

ORDINANCE NUMBER O- 17018 (NEW SERIES)

ADOPTED ON JAN 25 1988

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3,  
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING  
DIVISION 43, RELATING TO THE REGULATION OF  
MONEY EXCHANGE HOUSES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended by adding Division 43, Sections 33.4300, 33.4301, 33.4302, 33.4303, 33.4304, 33.4305, 33.4306, 33.4307, 33.4308, 33.4309, 33.4310 and 33.4311, to read as follows:

**DIVISION 43**

**MONEY EXCHANGE HOUSES**

**SEC. 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.

**SEC. 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.

**SEC. 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.

**SEC. 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.

**SEC. 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.

**SEC. 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.

**SEC. 33.4306 REGULATORY FEE**

In accordance with the policy of The City of San Diego, set forth in Section 33.0104, 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.

**SEC. 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.

**SEC. 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 as large as the largest number or letter modified and must include the true net rate of exchange. There can be no hidden charges to the 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 copy retained by the Money Exchange House for twelve (12) months and a copy mailed to the Chief of Police on a monthly 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.

#### **SEC. 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.

**SEC. 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.

**SEC. 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.

Section 2. This ordinance shall take effect and be in force on the ninetieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By Joseph M. Battaglinio  
Joseph M. Battaglinio  
Deputy City Attorney

JMB:lfs  
09/24/87  
REV. 01/12/88  
Or.Dept:Police  
O-88-60

#402

JAN 25 1988

Passed and adopted by the Council of The City of San Diego on .....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Bhanda B. Barnes*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

**JAN 11 1988**

**JAN 25 1988**

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Bhanda B. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17018** Adopted **JAN 25 1988**

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
1988 FEB 12 AM 11:23  
SAN DIEGO, CALIF. *sch*

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: RHONDA R. BARNES

IN THE MATTER OF  
AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF THE  
SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 43, RELATING  
TO THE REGULATION OF MONEY EXCHANGE HOUSES.

NO.

**ORDINANCE NUMBER O-17018 (NEW SERIES)**  
AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF  
THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION  
43, RELATING TO THE REGULATION OF MONEY EX-  
CHANGE HOUSES.  
The San Diego Municipal Code is amended by adding Division 43  
which regulates Money Exchange Houses as police regulated busi-  
nesses. No specific provision for the regulation of Money Exchange  
Houses existed prior to these amendments.  
The amendments list definitions, permit requirements and regula-  
tions, issuance or denial of permits, regulatory fees, business  
signs, receipts and monthly reporting requirements.  
The amendments require Money Exchange Houses to post signs  
showing the rates of exchange, as specified. They also require a  
receipt to be presented to each customer stating the rate of ex-  
change for the transaction, the amount of commissions or fees, the  
exchange rate after all fees and commissions have been  
deducted and the total amount of currency presented by the cus-  
tomer and the total amount returned to the customer. Failure to  
comply with any of the provisions of this Division is a misdemeanor.  
A complete copy of the ordinance is available for inspection in the  
City Clerk's Office, the City Clerk of the City of San Diego, 2nd Floor, City Ad-  
ministration Building, 202 "C" Street, San Diego, CA 92101.  
INTRODUCED ON 1/11/88  
Read and Adopted by the Council of The City of San Diego on  
FEBRUARY 9, 1988  
CERTIFICATED BY: MAUREEN O'CONNOR  
City Clerk of The City of San Diego, CA  
LES B. ABDELNOUR  
Deputy City Clerk of The City of San Diego, CA  
RHONDA R. BARNES, Deputy  
City Clerk

I, THOMAS D. KELLEHER, am a citizen  
of the United States and a resident of the County aforesaid; I am over the  
age of eighteen years, and not a party to or interested in the above- entitled  
matter. I am the principal clerk of the San Diego Daily Transcript, a  
newspaper of general circulation, printed and published daily, except  
Saturdays and Sundays, in the City of San Diego, County of San Diego, and  
which newspaper has been adjudged a newspaper of general circulation by  
the Superior Court of the County of San Diego, State of California, under  
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-17018 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was  
published in said newspaper on the following date(s), to wit:

FEB. 9

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 9 day of FEB., 1988.

*Thomas D. Kelleher*  
\_\_\_\_\_  
(Signature)

35 lines x .28 = 68.60  
3 1/8" x 2 x 10.78 = 67.38