



ADMINISTRATIVE SERVICES DEPARTMENT
REVENUE SERVICES – BUSINESS TAX
425 North El Dorado Street • PO Box 1570 • Stockton, CA 95201 • (209) 937-8313
www.stocktonca.gov

PAWNBROKER OR SECONDHAND DEALER LICENSE

1. Contact Planning Department for zoning verification. 345 N El Dorado (209) 937-8444
2. Once zoning is verified complete the application (JUS-125 form) on-line at the Department of Justice website:
<https://capss-licensing.doj.ca.gov/public/applications/new?ori=CA0390500>
3. Complete your live scan fingerprinting as required for all pawnbrokers and secondhand dealer business owners.
4. Bring the following to the City of Stockton, Business License department:
 - Completed business license tax application approved by Planning Department.
 - Printed copy of submitted DOJ application
 - Cash/ credit card or check payable to City of Stockton for business license tax
 - Secondhand dealer - \$274.00
 - Pawnbroker - \$624.00
 - State Disability Act Fee- \$4.00
 - Copy of live scan form(s) with ATI number completed by fingerprinting service
 - Check or money order payable to the DOJ for \$300.00
5. You will receive your business license and DOJ certificate after the Department of Justice and City of Stockton Police Department have approved your application.

TO: CHIEF OF POLICE, SHERIFF AND PAWNBROKER APPLICANT(S)

THIS NOTICE IS TO BRING TO THE ATTENTION OF THE LICENSING AGENCY AND PAWNBROKER APPLICANT(S) THE CONDITIONS PRECEDENT TO THE ISSUANCE OR RENEWAL OF A PAWNBROKER'S LICENSE, OUTLINED IN FINANCIAL CODE SECTIONS 21303 AND 21304 BELOW:

21303.(a) As a condition precedent to the issuance or renewal of a pawnbroker's license the applicant shall file a pawnbroker's two-year nonrevokable surety bond with the issuing authority, in the sum of twenty thousand dollars (\$20,000). The pawnbroker's bond required by this article shall be executed by an admitted surety in favor of the State of California and shall be filed by the applicant with the licensing authority.

(b) The bond shall be for the benefit of pledgors of pledged property when the property is not available for redemption, due to the criminal negligence, criminal malfeasance, or other criminal conduct of the pawnbroker, and the pledgor has complied with the conditions precedent to redemption under the terms of the loan contract. The pledgor has the burden of establishing by clear and convincing evidence that all conditions precedent to redemption under the terms of the loan contract have been performed.

21304.(a) As a condition precedent to the issuing of a pawnbroker's license, the applicant shall file with the issuing authority a financial statement confirming that the applicant has at least one hundred thousand dollars (\$100,000) in the form of liquid assets readily available for use in each licensed business for which the application is made, not including real property or in the absence of one hundred thousand dollars (\$100,000), an applicant may post a nonrevokable surety bond in the amount of one hundred thousand dollars (\$100,000) or the applicant may, in lieu of posting a surety bond, deposit money, certificates, accounts, bonds or notes, as provided in Section 995.710 of the Code of

Civil Procedure. The financial statement shall be filed by the applicant under penalty of perjury and signed by a California certified public accountant verifying that he or she has *reviewed* the financial statement.

(b) This section is not applicable to any person holding a secondhand dealer's license pursuant to Section 21641 or 21642 of the Business and Professions Code and who is actively engaged as a pawnbroker on the effective date of this section.



APPLICATION FOR SECONDHAND DEALER OR PAWNBROKER LICENSE

A. Type of Application (Check the appropriate box):

- Application for Secondhand Dealer License (21641 B&P)
- Application for Pawnbroker License (21300 FC)
- Application for Renewal:
 - Secondhand Dealer License (21642 B&P) State License No.: _____
 - Pawnbroker License (21301 FC) State License No.: _____
- Modifications (change of business, name, address, etc.)

DOJ USE ONLY	
Received:	_____
Check #	_____
Check Amt:	_____

B. Licensing Agency Information: (Completed by licensing agency only.)

Licensing Agency (Substation if applicable)	Date
Mailing Address	
Licensing Official (Name, Title)	Phone

THE FOLLOWING SECTIONS ARE TO BE COMPLETED BY THE APPLICANT(S)

C. Business Owner(s): (Name of individual, partners, or corporate officers)

Name	Date of Birth	Title	Phone
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ATTACH ADDITIONAL SHEET IF NECESSARY. CHECK CIRCLE IF ADDITIONAL SHEET IS USED

D. Business Information

Business Name	Phone	
Street Address	City	Zip Code
Business Ownership: <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation (If corporate name differs from business name, complete the following):		
Corporation Name	Phone	
Street Address	City	Zip Code

E. Off-Site Storage Location:

Will property belonging to the business be stored off the business premises? Yes* No *If "yes," please provide the information below:

Off-Site Storage Street Address	City	Zip Code
---------------------------------	------	----------

F. Multiple Secondhand Dealer or Pawnbroker Businesses:

Do any parties to this application have a financial interest in any other Secondhand Dealer or Pawnbroker Business in California?

- Yes* No **If "yes," please provide the Business Name, Address, City, and State assigned Secondhand Dealer or Pawnbroker License Number on an additional sheet of paper, and check circle if additional sheet is used*

G. Additional Information:

Have any parties to this application ever been convicted of an attempt to receive stolen property or any other property-related crime?

- Yes* No **If "yes," please provide the applicant's name, date, and details on the arrest or conviction on an additional sheet of paper, and check circle if additional sheet is used*

H. Certification:

"As the person responsible for completing the application for the business, I certify under penalty of perjury that the information on this application is true and complete to the best of my knowledge."

SIGNATURE	TITLE	DATE
-----------	-------	------

INSTRUCTIONS AND INFORMATION FOR COMPLETING THE APPLICATION FOR SECONDHAND DEALER OR PAWNBROKER LICENSE

Section A. TYPE OF APPLICATION

For a new application, the applicant must identify the type of business license by checking the appropriate box. If the application is for a renewal of an existing state secondhand dealer's license or pawnbroker's license, the licensee must check the appropriate box and provide the state license number. If the application is for an initial pawnbroker's license, ensure that the surety bond and financial statement are filed with the issuing agency. If the application is for a renewal of a pawnbroker's license, ensure that the surety bond is filed with the issuing agency. If the application is for a modification of an existing state secondhand dealer's or pawnbroker's license, the licensee must check the modification box and provide the state license number.

