

FILE NO. 041588

ORDINANCE NO. 5-05

1 [License Fees.]
2

3 **Ordinance amending the San Francisco Municipal Code Business and Tax Regulations**
4 **Code by amending Sections 35, 120, 248, 249.1, and 249.12, and Health Code Section 258**
5 **relating to fees for licenses or permits for inspections by the Department of Public**
6 **Health.**

7 Note: Additions are single-underline italics Times New Roman;
8 deletions are ~~strikethrough italics Times New Roman~~.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. The San Francisco Municipal Code Business and Tax Regulations Code is
12 hereby amended by amending Sections 35, 120, 248, 249.1, and 249.12, to read as follows:

13 **SEC. 35. FEE FOR INSPECTION BY THE HEALTH DEPARTMENT.**

14 (A) Unless otherwise specifically provided, all fixed fees for inspection
15 or permits which involve the Health Department shall be payable in advance
16 annually. A filing fee of ~~(\$195)~~ ~~\$246~~ \$240 payable in advance to the Health
17 Department for each inspection for a permit is required for a first-time inspection of
18 a premises or thing if such inspection is requested or required as a condition of the
19 issuance of a first permit or of a first license, except applications for permits for
20 ambulances, refuse trucks, swill trucks, fumigation site surveillance, soft-serve ice
21 cream machines and hazardous material storage.

22 (B) When two or more food product and marketing establishments or
23 food preparation and service establishments, or any combination thereof, subject
24 to inspection are located on the same premises, are not contiguous to each other,
25

1 and are conducted by one owner whether person, firm or corporation, a permit
2 shall be required for each such establishment.

3 (C) When the owner or lessee of premises where said class or classes
4 of business are located or conducted does not directly or indirectly conduct the
5 same, the owner or lessee of said premises shall not be required to obtain a permit
6 for said premises or pay any fee imposed by this Section.

7 (D) A fee of ~~(\$50)~~ \$63 shall accompany any application for a special
8 event referred to in Section 452(b) of the San Francisco Health Code.

9 (E) Exemptions. The following establishments are exempt, as set
10 forth in Section 249.1 of this Code, from paying fees:

11 (1) Food preparation and service establishments used exclusively by
12 day care facilities for children.

13 (2) Food preparation and service establishments funded through the
14 San Francisco Commission on Aging for nutrition projects for older individuals.

15 (f) When the Health Department provides inspection services, whether in
16 response to a permit or license application or by request, a fee of ~~(\$110)~~ \$138
17 \$135 per hour will be charged. When these services are provided during
18 nonregular working hours, a fee of ~~(\$123)~~ \$155 per hour will be charged.
19 "Inspection services" includes but is not limited to reviewing plans and blueprints,
20 providing consultations and making site inspections. A bill for these services will be
21 issued to the person making the application or request and must be paid prior to
22 the Department providing the service. If the time expended exceeds what the
23 Department anticipated, the Department shall bill the applicant or person making
24 the request for the additional time expended and such person shall be responsible
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1 for paying that amount. Notwithstanding any other provision of this Section 35, all
2 fees for routine, nonenforcement related inspection services provided for solid
3 waste transfer station permit issuance and compliance review will be included in
4 the license fee required by Section 249.15 of this Article.

5 (g) When the Health Department, while in the process of conducting
6 inspections of businesses required to have a valid Permit To Operate, issued by
7 the Department of Public Health, finds violations of local, state law or federal law,
8 requiring follow up inspection(s) to determine if the documented violations have
9 been corrected, the permitted establishment is liable for payment to the San
10 Francisco Department of Public Health a fee of \$75 per half-hour of on-site
11 inspection services. Violations subject to reinspection fees include those listed as
12 high-risk violations on the Department of Public Health food inspection report.

13 (h) ~~(e)~~ (F) Application, and permit and inspection fees as provided for in
14 Sections 248 through 249.2 35, 120, 248, 249, 249.1, 249.2, 249.7, 249.12, 249.13
15 and 249.14 of the San Francisco Municipal Code Business and Tax Regulations
16 Code and Section 258 of the San Francisco Municipal Code Public Health Code for
17 fiscal years subsequent to 2000-01 2005-06 shall be adjusted each year from those
18 charged the previous fiscal year based on cost of living allowances (COLA) as
19 indicated in these code sections . Each year, the Controller shall review the fees
20 which would be charged in the next fiscal year and shall file a report with the Board
21 of Supervisors no later than May 15 along with a proposed ordinance readjusting
22 the fee rates as necessary to ensure that (A) the fees produce sufficient revenue to
23 support the costs of providing the services for which each fee is assessed, and (B)
24 the fees do not produce revenue which is significantly more than the costs of
25

