

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

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

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

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

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

20
21 Section 2. Factual Findings.

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

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

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

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

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

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

23 (f) The purpose of this legislation is to ensure that junk dealers in San Francisco
24 operate their businesses in compliance with the substantive state laws that govern their
25 operations. In addition, by requiring junk dealers to comply with local law enforcement to

1 renew their permits annually, the City and County of San Francisco can improve oversight and
2 regulation of these businesses, to minimize criminal incidents and better protect the public
3 safety and welfare.

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

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

9
10 Section 3. The San Francisco Police Code is hereby amended by amending Sections
11 974.1, 974.2, 974.4, 974.8, 974.9, 974.10-1, 974.11, 974.14-1, 974.14-2, 974.21 and 974.22
12 and repealing sections 974.5, 975.6, 974.10-2 and 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) Chief of Police. The Chief of the San Francisco Police Department, or designee. "Buy
19 Book" is a form to be filled out that must contain all of the following information:

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

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

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

4 ~~(iv) A description of the item or items of junk purchased or sold, including the item type~~
5 ~~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 (c) Covered Crime(s). The crimes of assault, battery, burglary, robbery, theft including
11 identity theft, receipt of stolen property, fraud, and any offense related to environmental crimes
12 including the improper maintenance, disposal or release of hazardous materials, committed anywhere
13 in the United States of America.

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

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

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21
22
23 **SEC. 974.2. COLLECTING, BUYING, SELLING, OR DISPOSING OF JUNK; PERMIT**
24 **REQUIRED.**

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

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

7 ~~(b)~~ (c) Exclusions.

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

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

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

20 (e) As of January 1, 2013, a junk dealer permit issued to a junk dealer operating in conjunction
21 with a junk yard shall authorize the permittee to operate for one year from the date the Chief of Police
22 issues the permit, unless the Chief of Police suspends or revokes the permit. As of January 1, 2013, all
23 other junk dealer permits shall authorize the permittee to operate for two years from the date the Chief
24 of Police issues the permit, unless the Chief of Police suspends or revokes the permit. Each junk dealer
25 permit shall expire at the end of the applicable permitting period. Notwithstanding Section 2.10 of the

1 Police Code, a permittee wishing to operate beyond the applicable permit term must renew the junk
2 dealer permit before the existing permit expires.

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

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

11 **SEC. 974.4. CONTENTS OF APPLICATION.**

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

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

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

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

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

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

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

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

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

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

14
15 **~~SEC. 974.5. CORPORATE APPLICANTS.~~**

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

19
20 **~~SEC. 974.6. PARTNERSHIP APPLICANTS.~~**

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

1 **SEC. 974.8. NOTICE OF HEARING.**

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

8
9 **SEC. 974.9. REFERRAL OF APPLICATIONS TO OTHER DEPARTMENTS.**

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

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18
19 **SEC. 974.10-1. ISSUANCE OF JUNK DEALERS PERMIT.**

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

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

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

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

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

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

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

21 (g) Whether the applicant, any officer, partner or shareholders owning 10 percent or larger
22 ownership interest in the applicant, or any proposed authorized agent of the applicant has violated any
23 of the provisions of this Article or conditions placed upon a prior junk dealer permit within the last five
24 ten years. The Chief of Police shall consider the violations of this Article or imposed permit conditions
25 on a case-by-case basis with due consideration given to the following factors: (a) the facts underlying

1 the violations of this Article or imposed permit conditions; (b) the nature and gravity of the underlying
2 violations of this Article or imposed permit conditions; (c) the time elapsed since the underlying
3 violations of this Article or imposed permit conditions occurred; and (d) any other mitigating
4 circumstance;

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

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

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

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

16
17 **~~SEC. 974.10-2. ANNUAL RENEWAL.~~**

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

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

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

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

6 (iv) ~~Any change in information regarding the permit holder or ownership of the~~
7 ~~business, including change of address, change of ownership or change of partnership or corporate~~
8 ~~status.~~

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

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

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

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

23 (a) Cause may include:

24 (i) Violations of any of the provisions of this Article or conditions placed upon the
25 permit, or any rules and regulations issued by the Chief of Police under Section 974.2(f), including

1 violations by ~~employees~~ any authorized agent, where the permit holder knew or should have
2 known of the violation.;

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

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

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

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

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

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

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

24 (b) The standard of proof at the hearing shall be preponderance of the evidence.
25