Section B. LICENSING AUTHORITY INFORMATION

The licensing agency shall complete Section B. Enter agency information, the name, title, and phone number of official processing the application. Enter the date the completed application was received by your agency for transmittal to the Department of Justice (DOJ).

Section C. BUSINESS OWNERS

- If business is *Individually owned*, enter owner's name, date of birth, title, and home phone number.
- If business is a *Partnership*, enter each partner's name, date of birth, title, and home phone number.
- If business is a *Corporation*, enter each corporate officer's name, date of birth, title, and home phone number.
- To complete the application package, all parties listed in this Section must submit fingerprints for criminal offender record information background checks.
- Live Scan submissions, please submit a completed copy of the REQUEST FOR LIVE SCAN SERVICE, Applicant Submission form BCIA 8016SHDPB. The Applicant Submission form (BCIA 8016SHDPB) for the State Secondhand Dealer and Pawnbroker Unit includes pre-printed information.

Section D. BUSINESS INFORMATION

- Enter the business name and, if applicable, corporation name.
- Enter the address information of the business and, if applicable, corporation address.
- If the corporation name differs from the business name in Section D-1, provide the requested information.
- Check the appropriate type of business ownership.

Section E. OFF-SITE STORAGE LOCATION

If the applicant intends to store property belonging to the business other than at the business address in Section D, above, enter the Off-Site Storage Information. Exemption from disclosure of the off-site storage, on the licensure form, will require the local licensing agency to file with DOJ written instruction for exemption.

Section F. MULTIPLE SECONDHAND/PAWNBROKER BUSINESSES

If the response is "YES", attach a sheet disclosing: the business name, address, city, zip code, phone number and state assigned license number. If "NO", proceed to Section G.

Section G. ADDITIONAL INFORMATION

If the response is "YES", attach a sheet disclosing: applicant's name, date and details of the arrest, conviction and if available copy of the court disposition. If the response is "NO", proceed to Section H.

Section H. CERTIFICATION STATEMENT

The person responsible for completing the application or person responsible for the business must sign and date the certification.

DEPARTMENT OF JUSTICE FEE SCHEDULE:

Secondhand Dealer/Pawnbroker Application, JUS 125 = \$300 (New or renewal application, payable to DOJ)
Criminal Offender Record Information Background Check = \$32 (Each applicant, payable to live scan agency.)

The DOJ fee schedule does not include any additional fee that the licensing authority may charge for processing this application, pursuant to the Business and Professions Code or Financial Code, or for the service of taking fingerprints for the criminal offender record information background check. Payment to the DOJ must be made by check, cashier's check or money order.

NOTE: The fees are non-refundable. Cash will not be accepted for payment. Make remittance payable to "Department of Justice."

Should the applicant(s) be printed using the fingerprint hard card (FD 258) because the printing agency has an exemption to the Live Scan requirement, the fingerprint hard card(s), along with the required fees, payable to the DOJ, must be sent in with the application.



REQUEST FOR LIVE SCAN SERVICE (Secondhand Dealer/Pawnbroker)

Applicant Submission

CA0349400

ORI (Code assigned by DOJ)

Secondhand Dealer Pawnbroker

Type of License/Certification/Permit OR Working Title (Maximum 30 characters - if assigned by DOJ, use exact title assigned)

Contributing Agency Information:

DEPARTMENT OF JUSTICE

Agency Authorized to Receive Criminal Record Information

P.O. BOX 903387

Street Address or P.O. Box

SACRAMENTO

City

CA 94203-3870

State ZIP Code

05467

Mail Code (five-digit code assigned by DOJ)

SHDPB UNIT

Contact Name (mandatory for all school submissions)

Contact Telephone Number

Applicant Information:

Last Name

Other Name
(AKA or Alias) Last

Date of Birth

Sex Male Female

Height

Weight

Eye Color

Hair Color

Place of Birth (State or Country)

Social Security Number

Home

Address Street Address or P.O. Box

First Name

Middle Initial

Suffix

First

Suffix

Driver's License Number

Billing

Number BIL - Applicant to pay at Site

(Agency Billing Number)

Misc.

Number

(Other Identification Number)

City

State

ZIP Code

Your Number:

OCA Number (Agency Identifying Number)

Level of Service:

DOJ

If re-submission, list original ATI number:
(Must provide proof of rejection)

Original ATI Number

Employer (Additional response for agencies specified by statute):

N/A

Employer Name

N/A

Street Address or P.O. Box

N/A

City

State

ZIP Code

N/A

Mail Code (five digit code assigned by DOJ)

N/A

Telephone Number (optional)

Live Scan Transaction Completed By:

Name of Operator

Date

Transmitting Agency

LSID

ATI Number

Amount Collected/Billed



REQUEST FOR LIVE SCAN SERVICE (Record Review or Foreign Adoption)

Privacy Notice

Collection and Use of Personal Information. The Record Review Unit in the Department of Justice collects the information requested on this form as authorized by Penal Codes 11121 and 11105(C)(12). The Record Review Unit uses this information to process applications pertaining to Live Scan service for record review or foreign adoption. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at: <http://oag.ca.gov/privacy-policy>.

Providing Personal Information. All the personal information requested in the form must be provided.

Access to Your Information. You may review the records maintained by the Record Review Unit in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to process applications pertaining to Live Scan service for record review or foreign adoption, we may need to share the information you give us with other government agencies.

The information you provide may also be disclosed in the following circumstances:

- In response to a Public Records Act request, as allowed by the Information Practices Act;
- To another government agency as required by state or federal law;
- In response to a court or administrative order, a subpoena, or a search warrant.

Contact Information. For questions about this notice or access to your records, you may contact the Record Review Unit via telephone at (916) 227-3835 or by mail at:

Department of Justice
Bureau of Criminal Information & Analysis
Record Review Unit
P.O. Box 903417
Sacramento, CA 94203-4170

FOR OFFICE USE ONLY:

 ACCOUNT # _____
 CUSTOMER ID # _____
 LICENCE REF # _____
 CLASS _____

BUSINESS LICENSE TAX APPLICATION
NEW LIC _____ Number of Employees: Full Time _____ Part Time _____ Temporary _____ Square Footage _____
CHANGE _____ Change From _____ Date of Change _____ Bus Lic # _____

NOTE: Any change in ownership, address, or business activity, requires a new application. The City of Stockton does not guarantee that information on this form will be exempt from disclosure under the Public Records Act.