1 providing the services for which each fee is assessed. The Department will perform
2 an annual review of the fees scheduled to be assessed the following fiscal year,
3 subject to review by the Controller. Should this review determine that any of the
4 scheduled fee revenues exceed program costs, a report will be filed with the Board
5 of Supervisors no later than May 15 along with a proposed ordinance readjusting
6 the fee rates as necessary to ensure that the fees do not produce more revenue
7 than required to recover the costs of operating the program. (Ord. 270-85, App.
8 5/30/85; amended by Ord. 443-86, App. 11/13/86; Ord. 341-88, App. 7/28/88; Ord.
9 244-91, App. 6/24/91; Ord. 207-93, App 6/25/93; Ord. 131-97, App. 4/18/97; Ord.
10 117-01, File No. 010515, App. 6/1/2001)

11
12 **SEC. 120. LAUNDRIES AND CLEANING AND DYEING WORKS.**

13 (A) Every owner, manager or lessee of a hand laundry will pay
14 the following license fee annually in the advance to the Tax Collector ~~(\$57)~~
15 \$72. \$70.

16 (B) Every owner, manager, or lessee of a wash laundry will pay
17 the following license fee annually in advance to the Tax Collector ~~(\$123)~~
18 \$155-\$151.

19 (C) Every owner, manager or lessee of a cleaning, dyeing or
20 cleaning and dyeing works will pay the following fee annually in advance:
21 ~~(\$15)~~ \$18.

22 (D) Every owner, manager or lessee of an automatic laundry
23 (mechanical, pay-to-operate, washing or dyeing machine) will pay the
24 following license fee annually in advance to the Tax Collector: ~~(\$19)~~
25

1 \$23plus ~~(\$7.00)~~ \$9 per machine.

2 (E) Every owner, manager or lessee of a laundry delivery
3 service will pay the following license fee annually in advance to the Tax
4 Collector: ~~(\$17)~~ \$21 per delivery vehicle per year.

5 The license fees prescribed by this Section are due and payable the first day of
6 January of each year. Fees for new licenses issued prior to January 1 shall be prorated to the
7 end of such calendar year on a monthly basis. ~~(Amended by Ord. 53-82, App. 2/11/82; Ord.~~
8 ~~369-88, App. 8/5/88; Ord 207-93, App. 6/25/93, Ord. 131-97, App. 4/18/97; Ord. 117-01, File~~
9 ~~No. 010515, App. 6/1/2001)~~

10 **SEC. 248. FOOD PRODUCT AND MARKETING ESTABLISHMENTS.**

11 The following fee for licenses is established for persons, firms or corporations engaged
12 in the conduct or operation of the handling, manufacture or sale of foodstuffs, annually
13 payable in advance to the Tax Collector.

14 CLASS	FEE	
15		
16		
17		
18 Class A. Food product and marketing establishments without food		
19 preparation with a total square footage of:		
20		
21 Less than 5,001 square feet ((373))		469 <u>459</u>
22 5,001 square feet to 10,000 ((490))		616 <u>603</u>
23 square feet		
24 10,001 square feet to 20,000 ((612))		769 <u>753</u>

1	square feet		
2	Greater than 20,000 square	((744))	935 <u>915</u>
3	feet		
4	Class B. Food product and marketing establishments with food preparation		
5	with a total square footage of:		
6			
7	Less than 5,001	((400))	503 <u>492</u>
8	square feet		
9	5,001 square feet to 10,000	((520))	654 <u>640</u>
10	square feet		
11	10,001 square feet to 20,000	((635))	798 <u>781</u>
12	square feet		
13	Greater than 20,000 square	((757))	955 <u>931</u>
14	feet		
15	Class C. Retail bakeries with total square		
16	footage of:		
17	Less than 2,001	((410))	516 <u>504</u>
18	square feet		
19	Greater than 2,000 square	((423))	532 <u>520</u>
20	feet		
21	Class D. Produce	((412))	518 <u>507</u>
22	stand		
23	Class E. Certified farmers	((416))	524 <u>512</u>
24	market		
25			

1	Class F. Wholesale food	((400))	503 <u>492</u>
2	markets		
3	Class G. Food manufacturing	((412))	518 <u>507</u>
4	or processing		
5	Class H. Food Product and marketing establishments with an inventory of		
6	food at cost		
7	in stock as of the first day of		
8	April:		
9	Less than	((69))	87 <u>85</u>
10	\$1,000		
11	((Greater than \$1,000))	((491))	618 <u>604</u>
12	\$1,000 or greater		
13			
14	Class I. Food product and marketing establishments in stadiums, arenas		
15	or auditoriums		
16	with a seating capacity of	((391))	<u>516</u>
17	25,000 or more.		