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

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

8
9 **SEC. 974.14-1. OPERATION OF A JUNK DEALER.**

10 Every junk dealer shall:

11 (a) Comply with all state and municipal laws regarding junk dealers including this Article and
12 Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions
13 Code;~~Maintain on the business premises all junk purchased by the permitted business except ferrous~~
14 ~~metals as set forth in (b) below, or aluminum cans, in the same condition as purchased for a period of~~
15 ~~five working days unless exempted pursuant to this Article; however, this holding period may be~~
16 ~~extended for a period not to exceed 14 working days at the request of a peace officer but not beyond 14~~
17 ~~working days without an order of court;~~

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

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

1 (d) Take reasonable steps to ensure that its customers do not loiter in the areas adjacent to or
2 near the premises. Maintain a “Buy Book” in the following manner:

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

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

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

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

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

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

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

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

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

17
18 **SEC. 974.14-2. PROHIBITIONS ON PARTICULAR PURCHASES.**

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

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

1 (b) Junk, including Automotive or mechanical parts, that contain ~~h~~Hazardous
2 mMaterials.

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

5
6 **SEC. 974.21. PENALTY AND ENFORCEMENT.**

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

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

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

14 ~~(2) Subsequent Convictions. In any accusatory pleading charging a violation of Section~~
15 ~~974.14-1(f) or (g), if the defendant has been previously convicted of a violation of such Section(s), each~~
16 ~~such previous violation and conviction may be charged in the accusatory pleading. Any person~~
17 ~~violating any provision of this section a second time shall be guilty of an infraction or a misdemeanor,~~
18 ~~at the discretion of the prosecutor. A violation which is an infraction is punishable by a fine of not less~~
19 ~~than \$500 or more than \$1000 for each provision violated. A violation that is a misdemeanor is~~
20 ~~punishable by a fine of not more than \$1000, or by imprisonment in the County Jail for not more than~~
21 ~~six months, or by both such fine and imprisonment.~~

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

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

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

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

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

12
13 **SEC. 974.22. ~~LIMIT ON~~ SUSPENSION FOR IMMEDIATE THREAT TO SAFETY.**

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

22
23 **~~SEC. 974.23. LICENSE FEES.~~**

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

4
5 Section 4. The San Francisco Police Code is hereby amended by amending Section
6 895 and repealing Sections 896-898 to read as follows:

7 **SEC. 895. PERMIT REQUIRED.**

8 ~~(a) As of December 31, 2012 all existing permits issued by the San Francisco Police~~
9 ~~Department to junk gatherers pursuant to Police Code Section 895 et seq. shall expire. All persons~~
10 ~~wishing to conduct business in the City and County of San Francisco as a junk dealer after December~~
11 ~~31 2012, must apply for and obtain a junk dealer permit pursuant to Police Code Section 974.1 et seq.~~
12 ~~*It shall be unlawful to engage in business the activities of a as a junk gatherer disposer either buying,*~~
13 ~~*selling, collecting or exchanging junk within from vehicles or in any other manner upon the streets of*~~
14 ~~*the City and County of San Francisco without first having obtained a permit therefor from the Chief of*~~
15 ~~*Police.*~~

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

18
19 **~~SEC. 896. GATHERERS, JUNK.~~**

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

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

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

7
8
9 **~~SEC. 898. JUNK GATHERERS REQUIRED TO WEAR BADGES.~~**

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

14
15 Section 5. The San Francisco Police Code is hereby amended by amending Sections
16 2.26 to read as follows:

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

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

21

TYPE OF PERMIT	FILING FEE
Permit Amendment	\$ 257
Permit Renewal (unless otherwise specified)	600

22
23
24
25

1	Amusement Park	0
2	Antique Shop	943
3	Auto Wrecker	1,069
4	Ball or Ring Throwing Games	0
5	Balloon and Kite Advertising	0
6	Billiard Parlor	456
7	Bingo Games	257
8	Charitable Organizations - Certificate of Registration	
9	Sales Solicitations	130
10	Non-Sales Solicitations	99
11	Document Copies	25
12	ID Card	25
13	Circus	0
14	Closing-Out Sale	0
15	Commercial Parking (garage or lot)	455
16	Dance Hall Keeper	1,401
17	Amendment to Permit	660
18	One Night Dance	40
19	Dealer in Firearms and/or Ammunition	1,276
20	Renewal	364
21	Discharge of Cannon	636
22	Driverless Auto Rental	1,039
23	Encounter Studio	
24		
25		