BUSINESS INFORMATION:

- Business Name (DBA) _____ Phone () _____
- Business Address _____ Ste/Apt # _____ City _____ State _____ Zip _____
(Cannot be PO Box per CA Bus & Prof Code Section 17538.5) (List address where each individual consent to receive service of process AB2184 Sec 1600.)
- Business Mailing Address _____ Ste/Apt # _____ City _____ State _____ Zip _____
(If different from the service process address/Business address)
- Business Email Address _____

5. Business involved in renting residential or commercial real estate (Stockton only):
Property Address _____
Property Owner _____ **Parcel #** _____

- Detail Description of Business Activity _____
- Standard Industrial Classification (SIC): _____ Major Group: _____
- Are you Chamber of Commerce Green Certified? Yes ___ No ___ (For information contact Chamber of Commerce (209) 547-2770)
- Start date in the City of Stockton _____ Estimated **Monthly** Gross Receipts in Stockton \$ _____
- Contractor's only:** Project Amount _____ CA Contractor's License # _____
 Classification _____ Expiration Date _____ Annual Quarterly Contractors License
- Seller's Permit # _____ SS# or Tax ID # _____
- Check One: Single Owner Partnership Corporation LP LLC

OWNER(S) INFORMATION: (The following personal information is not public and will not be shared in accordance with city policy OL-103.) Proof of compliance with Business and Professions Code Section 17538.5(b)(2)(A)(B) may be submitted in lieu of home address.

- Name _____ Address _____
 City _____ State _____ Zip _____ Home Phone (____) _____
 Date of Birth _____ Driver's Lic or Other I.D.# _____ State _____
- Name _____ Address _____
 City _____ State _____ Zip _____ Home Phone (____) _____
 Date of Birth _____ Driver's Lic or Other I.D.# _____ State _____

FOR OFFICE USE ONLY:

ACCOUNT # _____

CUSTOMER ID # _____

LICENSE REF # _____

CORPORATION, LLC, or LP INFORMATION: (Must be Registered in California)

Name _____ Corp/LLC/LP # _____

Names of Officers/Members

President: _____ Secretary: _____

Vice President: _____ Treasurer: _____

Authorized Agent: _____ Contact Phone # _____

Authorized Agent: _____ Contact Phone # _____

PLEASE NOTE:

The Issuing of your Business License is for revenue purposes only. It does not relieve you from the responsibility of complying with the requirements of any other department of the City of Stockton and/or any other ordinance, law or regulation of the City of Stockton, State of California, or any other governmental agency.

Business Licenses are not transferable. It is your responsibility to renew your Business License whether or not you receive a renewal notice. If you are no longer conducting business in the City of Stockton, you must notify us in writing. To appeal a business license that has been denied see SMC 5.04.210.A.

I HAVE READ AND UNDERSTAND THE TERMS ABOVE • I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

Owner/Authorized Signature Title Date

Owner/Authorized Signature Title Date

Disability Access and Education Fee (SB 1186)

**State Mandated Disability Access and Education Revolving Fund.

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

- o The Division of the State Architect at www.dgs.ca.gov/dsa/Home.aspx.
- o The Department of Rehabilitation at www.rehab.cahwnet.gov.
- o The California Commission on Disability Access at www.cdda.ca.gov.

BELOW IS FOR OFFICE USE ONLY: PLEASE DO NOT WRITE IN ADDITIONAL INFORMATION BELOW THIS LINE

Processed By:		Date:	Business License Taxes/Fees	Amount
Dept/Div Checked Must Approve or Deny		Authorized Signature and Date	Registration Tax	
<input type="checkbox"/> Planning	Approved <input type="checkbox"/> Denied <input type="checkbox"/>		Mill Tax/Flat Rate Tax	
<input type="checkbox"/> Building	Approved <input type="checkbox"/> Denied <input type="checkbox"/>		Penalty	
<input type="checkbox"/> Fire	Approved <input type="checkbox"/> Denied <input type="checkbox"/>		Prior Year(s) Taxes	
<input type="checkbox"/> Police	Approved <input type="checkbox"/> Denied <input type="checkbox"/>		**State Mandated Disability Access and Education Revolving Fund	
<input type="checkbox"/> MUD/Stormwater	Approved <input type="checkbox"/> Denied <input type="checkbox"/>		Other: Adjustments/Credits	
<input type="checkbox"/> Other:	Approved <input type="checkbox"/> Denied <input type="checkbox"/>		Total Due	
			Expiration Date	

PLEASE RETAIN A COPY FOR YOUR RECORDS

Stockton Municipal Code

Chapter 5.28

PAWNBROKERS, CASH FOR GOLD STORES, SECONDHAND DEALERS, EXCHANGE DEALERS AND JUNK DEALERS

Note

* Prior history: Prior code §§ 6-091—6-102.24 and Ord. 015-07 C.S.

Article I. General Provisions

5.28.010 Purpose and intent.

The City Council of the City of Stockton desires to fairly and impartially regulate retail transactions of pawnbrokers, cash for gold stores, exchange dealers and secondhand dealers for the purpose of:

- A. Identifying stolen property unintentionally received by the regulated parties; and
 - B. Detecting regulated parties intentionally transacting business in stolen property.
- (Ord. 2014-02-25-1502 C.S. § 1)

5.28.020 Definitions.

For purposes of this chapter, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

“Cash for gold stores” means any person who engages in the retail purchase and resale of precious metals.

“Exchange dealer” means and includes every person who engages in or conducts the business of accepting secondhand articles in full or partial payment for any other article or articles carried as stock in trade by such person, and shall include the acceptance of any article in full or partial payment for any rebuilt or remanufactured article of similar or different nature. This definition shall not apply to dealers whose principal or primary business is retailing or wholesaling new merchandise.

“License” means a license issued by the State of California Department of Justice to operate as either a pawnbroker or secondhand dealer within a specific jurisdiction.

“Pawnbroker” means a person, other than banks, trust companies or bond brokers who may otherwise be regulated by law and authorized to deal in commercial papers, shares of stock, bonds and other certificates of value, who keeps a loan office or pawn shop and is engaged in conducting, managing or carrying on the business of loaning money, for him, her or itself or for any other person, upon receipt of personal property, including jewelry and precious stones, other personal security, pawns or pledges, or the business of purchasing articles of personal property and reselling or agreeing to resell such articles to the vendors or their

assignees, at prices agreed upon at or before the time of such purchase. A pawnbroker is also a secondhand dealer but a secondhand dealer is not necessarily a pawnbroker.