19 The license fees prescribed in this Section are due and payable annually in advance on
20 the first day of September of each year.

21 Fees for new licenses issued prior to, or after September 1, shall be prorated on a
22 monthly basis. ~~(Amended by Ord. 95-84, App. 3/8/84; Ord. 369-88, App. 8/5/88; Ord. 244-91,
23 App. 6/24/91; Ord. 207-93, App. 6/25/93; Ord. 131-97, App. 4/18/97; Ord. 117-01, File No.
24 010515, App. 6/1/2001)~~

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1 **SEC. 249.1. FOOD PREPARATION AND SERVICE ESTABLISHMENTS.**

2 Every person, firm or corporation engaged in the business of operating food
3 preparation and service establishments, as defined in Section 451 of the San Francisco
4 Health Code, that require permits from the Health Department shall pay an annual license fee
5 to the Tax Collector as follows:

6

7 (a) CLASS		FEE
8		
9		
10		
11 Class A. Food preparation and service establishments with a total square		
12 footage of:		
13 Less than 1,000 square feet	((510))	642 <u>627</u>
14 1,000 square feet to 2,000	((674))	848 <u>829</u>
15 square feet		
16 Greater than 2,000 square	((773))	972 <u>951</u>
17 feet		
18 Class B. Bar or	((605))	761 <u>744</u>
19 tavern		
20 Class C. Take-out	((611))	768 <u>752</u>
21 establishments		
22 Class D. Fast food	((693))	872 <u>852</u>
23 establishments		
24 Class E. Catering	((595))	748 <u>732</u>
25		

1	facility		
2	Class F. Temporary	((95))	<u>120 117</u>
3	facility		
4	Class G. Food demonstration	((85))	<u>107 105</u>
5	Class H. Commissary	((580))	<u>729 713</u>
6	Class I. Pushcart on private	((483))	<u>607 594</u>
7	property		
8	Class J. Stadium concession	((410))	<u>516 504</u>
9	Class K. Vending	((116))	<u>149 143</u>
10	machines		
11	Class L. Bed and breakfast	((655))	<u>824 806</u>
12	establishment		
13	Class M. Boarding	((158))	<u>198 194</u>
14	house		
15	Class N. Private school	((193))	<u>243 237</u>
16	cafeteria		
17	Class O. Hospital	((616))	<u>774 758</u>
18	kitchen		

19

20 The license fees prescribed in this Section are due and payable on an annual basis

21 commencing April 1, 1984. Fees for new licenses issued prior to, or after April 1, shall be

22 prorated on a monthly basis.

23 (b) Exemptions. The following establishments are exempt from paying the fees

24 required by this Section:

25

1 (l) Food preparation and service establishments used exclusively by day care facilities
2 for children are exempt from paying the fees required by this Section.

3 For the purpose of this subsection, a "day care facility for children" shall mean a
4 "community care facility" licensed pursuant to the provisions of Chapter 3, Division 2 of the
5 California Health and Safety Code (commencing at Section 1500) which provides nonmedical
6 care to children in need of personal services, supervision, or assistance essential for
7 sustaining the activities of daily living or for the protection of the individual on less than a 24-
8 hour basis, or a "family day care home for children" licensed pursuant to the provisions of
9 Chapter 3.6, Division 2 of the California Health and Safety Code (commencing at Section
10 1597.50).

11 (2) Food preparation and service establishments funded through the San Francisco
12 Commission on Aging for nutrition projects for older individuals.

