

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

2

3 **Ordinance amending the San Francisco Police Code Sections 974.1, 974.2, 974.4, 974.5,**
4 **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**
5 **2.27 and repealing Sections 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; 2)**
7 **establish a new, annual permit for junk dealers; 3) provide for permit suspensions and**
8 **revocations to remain in effect during any administrative appeal; 4) amend the permit**
9 **enforcement process; 5) require that junk dealers purchase goods only from licensed**
10 **contractors and permitted junk dealers; and 6) update fees; and making environmental**
11 **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;
15 Board amendment deletions are ~~strike-through normal~~.

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

17

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

22

23 Section 2. Factual Findings.

24 (a) San Francisco has been plagued with a rash of metal theft. On a regular basis,
25 thieves steal copper and other metals from residences, businesses, municipal properties,

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

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

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

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

19 (e) Junk dealers provide a great service by enabling San Francisco residents and
20 businesses to recycle lawfully acquired copper and other metals, as well as other excess or
21 unwanted items. However, the San Francisco Police Department has conducted numerous
22 investigations and identified junk dealers purchasing stolen materials, accepting false
23 documents, and failing to follow state and local law. Restricting the individuals and
24 businesses with whom junk dealers do business can mitigate nuisance and crime.

1 (f) By requiring junk dealers to buy metal only from certain sources and to renew their
2 permits annually, the City and County of San Francisco can improve oversight and regulation
3 of these businesses, to minimize criminal incidents and better protect the public safety and
4 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 all who collect,
8 sell, buy, or otherwise dispose of junk in San Francisco and conform that permit process with
9 similar permitting schemes such as those for Commercial Parking Permits and Tow Car
10 Firms.

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

15 **SEC. 974.1. DEFINITIONS.**

16 (a) Except as otherwise specified in this section, the terms used in this Article,
17 including "junk," "junk dealer," and "junk yard," shall have the same meaning as those terms
18 are defined in the California Business and Professions Code, Chapter 9, Article 3, Section
19 21600 et seq., including as those sections are hereafter amended.

20 (b) Authorized Agent. For purposes of this Article, an "Authorized Agent" is an individual
21 authorized to collect, buy, sell or otherwise dispose of junk on behalf of or in conjunction with a junk
22 dealer permittee. All Authorized Agents must be expressly identified in a junk dealer permit
23 application. The junk dealer permit the Chief of Police issues shall expressly identify any Authorized
24 Agents approved by the Chief of Police. "Buy Book" is a form to be filled out that must contain all of
25 the following information:

Supervisor Cohen
BOARD OF SUPERVISORS

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

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

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

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

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

13 ~~—— (vi) — If the state legislature amends California Business and Professions Code Section~~
14 ~~21606, that subsequent amendment shall be incorporated herein.~~

15 (c) Buy Book. *For purposes of this Article, a "Buy Book" is a collection of documents,*
16 *consisting of a completed form and other documents for each junk dealer transaction maintained in*
17 *accordance with the provisions of Section 974.14-1(d) and (e).*

18 (d) Chief of Police. *The Chief of the San Francisco Police Department, or designee.*

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

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

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

5
6 **SEC. 974.2. COLLECTING, BUYING, SELLING, OR DISPOSING OF JUNK; PERMIT**
7 **REQUIRED.**

8 (a) A person may collect, buy, sell or otherwise dispose of junk within the City and County of
9 San Francisco only if that person holds a current and valid junk dealer permit, is an Authorized Agent
10 of a junk dealer permittee, or falls within one of the enumerated exclusions in subsection (c) below.
11 "Junk" as defined by California Business and Professions Code, Chapter 9, Article 3, Section 21600 et
12 seq., includes any and all secondhand and used machinery and all ferrous and nonferrous scrap metals
13 and alloys.

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

18 (b)c) Exclusion_s.