“Pawnshop” means any room, store or place in which business or activity described under the definition of pawnbroker, is carried on or conducted,

“Permit” means a permit issued by the police chief pursuant to this chapter to operate as either a pawnbroker, cash for gold store, exchange dealer or secondhand dealer within the City of Stockton.

“Person” means any person, individual, group, firm, association, partnership, corporation, company, sole proprietorship, or any other legal entity.

“Police Chief” means the chief of police of the City of Stockton and designee.

“Secondhand dealer” shall have the same meaning as that term is defined in California Business and Professions Code Section 21626 and includes cash for gold stores and exchange dealers. A “secondhand dealer” does not include a coin dealer or participants at gun shows or events, as defined in Section 478.100 of Title 27 of the Code of Federal Regulations, as amended from time to time, or any successor provision of law or regulation. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.030 Permit required—Compliance with other laws.

A. Unless exempt pursuant to Section 5.28.040, it is unlawful for any person to engage in or conduct a cash for gold, pawnbroker or secondhand dealer business as defined in Section 5.28.020 without a permit.

B. Neither the obtaining of a permit nor compliance with the operating standards provided in this chapter shall obviate the need for, or excuse any noncompliance with, the zoning code, building code, fire code, or any other additional permit requirement or standard made applicable to cash for gold, pawnbroker or secondhand dealer businesses under any other provision of this code or State or Federal law. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.040 Exemption from the permit requirement.

The following are exempt from the permit requirement pursuant to this chapter. This exemption does not relieve these businesses from complying with all other applicable laws, including but not limited to, the provisions listed in the definition of secondhand dealer in Section 5.28.020 above, all operational standards contained in Article II, and all other laws related to crime and nuisance.

A. Religious, charitable, public service clubs, or nonprofit organizations conducting the periodic sale of goods, wares or merchandise as set forth in the definition of secondhand dealer in Section 5.28.020.

B. Any person whose principal business is not the buying and selling or receiving pledges of used or secondhand articles, when such person receives office equipment, scales or musical instruments from any governmental subdivision or manufacturing business or

professional concern known to the secondhand dealer which concern has used said article or articles in its business. (Ord. 2014-02-25-1502 C.S. § 1)

Article II. Operations

5.28.050 Application of article.

This article is intended to implement minimum standards applicable to the operation of all pawnbrokers, cash for gold stores, and secondhand dealer establishments whether or not such establishments are subject to the permit requirement of Article I. Nothing in this article shall limit the city's authority to impose and enforce permit conditions under Section 5.28.030, requiring pawnbroker, cash for gold, and secondhand dealer establishments to comply with operating standards that are more strict, comprehensive, or onerous than the minimum standards imposed by this article. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.060 Days and hours of operation.

A. It is unlawful for any person conducting or maintaining the business of a pawnbroker, cash for gold store, secondhand dealer, or exchange dealer, or any agent or employee thereof, to keep or cause to be kept, such a place of business open on any of the following holidays, or, the day that holiday is officially observed: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day. On any other day, said business shall operate only between the hours of 7:00 a.m. and 9:00 p.m.; provided, however, that on Saturday and days preceding the aforesaid holidays, such business may be kept open until 11:00 p.m.

B. Any person engaged in conducting any business other than those set forth in subsection A above, on the same premises as such business, or in conjunction with the same, shall notwithstanding, close the place of such other business at the same time and in the same manner as herein provided. No person shall be engaged in any occupation at such place of business or businesses, or remain therein, during any such time such place of business or businesses is by this section required to be closed. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.070 Display of permit.

Every permit issued pursuant to this chapter shall be conspicuously displayed so that it may be easily seen by any person on the premises. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.080 Permit nontransferable—Change of address or contact information.

Any permit issued pursuant to this chapter is valid only at the address and for the person specified therein and is not transferable to any other person. Change of the establishment address requires the pawnbroker, cash for gold store, exchange dealer or secondhand dealer to notify the City of Stockton Police Department in writing 10 calendar days prior to the establishment moving to its new location. Failure to notify the Stockton Police Department of the

change of address shall render any permit issued pursuant to this chapter void and any operation of a pawnbroker or secondhand dealer establishment unlawful. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.090 Record of transactions.

A. Every person managing, maintaining or conducting the business of any pawnbroker, cash for gold store, exchange dealer or secondhand dealer, in the city shall keep, or cause to be kept, at the store or place of business, a record of each transaction.

B. The record shall include a description of such article received or delivered in such transaction sufficient to identify the same, including serial number and all particular or prominent marks of identification that may be found on such property, the signature, address, age, sex, residence, legible thumbprint, identification card information and accurate description of the vendor or person receiving, delivering, or transferring the property or who is otherwise dealt with, the amount of money paid or received in such transaction, the rate of interest, if any, and the date and hour of the transaction. This record must be kept on a form approved by the California Department of Justice, written legibly in English and in ink.

C. At the time of each transaction, the person from whom the property is being received must present a valid identification card. If the identification card is not valid, then it must have been issued within the last five (5) years. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.100 Record of transactions to Chief of Police.

A. Every person engaged in any of the businesses described in Section 5.28.090 shall be required, at the time of taking or receiving any article in the business for which he or she is so licensed, to place the description of the article or thing pledged, received, or taken, on the face of a form approved by the California Department of Justice and shall within 24 hours (excluding Sunday and holidays) in the case of pawnbrokers and secondhand jewelry dealers and 48 hours (excluding Sunday and holidays) in the case of secondhand dealers, after buying, purchasing or otherwise receiving such goods, wares and merchandise, including radios for use in or upon automobiles, make out and deliver to the Chief of Police, or authorized agent, the original copy of the transaction filled out on the form authorized by the California Department of Justice. The form may also be submitted electronically at the discretion of the business owner.

B. Each business shall retain a copy of all transactions for a period of three (3) years from the date of the transaction. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.110 Inspections and reports.

A. The record of transactions required by the provisions contained within Section 5.28.090 shall be open for inspection by the Police Department at any time during business hours, and the Police Department shall also have the right to thoroughly inspect the premises, store or place where the business so recorded is being conducted at any time in search of any lost or stolen property, or to compare the entries kept in such records with the

articles located on such premises or place of business. All persons in charge of such business, and the agents and employees thereof, shall render to the Police Department such assistance as may be reasonably necessary to enable it in such inspection or search. The person in charge of such business shall provide the Police Department, each day excepting holidays, a copy of said record of transactions.