13 ~~(c) Application, and permit and inspection fees as provided for in Sections 248 through~~
14 ~~249.2 35, 120, 248, 249.1, 249.7, 249.12, 249.13 and 249.14 of the San Francisco Municipal~~
15 ~~Code Business and Tax Regulations Code and Section 258 of the San Francisco Municipal~~
16 ~~Code Public Health Code for fiscal years subsequent to 2000-01-2005-06 shall be adjusted~~
17 ~~each year from those charged the previous fiscal year based on cost of living allowances~~
18 ~~(COLA) as indicated in these code sections. Each year, the Controller shall review the fees~~
19 ~~which would be charged in the next fiscal year and shall file a report with the Board of~~
20 ~~Supervisors no later than May 15 along with a proposed ordinance readjusting the fee rates~~
21 ~~as necessary to ensure that (A) the fees produce sufficient revenue to support the costs of~~
22 ~~providing the services for which each fee is assessed, and (B) the fees do not produce~~
23 ~~revenue which is significantly more than the costs of providing the services for which each fee~~
24 ~~is assessed. The Department will perform an annual review of the fees scheduled to be~~
25

1 assessed the following fiscal year. Should this review determine that any of the scheduled fee
2 revenues exceed program costs, a report will be filed with the Board of Supervisors no later
3 than May 15 along with a proposed ordinance readjusting the fee rates as necessary to
4 ensure that the fees do not produce more revenue than required to recover the costs of
5 operating the program. (Amended by Ord. 270-85, App. 5/30/85; Ord. 28-88, App. 1/28/88;
6 Ord. 369-88, App. 8/5/88; Ord. 444-88, App. 9/28/88; Ord. 244-91, App. 6/24/91; Ord. 207-93,
7 App. 6/25/93; Ord. 131-97, App. 4/18/97; Ord. 117-01, File No. 010515, App. 6/1/2001)

8 **SEC. 249.12. FOOD VENDING MACHINES.**

9 (a) Every person, firm, or corporation engaged in the business of operating food
10 vending machines shall pay a fee of ~~(((\$63))~~ \$149 ~~\$63.~~ Said fee is due and
11 payable on an annual basis starting October 1st.

12 (b) In addition to the fee prescribed in Subsection (a) of this Section every permittee
13 shall pay an annual fee of \$4 for each vending machine operated in said business.

14 The fee prescribed herein shall not be prorated.

15 (c) The fee prescribed in Subsection (b) of this Section shall be credited to the fee
16 payable in Subsection (a) but said credit shall not exceed \$60.

17
18 ~~Section 2. The San Francisco Health Code is hereby amended by amending~~
19 ~~Sections 258 to read as follows~~

20
21 ~~SEC. 258 LICENSE FEES.~~

22 ~~Upon approval of an application for a permit to engage in the practice of tattooing, the~~
23 ~~Director of Public Health shall forward the permit therefor to the Tax Collector, who, upon~~
24

1 payment of the license fee hereinafter provided shall issue the permit to the designated
2 permittee.

3 ~~Every person engaged in the business of conducting, managing, or operating any~~
4 ~~establishment for the practice of the art of tattooing and piercing shall pay a license fee of~~
5 ~~\$105 - \$120 per year, or for any portion of a year, payable annually in advance.~~

6
7 APPROVED AS TO FORM:

8 DENNIS J. HERRERA
9 City Attorney

10 By *Theodore R. Sakey*
11 ALEETA M. VAN RUNKLE
12 Deputy City Attorney

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City and County of San Francisco

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

Tails Ordinance

File Number: 041588

Date Passed:

Ordinance amending the San Francisco Municipal Code Business and Tax Regulations Code by amending Sections 35, 120, 248, 249.1, and 249.12, relating to fees for licenses or permits for inspections by the Department of Public Health.

December 14, 2004 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Peskin, Sandoval

Noes: 1 - Gonzalez

January 4, 2005 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick,
Peskin, Sandoval

Absent: 1 - Alioto-Pier

Excused: 1 - Daly

File No. 041588

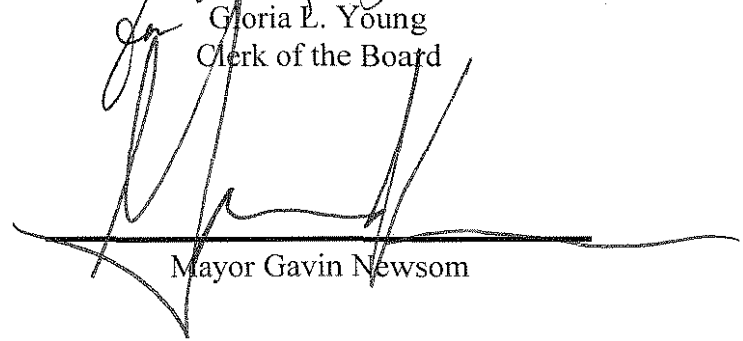
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on January 4, 2005
by the Board of Supervisors of the City and
County of San Francisco.

JAN 08 2005

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom