

Article 3: Police Regulated Occupations and Businesses

Division 11: Secondhand Dealers, Pawnbrokers, and Junk Yards

(Retitled from “*Junk Dealer, Junk Collector, SecondHand Dealer, Pawn Broker*”
to “*Secondhand Dealers, Pawnbrokers, and Junk Yards*”
on 11-25-2014 by O-20436 N.S.; effective 12-25-2014.)

§33.1101 Definitions

For the purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Builders’ tools has the same meaning as in California Business and Professions Code section 21550.

Engaged in the business shall include owning, conducting, operating, managing, or carrying on of a commercial or industrial enterprise through which property is sold, furnished, or constructed.

Junk has the same meaning as in California Business and Professions Code section 21600.

Junk yard has the same meaning as in California Business and Professions Code section 21602.

Pawnbroker has the same meaning as in California Financial Code section 21000.

Secondhand dealer has the same meaning as in California Business and Professions Code sections 21626 and 21626.5.

Secondhand non-tangible personal property dealer means a person who is *engaged in the business* of selling, or buying and reselling, previously-used goods including, but not limited to, the following categories of goods:

- (1) Clothing, including shoes.
- (2) Books and magazines, including comic books and textbooks.
- (3) Household furnishings, including furniture, floor coverings, bedding, kitchen and cooking utensils, crockery, glassware, and appliances.
- (4) Sports and recreational equipment.
- (5) *Builders’ tools*.

The term *secondhand non-tangible personal property dealer* does not include persons engaged in the business of buying and reselling, selling, or otherwise dealing in secondhand or used motor vehicles, trailers, or boats; persons engaged in the selling of new automobile tires or batteries or other automotive equipment taking in part payment used articles of the same kind and thereafter selling or disposing of the same as referenced in California Business and Professions Code section 21603; core recyclers, as defined in California Business and Professions Code section 21610; automobile dismantlers, as defined in California Vehicle Code section 220 and not exempted by California Vehicle Code section 221; coin dealers, as defined in California Business and Professions Code section 21626; licensed firearms dealers, as defined in California Penal Code and regulated under Chapter 3, Article 3, Division 42 of the San Diego Municipal Code; *pawnbrokers*; junk dealers, as defined in California Business and Professions Code section 21601; recyclers, as defined in California Public Resources Code section 14519.5; business machine dealers, as defined in California Business and Professions Code section 21628.5; swap meet, vendor, or operator, as defined in California Business and Professions Code section 21661; or *secondhand dealers*.

Tangible personal property has the same meaning as in California Business and Professions Code section 21627.

(“Definitions” added 11-25-2014 by O-20436 N.S.; effective 12-25-2014.)

§33.1102

Permit Required

It is unlawful for any person to operate as a *secondhand dealer*, *pawnbroker*, or *secondhand non-tangible personal property dealer* without a *police permit*.

(Amended 2-23-1987 by O-16812 N.S.)

(Retitled from “Use of Fictitious Name Prohibited” to “Permit Required” and amended 11-25-2014 by O-20436 N.S.; effective 12-25-2014.)

§33.1103

Records Required — Reports Required

- (a) All *pawnbrokers* and *secondhand dealers* shall keep a record in accordance with state law of any and all articles acquired by purchase, pledge or otherwise.
- (b) The record and the articles shall at all times during ordinary business hours be subject to inspection by any *police officer* of the City.
- (c) Such person shall, in addition to keeping such records, daily deliver to the *Chief of Police*, upon forms approved or provided by the California Department of Justice for that purpose, a full, true and complete report of all such previously named articles acquired by purchase, pledge or otherwise by such persons during the entire calendar day preceding such report. All records and forms shall be legible.

- (d) *Secondhand non-tangible personal property dealers* shall not be required to keep a record of articles acquired by purchase or otherwise, except for the purchase of *builders' tools*, in which case records shall be kept in accordance with state law. However, such articles and records and the place of business of each *secondhand non-tangible personal property dealer* shall at all times during their normal business hours be subject to inspection by any *police officer* of the City as provided in section 33.0103.

(Amended 2-23-1987 by O-16812 N.S.)

(Renumbered from former Section 33.1101 and amended 11-25-2014 by O-20436 N.S.; effective 12-25-2014.)

