

Article 3: Police Regulated Occupations and Businesses**Division 43: Money Exchange Houses***(“Money Exchange Houses”)**added 1-25-1988 by O-17018 N.S.)***§33.4300 Purpose and Intent**

It is the purpose and intent of the Council that the operation of Money Exchange Houses, as defined by this Code, should be regulated to protect the general safety and welfare of the public and to prevent false or misleading advertising and consumer fraud.

*(“Money Exchange Houses” added 1-25-1988 by O-17018 N.S.)***§33.4301 Definitions**

For the purpose of this Division, the following words and phrases shall mean:

- (a) Money Exchange House. “Money Exchange House,” also called “Casa de Cambio,” means any space, room, enclosure or structure used or intended to be used for conducting the business of exchanging or dealing in currency of the United States of America, Mexico or other foreign countries, and the use of which is available to the public, or any portion of the public; provided, however, that this section shall not apply to any bank, savings and loan association or credit union chartered under the laws of the State of California or the United States or to any business regulated by the Financial Code of the State of California.
 - (b) Currency. “Currency” means any coined money, banknotes or other paper money as are authorized by law and do in fact circulate from hand to hand as the medium of exchange.
- (“Definitions” added 1-25-1988 by O-17018 N.S.)*

§33.4302 Permit Required

It shall be unlawful for any person, association, partnership, or corporation to engage in, conduct, carry on, or permit to be engaged in, conducted, or carried on, in or upon any premises within The City of San Diego, the operation of a Money Exchange

House without first having filed an application and received a permit for such operation from the Chief of Police. The permit required hereby shall be in addition to any other police permit or business tax certificate required under this Code.

(“*Permit Required*” added 1-25-1988 by O-17018 N.S.)

§33.4303 Application

An application for a Money Exchange House permit accompanied by an investigation fee shall be made to the Chief of Police on forms provided. The forms shall contain the exact address of the proposed business and the following information for all owners, partners, or corporation officers.

- (a) The full true name and any other names used by the applicant;
- (b) The present address and telephone number of the applicant;
- (c) Each residence and business address of the applicant for the three (3) years immediately preceding the date of the application, and the inclusive dates of each such address;
- (d) Applicant’s age, date of birth, weight, height, color of eyes and hair;
- (e) Driver’s license and social security number;
- (f) Applicant’s business, occupation and employment history for the three (3) years immediately preceding the date of application, and the inclusive dates of each such address;
- (g) All criminal convictions, except traffic violations, and a statement of the dates and places of such convictions;
- (h) The Chief of Police shall require the applicant to furnish fingerprints for the purpose of establishing identification.

(“*Application*” added 1-25-1988 by O-17018 N.S.)

§33.4304 Issuance or Denial of Permit

Except as otherwise provided in this Code, upon completion of the background investigation of the applicant, the Chief of Police or designated representative shall issue the permit unless:

- (a) The applicant has knowingly made false or misleading statements of a material fact or omission of a material fact in the application; or
 - (b) The operation of the business as proposed pursuant to the issuance or renewal of a permit will not be in compliance with the building, fire, health, and zoning or sign requirements as set forth in this Code; or
 - (c) The applicant has had a similar permit or license previously revoked or denied for good cause within one (1) year immediately preceding the date of the filing of the application; or
 - (d) The applicant has, within five (5) years immediately preceding the date of filing of the application, been convicted in a court of competent jurisdiction of any of the following offenses:
 - (1) Any offense involving the use of force or violence upon the person of another; or
 - (2) Any offense of theft, embezzlement, or receiving stolen property.
- (“Issuance or Denial of Permit” added 1-25-1988 by O-17018 N.S.)*

§33.4305 Permit Not Transferable

Each permit issued hereunder shall be issued to a specific person, partnership, or corporation to conduct business as a Money Exchange House at a specific location. In no event shall the permit be transferred from one owner to another or from one location to another without prior approval of the Chief of Police.

(“Permit Not Transferable” added 1-25-1988 by O-17018 N.S.)

§33.4306 Regulatory Fee

In accordance with the policy of The City of San Diego, the costs of the required enforcement of laws regulating Money Exchange Houses which are police regulated businesses, shall be borne by the applicant, licensee or permittee and current costs shall be reflected in the fees required for such license or permit.

Where a fee or a sum of money is referred to in this Division, the exact amount of such fee or sum of money shall be found in the City Clerk’s Composite Rate Book.
(Amended 11-20-2000 by O-18885 N.S.)

§33.4307 Permit Renewal

A valid permit issued pursuant to the provisions of this Code must be renewed annually upon the following terms and conditions:

- (a) An application for renewal accompanied by the regulatory fee shall be completed and submitted to the Chief of Police of The City of San Diego thirty (30) days prior to the expiration of the existing permit.
- (b) If an application for renewal is not filed within the time specified by subsection (a) herein, the permit shall expire one (1) year after the date of its issuance or last renewal.

(“Permit Renewal” added 1-25-1988 by O-17018 N.S.)

§33.4308 Regulations

- (a) All Money Exchange Houses shall be open to police inspection during all hours of operations.
- (b) The business shall be carried on only in the building designated in the permit.
- (c) The permit or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.
- (d) All advertising and signs concerning the rate of exchange must include any and all commissions or fees charged by the business establishment. All interior signs concerning rates and commission must be posted at a height of five feet (5') with print size no less than two-thirds (2/3) as large as the largest number or letter modified. All interior and exterior signs shall reflect the true net rate of exchange and both the buy and sell rate of exchange. There can be no hidden charges to any customer.
- (e) All exterior signs must comply with existing City of San Diego sign ordinances and must be properly permitted.
- (f) All transactions or exchanges must be recorded on forms approved by the Chief of Police. The form will be pre-printed and consist of an original and two copies. The original must be given to the customer, one (1) copy retained by the Money Exchange House for three (3) months and a copy mailed to the Chief of Police on a weekly basis. The form must contain the following information:

- (1) Name, address, and phone number of business;
- (2) Date and time of transaction;
- (3) Total amount of money exchanged;
- (4) A complete summary of the exchange by denomination received and paid out;
- (5) Rate of exchange at the time of transaction.

(Amended 5-22-1989 by O-17302 N.S.)

§33.4309 Revocation of Permit

In addition to the grounds enumerated in Section 33.0401. the Chief of Police may revoke a Money Exchange House permit based on a finding that the permittee or any agent or representative thereof is not operating in full compliance with all provisions of this Division; or in the event the person holding a permit is convicted of any of those offenses enumerated in Section 33.4304.

(“Revocation of Permit” added 1-25-1988 by O-17018 N.S.)

§33.4310 Penalties

Any person violating any of the provisions or failing to comply with any of the requirements of this Division shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment.

(“Penalties” added 1-25-1988 by O-17018 N.S.)

§33.4311 Severability

If any provision, clause, sentence, or paragraph of this Division or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Division which can be given effect without the invalid provision or application, and to this end the provisions of this Division are hereby declared to be severable.

(“Severability” added 1-25-1988 by O-17018 N.S.)