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

24 (ii) A contractor with a current and valid license issued by the California Contractors
25 State Licensing Board who is conducting activities pursuant to California Business and Professions

1 Code Sections 7008 and 7056-7059 and any agent or employee of the contractor meeting the minimum
2 requirements of Section 974.14-1(d)(ii)(b) ("Contractor's Agent"); and

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

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

10 (e) As of January 1, 2013, a junk dealer permit issued to a junk dealer operating in conjunction
11 with a junk yard shall authorize the permittee to operate for one year from the date the Chief of Police
12 issues the permit, unless the Chief of Police suspends or revokes the permit. As of January 1, 2013, all
13 other junk dealer permits shall authorize the permittee to operate for two years from the date the Chief
14 of Police issues the permit, unless the Chief of Police suspends or revokes the permit. Each junk dealer
15 permit shall expire at the end of the applicable permitting period. Notwithstanding Section 2.10 of the
16 Police Code, a permittee wishing to operate beyond the applicable permit term must renew the junk
17 dealer permit before the existing permit expires.

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

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

1 **SEC. 974.4. CONTENTS OF APPLICATION.**

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

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

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

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

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

14 (e) The name, residence address, and business contact information of each proposed
15 Authorized Agent of the applicant, if any;

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

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

23 (h) If the applicant does not own the proposed place of business or facilities to be used in the
24 junk dealer operations, the name, business address and contact information of the owner, and

1 documentation demonstrating the nature of the applicant's interest in the proposed place of business or
2 facilities; and

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

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 the~~
8 ~~corporation exactly as set forth in the Articles of Incorporation, together with the names and addresses~~
9 ~~of each officer, director and shareholder owning more than 10 percent of the stock of such corporation.~~

10
11 **~~SEC. 974.6. PARTNERSHIP APPLICANTS.~~**

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

16
17 **SEC. 974.8. NOTICE OF HEARING.**

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

24
25 **SEC. 974.9. REFERRAL OF APPLICATIONS TO OTHER DEPARTMENTS.**

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

8
9 **SEC. 974.10-1. ISSUANCE OF JUNK DEALERS PERMIT.**

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

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

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

21 (c) ~~That~~ Whether the applicant, including any officers, partners or shareholders owning 10
22 percent or larger ownership interest in the applicant, or any proposed Authorized Agent of the
23 applicant, has ~~not~~ been convicted of or pled guilty or no contest to a Covered Crime, or has
24 committed a Covered Crime within the last ten years. A conviction, plea or commission of a Covered
25 Crime in the ten-year period shall not be an automatic bar to granting the permit. The Chief of Police

1 shall consider criminal history on a case-by-case basis with due consideration given to the following
2 factors: (a) the nature and gravity of the offense; (b) the time elapsed since the offense; (c) age at the
3 time of the offense; (d) frequency of Covered Crimes; (e) evidence of rehabilitation; and (f) any other
4 mitigating circumstances. ~~crime involving the possession or theft of property, fraud, hazardous~~
5 ~~materials or the environment, or crimes related to the operation of a junk dealer, provided, however,~~
6 ~~the Chief of Police shall not take into account such conviction if the applicant suffered such conviction~~
7 ~~at least five years prior to the date of the application and at least five years has elapsed since the~~
8 ~~applicant has been free of any disability resulting from said conviction and the applicant has suffered~~
9 ~~no subsequent convictions for a felony or misdemeanor offense relating to theft or the possession of~~
10 ~~stolen property, fraud, crimes related to hazardous materials or the environment;~~

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

15 (e) ~~That~~ Whether the applicant, any officer, partner or shareholders owning 10 percent or
16 larger ownership interest in the applicant, or any proposed Authorized Agent of the applicant, ~~has not~~
17 had a permit or license revoked or suspended that was ~~any permit or license~~ issued by the State of
18 California or the City and County of San Francisco or other government agency to engage in a
19 business or profession within the State of California because of a violation of law or because
20 of violation of regulations promulgated by the regulating agency having control or jurisdiction
21 over the license or permit. The Chief of Police shall consider prior suspensions or revocations on a
22 case-by-case basis with due consideration given to the following factors: (a) the facts underlying the
23 suspension and or revocation; (b) the nature and gravity of the underlying violations of law or
24 regulation; (c) the time elapsed since the suspension or revocation; and (d) any other mitigating
25

1 circumstance; further provided that the Chief of Police shall not consider any such revocation if
2 such revocation it occurred at least more than five ten years prior to the date of the application;

