

1 [Chain Restaurant Surcharge.]

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3 **Ordinance adding Section 249.21 to the Business and Tax Regulations Code to impose**
4 **a surcharge on chain restaurants that qualify as food facilities under State law to**
5 **recover the Department of Public Health's costs of enforcing California Health and**
6 **Safety Code Sec. 114094 regarding disclosure of nutritional and calorie content**
7 **information, add provisions for the Controller to adjust fees annually, and making**
8 **environmental findings.**

9 NOTE: Additions are *single-underline italics Times New Roman*;
10 deletions are ~~*strike-through italics Times New Roman*~~.
11 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through normal~~.

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

13 Section 1. The Planning Department has determined that the actions contemplated in
14 this Ordinance are in compliance with the California Environmental Quality Act (California
15 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of
16 the Board of Supervisors in File No. _____ and is incorporated herein by reference.

17 Section. 2. The San Francisco Business and Tax Regulations Code is hereby
18 amended by adding Section 249.21, to read as follows:

19 **SEC. 249.21. FOOD FACILITY SURCHARGE.**

20 (a) Every person, firm or corporation engaged in the business of operating a Food Facility
21 shall pay a surcharge annually in advance to the Tax Collector in the amount of \$285. "Food Facility"
22 for purposes of this section shall have the same meaning set forth in California Health and Safety Code
23 Section 114094, or any successor provisions.

1 **(b) Beginning with fiscal year 2009-2010 and annually thereafter, the surcharge set forth in**
2 **this Section may be adjusted each year, without further action by the Board of Supervisors, as set forth**
3 **in this Section.**

4 **(c) Not later than April 1, the Director of Health, or his or her designee, shall report to the**
5 **Controller the revenues generated by the surcharge for the prior fiscal year and the prior fiscal year's**
6 **costs of operation, as well as any other information that the Controller determines appropriate to the**
7 **performance of the duties set forth in California Health and Safety Code Section 114094, or any**
8 **successor provisions. Not later than May 15, the Controller shall determine whether the current**
9 **surcharge has produced or is projected to produce revenues sufficient to support the costs of providing**
10 **the services for which the surcharge is assessed and that the surcharge will not produce revenue that is**
11 **significantly more than the costs of providing the services for which the surcharge is assessed. The**
12 **Controller shall, if necessary, adjust the surcharge upward or downward for the upcoming fiscal year**
13 **as appropriate to ensure that the program recovers the costs of operation without producing revenue**
14 **that is significantly more than such costs. The adjusted rates shall become operative on July 1.**

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16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By: _____
19 Cecilia T. Mangoba
20 Deputy City Attorney