Every person, firm or corporation
25 engaged in the business of buying, selling or exchanging secondhand furniture and household goods,

1 ~~either exclusively or in conjunction with some other business, upon obtaining a permit from the Chief of~~
2 ~~Police to carry on said business, shall pay a license fee.~~

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

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

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

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

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

14 ~~The terms "furniture and household goods" as used in Sections 1276 to 1280, inclusive, of this~~
15 ~~Article shall mean and include beds, bedding, tables, desks, chairs, stoves, floor coverings, crockery,~~
16 ~~glassware, kitchen and cooking utensils; the terms "furniture and household goods" as used in Sections~~
17 ~~1276 and 1280 of this Article shall mean and include, in addition to the articles listed above, books,~~
18 ~~periodicals and printed matter.~~

19 ~~SEC. 1282. LICENSED AUCTIONEERS EXCEPTED.~~

20 ~~The terms of Sections 1276 to 1281, inclusive, of this Article shall not apply to any licensed and~~
21 ~~bonded auctioneer.~~

22
23 Section 2. The San Francisco Police Code is hereby amended by amending Sections
24 2.26 and 2.27, to read as follows:

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

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

5 TYPE OF PERMIT	FILING FEE
6 Permit Amendment	\$ 257
7 Permit Renewal (unless otherwise specified)	600
8 Amusement Park	0
9 <i>Antique Shop</i>	943
10 Auto Wrecker	1,069
11 Ball or Ring Throwing Games	0
12 Balloon and Kite Advertising	0
13 Billiard Parlor	456
14 Bingo Games	257
15 Charitable Organizations - Certificate of	
16 Registration	
17 Sales Solicitations	130
18 Non-Sales Solicitations	99
19 Document Copies	25
20 ID Card	25

1	Circus	0
2	Closing-Out Sale	0
3		
4	Commercial Parking (garage or lot)	455
5	Dance Hall Keeper	1,401
6	Amendment to Permit	660
7		
8	One Night Dance	40
9	Dealer in Firearms and/or Ammunition	1,276
10	Renewal	364
11		
12	Discharge of Cannon	636
13	Driverless Auto Rental	1,039
14	Encounter Studio	
15		
16	Owner	725
17	Employee	202
18	Escort Service	
19		
20	Owner	976
21	Employee	373
22	Extended Hours Permit	1,500
23	Amendment to Permit	660
24		
25	Fortuneteller	0

1	Funeral Procession Escort	353
2	Insignia and Uniform	0
3		
4	General Soliciting Agent	252
5	Itinerant Show	680
6	Itinerant Show/Nonprofit [Fee set by Police Code	100
7	Section 1017.2]	
8		
9	Junk Dealer	1,358
10	Junk Gatherer	
11	Resident	768
12	Nonresident	841
13		
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		
20	Employee	114
21		
22	Limited Live Performance	385
23	Amendment to Permit	129
24		
25	Loudspeaker	416

1	Vehicle	416
2	Masked Ball	779
3		
4	Massage Establishment	1,684
5	Masseur/Masseuse	202
6	Trainee	202
7		
8	Mechanical Amusement Devices	568
9	Mechanical Contrivance	568
10	Miniature Golf Course	586
11		
12	Mobile Caterer	1,092
13	Additional Stop	257
14	Assistant	320
15		
16	Transfer of Stop	820
17	Museum	645
18	Nude Models in Public Photographic Studio	
19		
20	Owner	704
21	Employee	202
22	Off-Heliport Landing Site	667
23	One Time Event	255
24		
25	Outcall Massage	462

1	Pawnbroker	925
2	Peddler	
3		
4	Food for Human Consumption	824
5	Nonfood	551
6	Employee	161
7		
8	Pedicab Driver	165
9	Pedicab Owner	
10	First Pedicab	446
11	Each Additional Pedicab	161
12		
13	Photographer, Public Place	
14	Owner	634
15	Solicitor	415
16		
17	Photographic Solicitor	
18	Owner	634
19	Employee	227
20		
21	Place of Entertainment	1,500
22	Amendment to Permit	660
23		
24	Poker	1,259
25	Amendment to Permit	257

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Public Bathhouse	1,122
Public Outcry Sales	1,134
Recreational Equipment Vendor	408
Rodeo Exhibition/Wild West Show	651
<i>Second Hand Dealer</i>	<i>925</i>
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

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

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

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

TYPE OF PERMIT	LICENSE FEE
Amusement Park	\$0
<i>Antique Shop</i>	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

1	Encounter Studio	
2	Owner	510
3	Employee	58
4	Escort Service	
5	Owner	516
6	Employee	90
7	Extended Hours Permit	505
8	Fortuneteller	0
9	Funeral Procession Escort	0
10	General Soliciting Agent	88
11	Itinerant Show, Each Concession	43 per day
12	Junk Dealer	542
13	Junk Gatherer	
14	Resident	103
15	Nonresident	103
16	Licensed Tour Guide	
17	Owner - Buses, per vehicle	957
18	Owner - Other Motorized Vehicles, per vehicle	153
19	Owner - Bicycle/Segway/Other Mechanisms, per	153
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21		
22		
23		
24		
25		

1	mechanism	
2	Owner - Walking	153
3		
4	Employee	26
5	Limited Live Performance	139
6	Loudspeaker	150
7		
8	Masked Ball	231 per day
9	Massage Establishment	860
10	Masseur/Masseuse	119
11		
12	Trainee	119 per 90-day permit
13		
14	Mechanical Amusement Devices	
15	First Machine	279
16		
17	Each Additional Machine	0
18	Mechanical Contrivance	0
19	Miniature Golf Course	164
20		
21	Mobile Caterer	695
22	Assistant	49
23	Museum	206
24		
25	Nude Models in Public Photographic Studio	

1	Owner	488
2	Employee	90
3		
4	Off-Heliport Landing Site	38 per day
5	Outcall Massage	469
6	Pawnbroker	535
7		
8	Peddler	
9	Food for Human Consumption	747
10	Nonfood	199
11		
12	Employee	81
13	Pedicab Driver	26
14	Pedicab Owner	0
15		
16	Photographer, Public Place	
17	Owner	206
18	Solicitor	80
19		
20	Photographic Solicitor	
21	Owner	166
22	Employee	80
23		
24	Place of Entertainment	486
25	Poker	312

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Public Bathhouse	436
Public Outcry Sales	294
Recreational Equipment Vendor	312
Rodeo Exhibition/Wild West Show	0
<i>Second Hand Dealer</i>	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

1 Section 3. Effective Date. This ordinance shall become effective 30 days from the
2 date of passage.

3
4 Section 4. 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 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: _____
13 KATHARINE HOBIN PORTER
14 Deputy City Attorney