3 (f) ~~That~~ Whether the applicant, any officer, partner or shareholders owning 10 percent or
4 larger ownership interest in the applicant, or any proposed Authorized Agent of the applicant has had
5 civil penalties imposed by a court or other government agency related to the operation of a
6 junk dealer or hazardous materials or the environment within the past five ten years prior to the
7 date of application. The Chief of Police shall consider the imposition of civil penalties on a case-by-
8 case basis with due consideration given to the following factors: (a) the facts underlying the imposition
9 of civil penalties; (b) the nature and gravity of the underlying violations of law or regulation; (c) the
10 time elapsed since the imposition of civil penalties; and (d) any other mitigating circumstance;

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

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

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

1 (j) Whether granting the permit is consistent with the public interest, health, safety and welfare.
2 The Chief of Police may grant a junk dealer permit while not approving one or more of an
3 applicant's proposed Authorized Agents. The Chief of Police's denial of a junk dealer permit
4 application or denial of a proposed Authorized Agent shall be subject to the provisions outlined in San
5 Francisco Business and Tax Regulations Code Section 31.

6
7 ~~**SEC. 974.10-2. ANNUAL RENEWAL.**~~

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

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

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

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

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

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

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

11 **SEC. 974.11. SUSPENSION OR REVOCATION OF PERMIT.**

12 ***The Chief of Police may suspend or revoke Any permit issued to a junk dealer ~~may be~~***
13 ***suspended or revoked by the Chief of Police and may withdraw approval to one or more Authorized***
14 ***Agents of a permittee after a hearing for cause.***

15 **(a) Cause may include:**

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

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

23 **(iii) Violations of the Business and Professions Code of the State of California**
24 ***relating to the operations of a junk dealer.;***

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

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

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

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

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

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

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

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

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

24 Every junk dealer operating a junk yard shall:
25

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

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

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

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

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

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

23 (a) For each contractor collecting, buying, selling, or otherwise disposing of
24 junk, the contractor must disclose his or her contractor's license number. If a contractor fails to
25

1 provide the information required herein, the contractor shall not be permitted to collect, buy, sell, or
2 otherwise dispose of junk.

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

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

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

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

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

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

4 (vi) Allow inspection by law enforcement agencies of the buy book immediately on
5 request without a subpoena. A statement indicating either that the seller of the junk is a contractor,
6 contractor's agent, permitted junk dealer, or Authorized Agent of a permitted junk dealer.

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

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

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

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

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

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

17 (v) Allow personnel of law enforcement agencies to inspect the Buy Book immediately
18 on request without a subpoena.

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

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

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

1 **SEC. 974.14-2. PROHIBITIONS ON PARTICULAR PURCHASES.**

2 ~~No~~ A person holding a junk dealer permit ~~may not shall~~ purchase or permit an Authorized
3 Agent to purchase, and an Authorized Agent shall not purchase:

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

7 (b) Junk, including Aautomotive or mechanical parts, that contain ~~h~~Hazardous
8 ~~m~~Materials.

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

11
12 **SEC. 974.21. PENALTY AND ENFORCEMENT.**

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

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

18 (1*i*) First Conviction. Any person violating Section 974.14-1(f) and (g) shall be
19 guilty of an infraction. Upon conviction, the violator shall be punished by a fine of not to
20 exceed \$500 for each provision violated.

21 (2*ii*) Subsequent Convictions. In any accusatory pleading charging a violation of
22 Section 974.14-1(f) or (g), if the defendant has been previously convicted of a violation of
23 such Section(s), each such previous violation and conviction may be charged in the
24 accusatory pleading. Any person violating any provision of this section a second time shall be
25 guilty of an infraction or a misdemeanor, at the discretion of the prosecutor. A violation which

1 is an infraction is punishable by a fine of not less than \$500 or more than \$1000 for each
2 provision violated. A violation that is a misdemeanor is punishable by a fine of not more than
3 \$1000, or by imprisonment in the County Jail for not more than six months, or by both such
4 fine and imprisonment.

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

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

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

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

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

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

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

1 absent an agreement of the permit holder to voluntarily continue the hearing date and extend
2 the period of suspension or withdrawal of approval.