1	Owner	725
2	Employee	202
3	Escort Service	
4	Owner	976
5	Employee	373
6	Extended Hours Permit	1,500
7	Amendment to Permit	660
8	Fortuneteller	0
9	Funeral Procession Escort	353
10	Insignia and Uniform	0
11	General Soliciting Agent	252
12	Itinerant Show	680
13	Itinerant Show/Nonprofit [Fee set by Police Code Section]	100
14	Junk Dealer	1,358
15	<i>Junk Dealer operating within or in conjunction with a junk yard</i>	<u>1358</u>
16	<i>Junk Dealer operating without a junk yard</i>	<u>768</u>
17	<i>Junk Gatherer</i>	
18	<i>Resident</i>	<u>768</u>
19	<i>Nonresident</i>	<u>841</u>
20	Licensed Tour Guide	
21	Owner - Buses	975
22	Owner - Other Motorized Vehicles	694
23		
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1	Owner - Bicycle/Segway/Other Mechanism	483
2	Owner - Walking	389
3	Employee	114
4	Limited Live Performance	385
5	Amendment to Permit	129
6	Loudspeaker	416
7	Vehicle	416
8	Masked Ball	779
9	Massage Establishment	1,684
10	Masseur/Masseuse	202
11	Trainee	202
12	Mechanical Amusement Devices	568
13	Mechanical Contrivance	568
14	Miniature Golf Course	586
15	Mobile Caterer	1,092
16	Additional Stop	257
17	Assistant	320
18	Transfer of Stop	820
19	Museum	645
20	Nude Models in Public Photographic Studio	
21	Owner	704
22	Employee	202
23	Off-Heliport Landing Site	667
24		
25		

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

18

19

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

20

21

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

22

23

24

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

25

1 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
Employee	90
Extended Hours Permit	505

1	Fortuneteller	0
2	Funeral Procession Escort	0
3	General Soliciting Agent	88
4	Itinerant Show, Each Concession	43 per day
5	<i>Junk Dealer</i>	542
6	<i>Junk Gatherer</i>	
7	<i>Resident</i>	103
8	<i>Nonresident</i>	103
9	Licensed Tour Guide	
10	Owner - Buses, per vehicle	957
11	Owner - Other Motorized Vehicles, per vehicle	153
12	Owner - Bicycle/Segway/Other Mechanisms, per mechanism	153
13	Owner – Walking	153
14	Employee	26
15	Limited Live Performance	139
16	Loudspeaker	150
17	Masked Ball	231 per day
18	Massage Establishment	860
19	Masseur/Masseuse	119
20	Trainee	119 per 90-day permit
21	Mechanical Amusement Devices	
22	First Machine	279
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1	Each Additional Machine	0
2	Mechanical Contrivance	0
3	Miniature Golf Course	164
4	Mobile Caterer	695
5	Assistant	49
6	Museum	206
7	Nude Models in Public Photographic Studio	
8	Owner	488
9	Employee	90
10	Off-Heliport Landing Site	38 per day
11	Outcall Massage	469
12	Pawnbroker	535
13	Peddler	
14	Food for Human Consumption	747
15	Nonfood	199
16	Employee	81
17	Pedicab Driver	26
18	Pedicab Owner	0
19	Photographer, Public Place	
20	Owner	206
21	Solicitor	80
22	Photographic Solicitor	
23	Owner	166
24		
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1	Employee	80
2	Place of Entertainment	486
3	Poker	312
4	Public Bathhouse	436
5	Public Outcry Sales	294
6	Recreational Equipment Vendor	312
7	Rodeo Exhibition/Wild West Show	0
8	Second Hand Dealer	0
9	Second Hand Dealer, Auto Accessories	0
10	Shooting Gallery	0
11	Skating Rink	0
12	Tow Car Driver	34
13	Tow Car Firm	
14	First Tow Truck	546
15	Each Additional Tow Truck	217
16	Trade-In Dealer	613
17	Valet Parking	
18	Fixed Location	266
19	Annual Special Event	166
20	Vehicle for Hire, Nonmotorized	166
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23
24 Section 7. Effective Date. This ordinance shall become effective 30 days from the
25 date of passage.

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

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

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

By: _____
YVONNE R. MERÉ
Deputy City Attorney