B. Any alteration of any copies of the record of transactions as set out in Section 5.28.090 is unlawful.

C. It is unlawful for any pawnbroker, cash for gold store, exchange dealer, or secondhand dealer located in the city to make any purchase, exchange, pledge, pawn, or other transfer of possession of any article unless the same is recorded as set out in Section 5.28.090. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.120 Receipt books.

A. Every person maintaining or conducting the business of a pawnbroker, cash for gold store, exchange dealer, or secondhand dealer in the City of Stockton shall keep or cause to be kept, at the store or place of business, receipt books as hereinafter described. Such books shall be kept in addition to the record of transactions required by Section 5.28.090, and shall consist of duplicate sheets of white paper not less than four (4) by seven (7) inches in size and bearing consecutive numbers. One of each of said duplicate pages shall be so perforated as to enable its removal.

B. One (1) of the aforesaid books shall be kept for the recording of, and the receipting for, sales, and there shall be printed at the top of the perforated sheet, in colored type, not less than three-eighths of an inch in height, the following words: "This is a sale and not a pledge."

C. One (1) of the aforesaid books shall be kept for recording of, and the receipting for, pledges, and there shall be printed at the top of the perforate sheet, in colored type, not less than three-eighths of an inch in height, the following words: "This is a pledge and not a sale." (Ord. 2014-02-25-1502 C.S. § 1)

5.28.130 Customer receipts.

A. It is unlawful for pawnbrokers, cash for gold stores, exchange dealers or secondhand dealers to make any purchase, exchange, pledge, pawn, or other transfer of possession of any article, unless the same is recorded in one of the receipt books required by Section 5.28.120, setting forth the name and address of the pawnbroker, a description in the English language of the article involved in such transaction, the date of the sale, the name of the customer with whom such transaction is made, the rate of interest charged, if any, the term of redemption, if any, and the same shall be signed by the pawnbroker or his or her agent making such transaction. The perforated sheet, which shall be the original duplicate, shall, after being filled out as herein provided, be delivered to the person with whom the transaction is made. The duplicate thereof shall be kept by the pawnbroker for a period of at least two (2) years next following the date of the transaction, and shall, during such time, be available at all times during business hours for inspection by the Stockton Police Department.

B. Any alteration of such duplicate sheet shall constitute a misdemeanor. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.140 No permits to minors.

No permit shall be issued for any pawnbroker, cash for gold store, exchange dealer or secondhand dealer business if the applicant is under 18 years of age, or if the applicant is a firm, partnership or corporation, if any member of such firm or partnership is under 18 years of age. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.150 Purchase from minors and servants.

It is unlawful for any person maintaining or conducting the business of any pawnbroker, cash for gold store, exchange dealer, or secondhand dealer, or any agent or employee thereof, to purchase or take goods or articles or things offered to him or her by any minor, or knowingly purchase or take such goods, articles or things from any servant or apprentice without first ascertaining that such article or thing is the property of the person delivering the same, or that such servant or apprentice has the authority from the owner to deliver or sell such property. The word "minor" shall mean any person described in Section 6500 of the Family Code who is not an emancipated minor as provided for in Section 7002 of the Family Code. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.160 Declaration of legal status.

It is unlawful for any person maintaining or conducting the business of pawnbroker, cash for gold store, exchange dealer, or secondhand dealer, or any agent or employee thereof, to purchase or take goods or articles or things offered to him or her by any person under the age of 18 years of age who claims legal status as an emancipated minor pursuant to Family Code Section 7002, unless such person shall have executed and delivered to said cash for gold store, pawnbroker or secondhand dealer, or any agent or employee thereof, a certificate substantially as follows:

I hereby declare under penalty of perjury that the following is true and correct: (1) I have entered into a valid marriage, whether or not the marriage has been dissolved; (2) I am on active duty with the armed forces of the United States; or (3) I have received a declaration of emancipation pursuant to Family Code Section 7122.

Executed at Stockton, California

Dated:

Signed:

(Ord. 2014-02-25-1502 C.S. § 1)

5.28.170 Merchandise to be held.

All articles purchased, received, exchanged, pledged, pawned, or otherwise taken into possession by any person maintaining or operating the business of pawnbroker, cash for gold store, exchange dealer or secondhand dealer, or the employee or agent thereof, the retention of which is not otherwise provided for by law, shall, except as hereinafter otherwise provided, be held for a period of 30 days before being placed on exhibition, sold, exchanged, removed from the place of business where it was received or delivered to any person, or otherwise disposed of; provided, however, that any such article may be delivered or returned at any time to the true owner thereof or authorized agent; provided further, any furniture, household furnishings, files, desks, chairs, safes, or other office equipment need not be held for more than five (5) days pursuant to the provisions of this section. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.180 Hold order.

The Police Department may place a hold-order upon property acquired by a pawnbroker, cash for gold store, exchange dealer or secondhand dealer, in the course of his or her business for a period of 90 days and, upon release of such property, may require the dealer to keep a record of the disposition of such property. It is unlawful for any such dealer to dispose of any property contrary to any hold-order issued by a member of the Police Department. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.190 Identification of customers in certain establishments.

It is unlawful for any person in the City to pledge, pawn, sell, exchange or otherwise transfer property to a pawnbroker, cash for gold store, exchange dealer or secondhand dealer, under any fictitious or assumed name or address or under any name other than his or her true and legal name and address. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.200 Articles to be identified by tags.

It shall be the duty of each pawnbroker, cash for gold store, exchange dealer, and secondhand dealer to attach to each article so received, a tag, or other device, containing sufficient information so that the article described and recorded in the bound book may be readily identified. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.210 Intoxicated persons.

It is unlawful for any person engaged in the businesses described in this chapter, or his, her or its manager, agent or employee, to take or receive any goods, articles or things from any person who is in an intoxicated state or condition, or from any person who is a suspected or known thief, or associate of thieves, or a suspected or known receiver of stolen property, or from any persons he, she or it may reasonably suspect to be contained in any of the foregoing categories. (Ord. 2014-02-25-1502 C.S. § 1)

Article III. Issuance, Renewal, Suspension and Revocation

5.28.220 Issuance.

A. Before any permit or permits to engage in any of the businesses defined in this chapter is granted, the applicant shall file with the Chief of Police, a written application, signed by the applicant under oath, setting forth the following:

1. The exact nature of the business or businesses to be carried on;
2. The name of the applicant, together with all persons to be directly or indirectly interested in the conducting of said business or businesses should a license or licenses be granted, including all members of any firm or partnership;
3. The location of the proposed business or businesses for which the license or licenses is sought;
4. Whether or not any permit or license heretofore granted to the applicant or any members of the proposed firm or partnership has been revoked or suspended, and if so, the circumstances of such revocation or suspension;
5. Such further information bearing on the moral character and financial responsibility of the applicant as the Chief of Police may require as reasonably bearing on the qualifications of an applicant to engage in the businesses herein named;
6. The signatures of three (3) residents of the City of Stockton, certifying to the good moral character and reputation of the person or persons making such application.