§33.1104 Pawnbrokers—Records of Loans

All *pawnbrokers* shall keep a record of all loans made by them, which shall at all times during ordinary business hours be open to inspection by any *police officer* of the City. Such record shall contain the names and addresses of all persons to whom loans are made, a reasonable description of such persons, the amounts of money loaned, the length of time during which such loan is to continue, and the rate of interest exacted for such loans.

(Amended 2-23-1987 by O-16812 N.S.)

(Renumbered from former Section 33.1103, retitled from "Records of Loans" to "Pawnbrokers—Records of Loans," and amended 11-25-2014 by O-20436 N.S.; effective 12-25-2014.)

§33.1105 Disposal of Merchandise — Regulations

It shall be unlawful for any *pawnbroker* or *secondhand dealer* to sell or otherwise dispose of any article, merchandise, or thing, except to the pledgor, for a period of thirty days from the date the report of its acquisition was made to the *Chief of Police*. All transactions shall be conducted only on the licensed *premises*.

(Amended 2-23-1987 by O-16812 N.S.)

(Renumbered from former Section 33.1104 and amended 11-25-2014 by O-20436 N.S.; effective 12-25-2014.)

§33.1106 Junk Yard — Operating Rules

It shall be unlawful for any *person* to carry on, maintain or conduct a *junk yard* or to deal in secondhand articles in the City of San Diego, unless such business is carried on, maintained or conducted in compliance with the following regulations:

- (a) That such business shall be carried on, maintained or conducted entirely inside an enclosed building or buildings, unless the *premises* on which such business is carried on, maintained or conducted shall be entirely enclosed by a solid fence or wall constructed according to the requirements of the Building and Zoning Codes of said City.
- (b) That such fence or wall shall be maintained in a neat, substantial, safe condition and shall be painted.
- (c) No sign, picture, transparency, advertisement or mechanical device which is used for the purpose of, or which does advertise or bring to notice any *person* or persons, or article or articles of merchandise, or any business or profession, or anything that is to be or has been sold, bartered or given away, shall be placed, or caused to be placed or to be maintained, or caused to be maintained, upon the outward face of such fence or wall; except that the business carried on, maintained or conducted within such fenced or walled enclosure may be advertised by use of a space not exceeding six feet in height and fifteen feet in length on each side of such enclosure.
- (d) Gates for access to the *premises* shall swing inwardly, and such gates shall be kept closed when the *premises* are not open for business.
- (e) That no *junk* or secondhand article shall be piled, or permitted to be piled, in excess of the height of the enclosing fence or wall or nearer than two feet thereto.
- (f) That all gas, oil, or other inflammable liquid shall be drained and removed from any inoperable motor vehicle located thereon.
- (g) That the *premises* shall be so arranged that reasonable inspection or access to all parts of the *premises* can be had at any time by the proper fire, health, police and building authorities.
- (h) That no license shall hereafter be issued until the provisions of this Division have been complied with.

(Retitled to “Junk Yard—Operating Rules” and amended 2-23-1987 by O-16812 N.S.)

(Renumbered from former Section 33.1105 and amended 11-25-2014 by O-20436 N.S.; effective 12-25-2014.)

§33.1107 Pawnbrokers, Secondhand Dealers — Operating Hours

It shall be unlawful for any *pawnbroker* or *secondhand dealer* to conduct such business between the hours of 9:30 p.m. and 8:30 a.m. *Secondhand non-tangible personal property dealers* are excluded from this restriction.

(Retitled to “*Pawnbrokers, Secondhand Dealers – Operating Hours*” and amended 2-23-1987 by O-16812 N.S.)

(Renumbered from former Section 33.1106 and amended 11-25-2014 by O-20436 N.S.; effective 12-25-2014.)

§33.1108 Denial of Permit Application, Suspension, or Revocation of Permit

Notwithstanding section 33.0403, whenever an action to deny an application for a *permit* or to suspend or revoke a permit held by a *secondhand dealer* or *pawnbroker* is based upon a *violation* of Division 8, Chapter 9, Articles 4 or 5 of the California Business and Professions Code, or Division 8, Chapters 1 or 2 of the California Financial Code, or this Division, the *violation* alleged must demonstrate a pattern of conduct.

(“*Denial of Permit Application, Suspension, or Revocation of Permit*” added 11-25-2014 by O-20436 N.S.; effective 12-25-2014.)