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

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

10
11 Section 4. The San Francisco Police Code is hereby amended by amending Section
12 895 and repealing Sections 896-898 to read as follows:

13 **SEC. 895. PERMIT REQUIRED.**

14 ~~(a) As of December 31, 2012 all existing permits issued by the San Francisco Police~~
15 ~~Department to junk gatherers pursuant to Police Code Section 895 et seq. shall expire. All persons~~
16 ~~wishing to conduct business in the City and County of San Francisco as a junk dealer after December~~
17 ~~31 2012, must apply for and obtain a junk dealer permit pursuant to Police Code Section 974.1 et seq.~~
18 ~~It shall be unlawful to engage in business the activities of a as a junk gatherer disposer either buying,~~
19 ~~selling, collecting or exchanging junk within from vehicles or in any other manner upon the streets of~~
20 ~~the City and County of San Francisco without first having obtained a permit therefor from the Chief of~~
21 ~~Police.~~

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

24
25 **~~SEC. 896. GATHERERS, JUNK.~~**

Supervisor Cohen
BOARD OF SUPERVISORS

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

6
7 **~~SEC. 897. PROVIDING FOR BADGES FOR JUNK GATHERERS.~~**

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

13
14 **~~SEC. 898. JUNK GATHERERS REQUIRED TO WEAR BADGES.~~**

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

19
20 Section 5. The San Francisco Police Code is hereby amended by amending Sections
21 2.26 to read as follows:

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

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

Supervisor Cohen
BOARD OF SUPERVISORS

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TYPE OF PERMIT	FILING FEE
Permit Amendment	\$ 257
Permit Renewal (unless otherwise specified)	600
Amusement Park	0
Antique Shop	943
Auto Wrecker	1,069
Ball or Ring Throwing Games	0
Balloon and Kite Advertising	0
Billiard Parlor	456
Bingo Games	257
Charitable Organizations - Certificate of Registration	
Sales Solicitations	130
Non-Sales Solicitations	99
Document Copies	25
ID Card	25
Circus	0
Closing-Out Sale	0
Commercial Parking (garage or lot)	455
Dance Hall Keeper	1,401
Amendment to Permit	660
One Night Dance	40

1	Dealer in Firearms and/or Ammunition	1,276
2	Renewal	364
3	Discharge of Cannon	636
4	Driverless Auto Rental	1,039
5	Encounter Studio	
6	Owner	725
7	Employee	202
8	Escort Service	
9	Owner	976
10	Employee	373
11	Extended Hours Permit	1,500
12	Amendment to Permit	660
13	Fortuneteller	0
14	Funeral Procession Escort	353
15	Insignia and Uniform	0
16	General Soliciting Agent	252
17	Itinerant Show	680
18	Itinerant Show/Nonprofit [Fee set by Police Code Section]	100
19	Junk Dealer	1,358
20	<u>Junk Dealer operating within or in conjunction with a junk yard</u>	<u>1358</u>
21	<u>Junk Dealer operating without a junk yard</u>	<u>768</u>
22	<u>Junk Gatherer</u>	
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1	<i>Resident</i>	768
2	<i>Nonresident</i>	841
3	Licensed Tour Guide	
4	Owner - Buses	975
5	Owner - Other Motorized Vehicles	694
6	Owner - Bicycle/Segway/Other Mechanism	483
7	Owner - Walking	389
8	Employee	114
9	Limited Live Performance	385
10	Amendment to Permit	129
11	Loudspeaker	416
12	Vehicle	416
13	Masked Ball	779
14	Massage Establishment	1,684
15	Masseur/Masseuse	202
16	Trainee	202
17	Mechanical Amusement Devices	568
18	Mechanical Contrivance	568
19	Miniature Golf Course	586
20	Mobile Caterer	1,092
21	Additional Stop	257
22	Assistant	320
23	Transfer of Stop	820
24		
25		