B. At the time of the filing of an application, the applicant and all persons to be directly and indirectly interested in the permit if granted, including all members of any firm, partnership, or corporation, shall be fingerprinted at the request of the Police Department. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.230 Grounds for denial.

The Chief of Police may deny an application for any of the following reasons:

- A. The proposed use is in conflict with the City of Stockton Zoning Ordinance;
- B. The proposed use is in conflict with any health, building, building maintenance, or other provision of this code or State law;
- C. Violation of any provision of this chapter;
- D. Fraud, misrepresentation, or false statements in securing a permit;
- E. Fraud, misrepresentation or false statements made in the course of the applicant's business;
- F. Conviction within the preceding five (5) years, of any public offense relating to theft, damage or trespass to property or to the operation of a business;

G. Conviction by any of the applicants or interested parties for felonies or any crimes involving theft, obtaining money or property by false pretenses, receiving stolen property, extortion, embezzlement, or a violation of any provision of this chapter or any other law regulating pawnbrokers or laws relating to moral turpitude and financial responsibility. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.240 Renewal.

A. An application requesting a renewal of a permit shall include the following:

1. Renewal Fee. A permit issued pursuant to this chapter is invalid unless the appropriate renewal fee has been paid in full and the term of the current permit has not expired.

2. Permit Expires After One (1) Year. The permit issued pursuant to this chapter shall be for one (1) year. Each permittee shall apply for the renewal of the permit and submit the permit fees no later than 30 days prior to expiration of the permit term.

3. A declaration signed under oath that the applicant has, within the last 30 days prior to applying to renew a permit, carefully reviewed this chapter as well as the State law holding and reporting requirements for tangible personal property as referenced in Section 5.28.090.

B. Expiration of Permit. A permit issued pursuant to this chapter that is not timely renewed shall expire at the end of its term. To reinstate a permit that has expired, or to renew a permit not timely renewed pursuant to subsection (A)(2), a person must:

1. Submit the permit fee plus a reinstatement fee of 10 percent of the permit fee.

2. Submit a signed declaration affirming that the proprietor has not sold and will not sell any merchandise regulated by the provisions of this chapter after the permit expiration date and before the permit is renewed.

C. Action on Permit Renewal Application. The Chief of Police shall make a determination on any renewal application within 30 days of receipt of the application. The Chief of Police shall not grant a renewal if it appears that the applicant is not qualified to conduct or maintain the proposed business, either for moral, financial, or other relevant reasons. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.250 Suspension and revocation.

In addition to the grounds set forth elsewhere in this chapter, the Chief of Police may suspend or revoke a pawnbroker, cash for gold store, exchange dealer, or secondhand dealer's permit for any of the following:

A. Demonstrated pattern of violating or failing to comply with the terms and conditions of the permit.

B. Any act which violates any of the grounds for denial of the permit.

C. Demonstrated pattern of violating any other provisions of this chapter or any Federal, State, local law, or regulation relating to his or her permitted activity.

D. Demonstrated pattern of engaging in or permitting misconduct substantially related to the qualifications, functions, or duties of the permittee.

E. Conducting the business in a manner contrary to the peace, health, or safety of the public.

F. Knowingly making any false, misleading or fraudulent statement of material fact in the application or in any documentation required to be filed in conjunction with said application.

G. Conviction of a crime involving an attempt to receive stolen property or any other offense involving stolen property. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

H. If the pawnbroker's, cash for gold store's, exchange dealer's, or secondhand dealer's state license has expired or has been suspended or revoked. (Ord. 2014-02-25-1502 C.S. § 1)

Article IV. Penalties for Violation

5.28.260 Penalty.

Every person who violates any of the provisions of this chapter shall be prosecuted in accordance with the provisions of Title 1, Chapters 1.08 and 1.40, for criminal and administrative civil penalties. (Ord. 2014-02-25-1502 C.S. § 1)

5.28.270 Cumulative remedies, procedures and penalties.

Unless otherwise expressly provided, the remedies, procedures and penalties provided by this chapter are cumulative to each other and to any others available under State law or other City ordinances. (Ord. 2014-02-25-1502 C.S. § 1)

Article V. Junk Dealers

5.28.280 Definitions.

Except as otherwise specified in this section, the terms used in this article shall have the same meaning as those terms are defined in the California Business and Professions Code, Chapter 9, Article 3, Section 21600 et seq., or as those sections may subsequently be amended.

“Chief of Police” means the Chief of Police of the City of Stockton and designee.

“Hazardous materials” means those materials, as defined in California Health and Safety Code Section 25260, or as that section may subsequently be amended.

“Junk” means any and all secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, but does not include secondhand and used furniture, pallets.

“Junk dealer” includes any person engaged in the business of buying, selling and dealing in junk, any person purchasing, gathering, collecting, soliciting or traveling about from place to place procuring junk, and any person operating, carrying on, conducting or maintaining a junk yard or place where junk is gathered together and stored or kept for shipment, sale or transfer.

“Junk yard” includes any yard, plot, space, enclosure, building or any other place where junk is collected, stored, gathered together and kept.

“Recycler” means any processor, recycling center, or noncertified recycler, as those terms are defined in Chapter 2 (commencing with Section 14502) of Division 12.1 of the Public Resources Code, who buys or sells scrap metal that constitutes junk as defined in Section 21600.

“Scrap metals and alloys” includes, but is not limited to, materials and equipment commonly used in construction, agricultural operations and electrical power generation, railroad equipment, oil well rigs, nonferrous materials, stainless steel, and nickel which are offered for sale to any junk dealer or recycler, but does not include scrap iron, household generated waste, or aluminum beverage containers, as defined in Chapter 2 (commencing with Section 14502) of Division 12.1 of the Public Resources Code. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.290 Scope of article.

This article shall not apply to those persons or transactions set forth in California Business and Professions Code Sections 21603 and 21604, or as those sections may subsequently be amended. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.300 License to operate required.

A. It is unlawful for any person to engage in, conduct, or operate the business of junk dealer in the City without first securing a license to do so from the Chief of Police.

B. A recycler, processor, recycling center, or noncertified recycler, as those terms are defined in Chapter 2 (commencing with Section 14502) of Division 12.1 of the California Public Resources Code shall not be subject to the requirements of this article, but shall be regulated by provisions of Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.310 Application for junk dealer license.

The applicant for a license to engage in, conduct, or operate the business of junk dealer shall file an application on a form provided by the Chief of Police and shall pay a filing fee, which shall not be refundable. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.320 Contents of application.

A. Any person desiring a license, or to renew a license, hereunder shall make application to the Police Chief in the form furnished therefor. If the application is made by an individual, he or she shall affirm under penalty of perjury that the contents of the application are true, and the contents of the application shall include the name and age of applicant, his or her present address or addresses, including the address of the proposed place of business and the facilities to be used. The application shall also include the name under which, and the place where, the applicant has conducted a similar business within 12 months immediately preceding the date of the application. If the business is to be engaged in by a partnership, association, or corporation, the application for a license shall be made by the general manager thereof, or by one having the authority of a general manager. In such case, the application shall state the true name of the organization, the date of its organization, its type, the location of its principal place of business, the names and addresses of its officers, or, in the case of a co-partnership, the names and addresses of all the partners.

B. In accordance with California Business and Professions Code Sections 12703 and 12733, the applicant shall attach to the application documentation to the satisfaction of the tax collector that the applicant holds a current and active California weighmaster license. A copy of the applicant's current weighmaster license shall be displayed in a prominent location at each location where the applicant conducts business.

C. The applicant shall acknowledge having read Penal Code Section 496a, which shall be prominently set forth within the application in bold type.

D. The application for a license to engage in, conduct or operate a business of junk dealer shall set forth the name and address of each applicant, and include whether the junk dealer will engage in welding, use of a propane tank, or cutting torches operated by compressed gases, and such other information as the Chief of Police deems necessary to investigate the applicant and the applicant's proposed place of business. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.325 License—Application—Employee identification.

The applicant shall accompany the application with photographs and fingerprints of all the individuals who are to be actually engaged in the management of the business or in buying or otherwise acquiring junk for the business for which the license is requested. In the event any other person or employee is engaged in the management of the business or in buying or otherwise acquiring such junk after the license has been granted, the licensee shall furnish to the Police Chief the photograph and fingerprints of such person within 10 days of such engagement and employment. Failure to comply with this section may subject the licensee to suspension or revocation of the license and any violation of this section shall prevent the renewal or reissuance of any license. (Ord. 2014-10-07-1501 C.S. § 1)

5.28.330 Corporate applicants.

If the applicant for a license is a corporation, the application shall set forth the name of the corporation exactly as set forth in the Articles of Incorporation, together with the names and addresses of each officer, director and shareholder owning more than 10 percent of the stock of such corporation. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.340 Partnership applicants.

If the applicant to engage in, conduct, or operate the business of junk dealer is a partnership, the application shall set forth the names and addresses of each partner, including limited partners. If one or more of the partners is a corporation, the provisions for corporate applicants shall apply to such corporate partners. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.350 Verification of application.

Every application for a license shall be verified in accordance with the provisions of the California Code of Civil Procedures governing the verification of pleadings. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.360 Referral of applications to other departments.

Within five (5) City business days from receiving an application to engage in, conduct or operate the business of junk dealer, the Chief of Police shall refer the application to the Building Department, Fire Department, and the Planning Department for inspection of the premises proposed to be operated as a junkyard by the applicant. These departments shall, after investigation, file a written recommendation upon the application designating whether or not the applicant is a proper person to be granted the license applied for. No applicant shall be reported as a proper person to be granted a license under this chapter unless and until it appears that the applicant's conduct or proposed conduct of the business does and will comply with all applicable laws and ordinances, including, but not limited to, those relating to the public health and to zoning. Each department shall make written recommendations to the Chief of Police, no later than 30 calendar days after receiving the referral. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.370 Determination by Chief of Police.

A. The Chief of Police is authorized to issue a junk dealer's license upon making findings consistent with the general policy of this article. Such findings shall include, at a minimum, the following:

1. That the premises to be used by the applicant as a junkyard conform to all applicable laws, including, but not limited to, the building, housing, health and safety, fire, and development codes of the City;

2. That the applicant has appropriate permits for welding, use of propane tanks, or cutting torches operated by compressed gases if the license holder will use such items in the business;

3. That the applicant has not been convicted of a crime involving the possession or theft of property, fraud, hazardous materials or the environment, or crimes related to the operation of a junk dealer; provided, however, the Chief of Police shall not take into account a conviction that occurred at least five (5) years prior to the date of the application and, as of the date of the application, at least five (5) years have elapsed since the applicant was released from any disability resulting from the conviction and the applicant has no subsequent convictions for a felony or misdemeanor offense involving the possession or theft of property, fraud, hazardous materials or the environment, or crimes related to the operation of a junk dealer;

4. That the proposed location of the business is a suitable place to carry on the business of junk dealer. In making this finding, the Chief of Police may take into consideration the effect of the issuance of the license on the surrounding inhabitants and businesses;

5. That the applicant has not had any license or permit to engage in a business or profession within the State of California revoked because of a violation of law or because of violation of regulations promulgated by the regulating agency having control or jurisdiction over the license or permit. However, the Chief of Police shall not consider any such revocation if it occurred at least five (5) years prior to the date of the application; and

6. That the applicant has not had civil penalties imposed by a court or other government agency related to the operation of a junk dealer business or relating to hazardous materials or the environment within the past five (5) years prior to the date of application.

B. Within 30 calendar days of receiving all of the recommendations from the departments, the Chief of Police shall, in writing, grant, conditionally grant, or deny the application. If the Chief denies the application, he or she shall include the reasons for the denial in the written determination. Failure of the Chief to act within the specified time shall not entitle the applicant to issuance of the license. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.375 License—Term.

The licenses provided for in this section shall be issued for a period of one (1) year from the date of issuance. (Ord. 2014-10-07-1501 C.S. § 1)

5.28.380 Appeal from denial of license.

The action of the Chief of Police in denying a junk dealer license may be appealed to the City Manager. The notice of appeal shall be in writing, and shall state the grounds for the appeal, admitting and denying those determinations of the Chief of Police included in the notice of denial. The notice of appeal shall be filed with the City Manager within 10 City business days after the denial of the license application. Upon failure to file such notice within the 10-day period, the action of the Chief of Police in denying the license shall be final and conclusive.

