

1 [Business and Tax Regulations Code - Parking Tax Exemption for Certain Parking Events on
2 School District Property]

3 **Ordinance amending the Business and Tax Regulations Code to exempt, from the**
4 **parking tax and certain other requirements, a limited number of special parking events**
5 **operated by volunteer-led non-profit organizations on School District property for the**
6 **benefit of San Francisco public schools and earning less than \$10,000 per event from**
7 **Rent; establishing Special School Parking Event Permits issued by the Tax Collector;**
8 **and establishing a sunset date.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

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

17 Section 1. The Business and Tax Regulations Code is hereby amended by adding
18 Section 608, to read as follows:

19 **SEC. 608. SPECIAL SCHOOL PARKING EVENT PERMITS.**

20 *(a) Findings.*

21 *(1) Business and Tax Regulations Code Articles 6, 9, and 22 require that Occupants of*
22 *Parking Stations pay a 25% tax that is collected and remitted to the City by parking Operators.*
23 *Operators must register with the City and meet other parking Operator requirements.*

24 *(2) Police Code Section 1215 requires that Commercial Parking Operators obtain an*
25 *annual permit.*

1 (3) Special parking events on San Francisco Unified School District (SFUSD) property,
2 operated by the volunteers of non-profit organizations, such as Parent Teacher Associations, constitute
3 a beneficial activity to supplement SFUSD school revenues that over the years have been drastically
4 reduced by State budget cuts.

5 (4) Requiring parent or other volunteers to register as parking Operators is a burden
6 on the volunteer organizers of these events, who are staging them for the sole benefit of SFUSD
7 schools.

8 (5) For volunteer organizers to be able to reap the full benefit of their efforts and help
9 the public schools to better meet the needs of their students, this Section 608 provides for Special
10 School Parking Event Permits.

11 (b) No tax shall be imposed on Rent for the occupancy of parking space in parking stations at
12 special school parking events, provided that the following requirements are met:

13 (1) The parking event is conducted on SFUSD property.

14 (2) The parking event is conducted by a volunteer-led organization having a formally
15 recognized exemption from income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code
16 of 1986, as amended.

17 (3) One hundred percent of the earnings from the parking event are for the sole benefit
18 of one or more San Francisco public schools. No part of the organization's earnings from the parking
19 event may inure to the benefit of any private shareholder or individual.

20 (4) The organization holds a Special School Parking Event Permit issued by the Tax
21 Collector to conduct the parking event, which must be publicly displayed during the operation of the
22 parking event.

23 (5) The gross revenue from the parking event does not exceed \$10,000.

24 (c) The Tax Collector or his or her designee may issue up to a maximum of 150 Special School
25 Parking Event Permits annually on a first come, first served basis, to the President, Chief

1 Administrative Officer, or the equivalent of the Second District PTA, for distribution to qualifying
2 organizations, for the purpose of conducting special school parking events that meet the requirements
3 of this Section 608. Each permit may be used to conduct only one special school parking event.
4 Special School Parking Event Permits are not transferrable and shall be valid only during the calendar
5 year in which they are issued. Any organization conducting a special school parking event must in
6 advance of the event notify the Tax Collector of the date and location of the special school parking
7 event and must have the permit available for inspection on-site during the event.

8 (d) The Tax Collector shall prescribe the form of the Special School Parking Event Permit
9 application. The Tax Collector or his or her designee shall determine whether an organization meets
10 the requirements of this Section 608 and is eligible to receive a permit. The Tax Collector shall not
11 charge any fee to apply for or obtain a Special School Parking Event Permit.

12 (1) The Second District PTA shall keep and preserve business records, including all
13 local, state, and federal tax returns of any kind, for a period of five years from the date the permit is
14 issued, and make the business records available to the Tax Collector or his or her designee as may be
15 necessary to determine the organization's eligibility and use of the Special School Parking Event
16 Permits.

17 (2) The Second District PTA shall submit annual returns on a form prescribed by the
18 Tax Collector. Required data shall include the number of permits received from the Tax Collector, the
19 number of special school parking events conducted and the date of each event, the rate charged for
20 parking at each event, and the dollar value of gross revenues for each event.

21 (3) Upon the request of the Tax Collector or his or her designee, the Second District
22 PTA shall produce such business records at the Tax Collector's Office during normal business hours
23 for inspection, examination, and copying. Refusal to allow full inspection, examination, or copying of
24 such records shall subject the organization to revocation of any existing permits and disqualify it from
25 eligibility for Special School Parking Event Permits in the future.

1 (e) An organization that collects Rent for occupancy of parking space for a special school
2 parking event pursuant to this Section 608 shall also be exempt from the requirement to obtain a
3 certificate of authority from the Tax Collector pursuant to Section 6.6-1(a) of Article 6, or to execute a
4 parking tax bond pursuant to Section 6.6-1(h) of Article 6, provided that the Operator demonstrates to
5 the satisfaction of the Tax Collector that it meets all of the requirements in Section 608(b).

6 (f) An organization that collects Rent for occupancy of parking space for a special school
7 parking event pursuant to this Section 608 shall be exempted from the Revenue Control Equipment
8 requirements in Article 22 of this Code.

9 (g) For each year for which the Special School Parking Event Permits authorized under this
10 Section 608 are available, the Tax Collector shall submit an annual report to the Board of Supervisors
11 that sets forth aggregate information regarding the dollar value of the gross revenues taken in each
12 year, the number of permits issued, and the parking tax revenue foregone.

13 (h) Expiration Date. This Section 608 shall expire by operation of law on December 31, 2025,
14 unless the Board of Supervisors or the voters re-enact by ordinance Section 608 prior to December 31,
15 2025. If this Section expires under this subsection (h), the Tax Collector shall not issue any Special
16 School Parking Event Permits after that expiration date, and the City Attorney shall cause this Section
17 to be removed from the Business and Tax Regulations Code.

18 (i) Severability. If any provision of this Section 608 or the application thereof to any person or
19 circumstance is held invalid, the remainder of the Section and the application of such provision to other
20 persons or circumstances shall not be affected thereby.

21
22 Section 2. Effective Date; Retroactivity.

23 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
24 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
25

1 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
2 Mayor's veto of the ordinance.

3 (b) This ordinance shall be retroactive to January 1, 2016.
4

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

7 By: 
8 Moe Jamil
9 Deputy City Attorney

n:\legana\as2016\1600361\01077190.docx

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160101

Date Passed: May 10, 2016

Ordinance amending the Business and Tax Regulations Code to exempt, from the parking tax and certain other requirements, a limited number of special parking events operated by volunteer-led non-profit organizations on School District property for the benefit of San Francisco public schools and earning less than \$10,000 per event from rent; establishing Special School Parking Event Permits issued by the Tax Collector; and establishing a sunset date.

April 27, 2016 Budget and Finance Sub-Committee - RECOMMENDED

May 03, 2016 Board of Supervisors - PASSED, ON FIRST READING

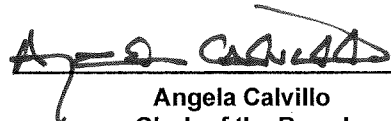
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

May 10, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160101

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 5/10/2016 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor

5/20/16
Date Approved