1	Museum	645
2	Nude Models in Public Photographic Studio	
3	Owner	704
4	Employee	202
5	Off-Heliport Landing Site	667
6	One Time Event	255
7	Outcall Massage	462
8	Pawnbroker	925
9	Peddler	
10	Food for Human Consumption	824
11	Nonfood	551
12	Employee	161
13	Pedicab Driver	165
14	Pedicab Owner	
15	First Pedicab	446
16	Each Additional Pedicab	161
17	Photographer, Public Place	
18	Owner	634
19	Solicitor	415
20	Photographic Solicitor	
21	Owner	634
22	Employee	227
23	Place of Entertainment	1,500
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Amendment to Permit	660
Poker	1,259
Amendment to Permit	257
Public Bathhouse	1,122
Public Outcry Sales	1,134
Recreational Equipment Vendor	408
Rodeo Exhibition/Wild West Show	651
Second Hand Dealer	925
Second Hand Dealer, Auto Accessories	1,075
Shooting Gallery	886
Skating Rink	693
Tow Car Driver	570
Tow Car Firm	1,013
Trade-In Dealer	1,039
Valet Parking	
Fixed Location	886
Annual Special Event	886
Vehicle for Hire, Nonmotorized	966
Advertising and notices	165
Backgrounds	66
Fingerprints	96

1 Section 6. The San Francisco Police Code is hereby amended by amending Section
2 2.27 to read as follows:

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

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

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

8 TYPE OF PERMIT	LICENSE FEE
9 Amusement Park	\$0
10 Antique Shop	0
11 Auto Wrecker	488
12 Ball or Ring Throwing Games	136
13 Balloon and Kite Advertising	0
14 Billiard Parlor	
15 First Table	139
16 Each Additional Table	14
17 Bingo Game	66
18 Circus	0
19 Dance Hall Keeper	424
20 Dealer in Firearms and/or Ammunition	452
21 Discharge of Cannon	49 per day
22 Driverless Auto Rental	322
23 Encounter Studio	
24	
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Supervisor Cohen
BOARD OF SUPERVISORS

1	Owner	510
2	Employee	58
3	Escort Service	
4	Owner	516
5	Employee	90
6	Extended Hours Permit	505
7	Fortuneteller	0
8	Funeral Procession Escort	0
9	General Soliciting Agent	88
10	Itinerant Show, Each Concession	43 per day
11	<i>Junk Dealer</i>	<i>542</i>
12	<i>Junk Gatherer</i>	
13	<i>Resident</i>	<i>103</i>
14	<i>Nonresident</i>	<i>103</i>
15	Licensed Tour Guide	
16	Owner - Buses, per vehicle	957
17	Owner - Other Motorized Vehicles, per vehicle	153
18	Owner - Bicycle/Segway/Other Mechanisms, per mechanism	153
19	Owner – Walking	153
20	Employee	26
21	Limited Live Performance	139
22	Loudspeaker	150
23		
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1	Masked Ball	231 per day
2	Massage Establishment	860
3	Masseur/Masseuse	119
4	Trainee	119 per 90-day permit
5		
6	Mechanical Amusement Devices	
7	First Machine	279
8	Each Additional Machine	0
9	Mechanical Contrivance	0
10	Miniature Golf Course	164
11	Mobile Caterer	695
12	Assistant	49
13	Museum	206
14		
15	Nude Models in Public Photographic Studio	
16	Owner	488
17	Employee	90
18	Off-Heliport Landing Site	38 per day
19	Outcall Massage	469
20	Pawnbroker	535
21	Peddler	
22	Food for Human Consumption	747
23	Nonfood	199
24	Employee	81
25		

1	Pedicab Driver	26
2	Pedicab Owner	0
3	Photographer, Public Place	
4	Owner	206
5	Solicitor	80
6	Photographic Solicitor	
7	Owner	166
8	Employee	80
9	Place of Entertainment	486
10	Poker	312
11	Public Bathhouse	436
12	Public Outcry Sales	294
13	Recreational Equipment Vendor	312
14	Rodeo Exhibition/Wild West Show	0
15	Second Hand Dealer	0
16	Second Hand Dealer, Auto Accessories	0
17	Shooting Gallery	0
18	Skating Rink	0
19	Tow Car Driver	34
20	Tow Car Firm	
21	First Tow Truck	546
22	Each Additional Tow Truck	217
23	Trade-In Dealer	613
24		
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1	Valet Parking	
2	Fixed Location	266
3	Annual Special Event	166
4	Vehicle for Hire, Nonmotorized	166

5
6 Section 7. Effective Date. This ordinance shall become effective 30 days from the
7 date of passage.

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

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

17 By: _____
18 YVONNE R. MERÉ
19 Deputy City Attorney