If the notice of appeal is timely filed, accompanied by payment of an appeal fee in an amount as may be established from time to time by resolution of the City Council, the City Manager shall schedule the matter for hearing. The City Manager may, in his or her sole discretion, hear the appeal, designate a member of City staff to hear the appeal, or submit the appeal to an administrative hearing officer. Except as otherwise provided in this article, the hearing shall be conducted in accordance with the provisions of Chapter 1.40 of this code. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.390 Name and place of business—Change of location.

No person granted a license pursuant to the provisions of this article shall operate under another name or in any location not specified on the license. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.400 Transfer of license.

No license issued pursuant to the provisions of this article shall be transferred to any other person or to any other location without the written consent of the Chief of Police; provided, however, that upon the death or incapacity of the licensee, the junkyard may continue for a reasonable period of time to allow for an orderly transfer of the license. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.410 Annual renewal.

The holder of a valid junk dealer license issued pursuant to the provisions of this article shall be entitled to have the license renewed annually in accordance with the following procedures:

- A. An application for renewal of any such license, verified in accordance with Section 5.28.250, shall be filed with the Chief of Police no later than 30 calendar days before the anniversary date of the license for which renewal is sought.
- B. The licensee shall include the following with the renewal application:
 1. Documentation of all notices of violation related to the operation of the business during the past year issued by any governmental entity, including the City, to the business, property owner, license holder, or employees;
 2. Documentation specifying corrective actions taken to address previous notices of violation or other conditions placed on the business;
 3. Documentation of criminal citations related to the operation of the business issued to the business, property owner, license holder or employees, including citations for failing to comply with State or local law applicable to junk dealers, or for receiving stolen property;

4. Updated information, if any, regarding the license holder or owner of the business, including change of address, change of ownership, or change of partnership or corporate status; and

5. If applicable, documentation proving that the license holder has valid permits for the use of welding equipment, propane tanks, or cutting torches operated by compressed gasses on the premises or as part of its business.

C. If based on the information specified in subsection B of this section, the licensee is in compliance with the requirements of this article, and if there have been no material changes in the operation of the junk dealer business that have not been previously approved by the City, the license shall be deemed renewed for another one (1) year period and the Chief of Police shall issue such renewal. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.420 Operations of junk dealer.

Each junk dealer and recycler shall maintain written records as required pursuant to California Business and Professions Code Section 21606 et seq., or as that section may be subsequently amended.

A. Inspection. Each junk dealer or recycler shall allow, during normal business hours, a periodic inspection of the premises pursuant to California Business and Profession Code Section 21606.5, or as that section may subsequently be amended.

B. Posting of License. The junk dealer license shall be posted in a conspicuous place at the junkyard.

C. Maintenance of Premises. Each junk dealer shall maintain the sidewalks, driveways and other areas adjacent to the premises clear of obstacles, trash and debris.

D. Loitering Near Premises. Each junk dealer shall take reasonable steps to ensure that its customers do not loiter in the areas adjacent to or near the premises. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.440 Prohibitions on particular purchases.

No person holding a junk dealer license shall purchase:

A. Any item from a seller who does not present at the time of the transaction a valid driver's license or other valid government-issued identification.

B. Automotive or mechanical parts that contain hazardous materials.

C. Goods where the license holder or employee has or should have reason to believe that the goods may be stolen. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.460 Cause for suspension or revocation of license.

A license issued to a junk dealer may be suspended or revoked at any time by the Chief of Police after a hearing for cause. "Cause" includes, but is not limited to:

- A. Violation of any of the provisions of this article, including violations by employees where the license holder knew or should have known of the violation.
- B. Refusal to permit any peace officer, or other authorized person, to inspect the premises as authorized pursuant to the Business and Professions Code.
- C. Violation of the Business and Professions Code of the State relating to the operations of junk dealers and recyclers.
- D. Violation of the Stockton Municipal Code, including, but not limited to, the building, housing, health and safety, fire, and development codes.
- E. Use of welding equipment, propane tanks, or cutting torches operated by compressed gasses without valid permits. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.470 Appeal of suspension or revocation of license.

A. Notice of Suspension or Revocation. The Chief of Police may initiate suspension or revocation proceedings by sending written notice setting forth the cause for the suspension or revocation, in accordance with Section 5.28.360. The notice shall be served by personal delivery or by certified mail, return receipt requested, to the licensee's business address as approved in the license.

B. Appeal of Suspension or Revocation. The action of the Chief of Police in suspending or revoking a junk dealer license shall be subject to an appeal. The notice of appeal shall be in writing, and shall state the grounds for the appeal, admitting and denying those determinations of the Chief of Police included in the notice of suspension or revocation. The notice of appeal shall be filed with the City Manager within 10 City business days after the denial of the license application.

Upon failure to file such notice within the 10-day period, the action of the Chief of Police in suspending or revoking the license shall be final and conclusive.

If the notice of appeal is timely filed, accompanied by payment of an appeal fee in an amount as may be established from time to time by resolution of the City Council, the City Manager shall schedule the matter for hearing with an Administrative Hearing Officer. Except as otherwise provided in this article, the hearing shall be conducted in accordance with the provisions of Chapter 1.40 of this code. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.480 Immediate suspension.

A. Notwithstanding any other provision of this article, the Chief of Police shall have the authority to suspend a junk dealer license immediately if the Chief determines, based on reasonable cause, that the junk business poses an immediate threat to the safety of the public or the employees. The suspension shall be accomplished by sending written notice setting forth the grounds for the suspension. The notice shall be served by personal delivery or by certified mail, return receipt requested, to the licensee's business address as approved in the license.

B. Within 24 hours after sending the notice to the license holder, the Chief shall transmit a copy of the notice, together with the reasons for the suspension, to the City Manager. Within 10 calendar days of service of the notice to the license holder, the City Manager shall schedule the matter for hearing, in accordance with Section 5.28.370(B). (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.490 Penalty.

Violation of the provisions of this chapter, with the exception of Section 5.28.360(E) and (F), shall be punishable as a misdemeanor by a fine not to exceed \$1,000.00 or by imprisonment in the County Jail not to exceed six (6) months or by both such fine and imprisonment. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.500 License fees.

Every person issued a license pursuant to the provisions of this article shall pay an annual license fee, payable in advance to the Finance Department. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)

5.28.510 Business license.

Nothing in this chapter negates the requirement for a valid business license issued in accordance with Chapters 5.04 through 5.20 of this title. (Ord. 2014-10-07-1501 C.S. § 1; Ord. 2014-02-25-1502 C.S. § 1)