

1 [Increasing Fire Department fees for street fairs.]

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3 **Ordinance amending Section 6.6 of the San Francisco Transportation Code to increase**  
4 **fees for Fire Department services, permits and inspections related to street fairs, to**  
5 **become operative on its effective date or on July 1, 2009, whichever is later, and**  
6 **making environmental findings.**

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

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

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

18 Section 2. The San Francisco Transportation Code is hereby amended by amending  
19 Section 6.6 to read as follows:

20 SEC. 6.6. TEMPORARY USE OF STREETS FOR STREET FAIRS.

21 (a) Definitions. For the purpose of this Section, the following definitions shall apply:

22 (1) To "issue" a permit is to deliver to an applicant for a street fair permit written  
23 permission to sponsor or hold a street fair at a specified date and location.

24 (2) "Sponsor" means that organization responsible for organizing a street fair and  
25 authorized to represent the street fair before City agencies and officials.

1 (3) A "street fair" means a social or community event, not including an athletic event or  
2 parade, in which any group of persons convene to celebrate their community or  
3 neighborhood on any street in the City which event obstructs or interferes with the  
4 normal flow of vehicular traffic.

5 (b) Applying for Temporary Use of Street for Street Fair. Notwithstanding any other  
6 provisions of this Code or the San Francisco Administrative Code, the regulation of  
7 street fairs, including the processes for obtaining permits from the City for conducting  
8 these street fairs and the payment of associated fees to the City, shall be governed by  
9 this Section. In order to provide for the safe, orderly and cost-effective conduct of street  
10 fairs, any organization seeking permission for the temporary use of a street for the  
11 purpose of conducting a street fair shall file an application with the Director of  
12 Transportation no later than 90 days prior to the proposed date for the event.

13 Applications shall be submitted on forms prepared by the Director of Transportation  
14 after conferring with the appropriate representatives from the Police Department, Fire  
15 Department, Department of Public Health, the Department of Public Works, and the  
16 Entertainment Commission. At the time of filing an application under this Section, the  
17 sponsoring organization shall also file an application fee established by the Municipal  
18 Transportation Agency Board of Directors.

19 (c) Timeliness of Applications. No person submitting an application after the deadlines  
20 set forth in this Article shall be granted permission to conduct a street fair on the dates  
21 requested unless the person demonstrates to the satisfaction of the Director of  
22 Transportation that the failure to submit a timely application was justified by  
23 extraordinary circumstances; provided, however, that in no event shall an applicant be  
24 permitted to file an application less than 60 days prior to the proposed date for the  
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1 event. Municipal Transportation Agency Board of Directors may establish a late fee to  
2 be assessed for untimely filed applications.

3 (d) Review of Application.

4 (1) Upon receiving an application for permission for the temporary use of a street for  
5 purposes of conducting a street fair, the Director of Transportation shall review the  
6 application to determine whether the information required in the application has been  
7 provided. If the Director of Transportation determines that the applicant has failed to  
8 provide the information required, the Director of Transportation shall, within five  
9 business days of receiving the application, notify the applicant of what additional  
10 information is required. If the applicant fails to provide the additional information  
11 required within five business days of notification by the Director of Transportation, the  
12 application shall be deemed to be untimely filed; provided, however, that upon good  
13 cause shown, the Director of Transportation may extend this five-day period. Except as  
14 provided in Subsection (2) of this Section, the Director of Transportation shall transmit  
15 the completed application to ISCOTT.

16 (2) If, upon reviewing the application, the Director of Transportation determines that  
17 the proposed street fair will be contained within one block in such a manner that no  
18 intersections will be closed, and that the proposed street fair will not require the  
19 rerouting of Municipal Railway vehicles, the Director of Transportation may grant the  
20 street fair permit without referring the application to ISCOTT; provided, however, that  
21 the Director of Transportation shall transmit copies of the applications to the constituent  
22 members of ISCOTT for informational purposes. The Director of Transportation will  
23 calculate the fee to be charged to the sponsor using the same schedule and in the  
24 same manner as prescribed in Subsection (f) of this Section. If such a street fair will  
25 include the sale of food or beverages, the appropriate permits shall be obtained from

1 the Department of Public Health no later than 14 days prior to the date of the event. If  
 2 such a street fair will include the use of propane or butane (liquefied petroleum gas),  
 3 open flames, pyrotechnics and fireworks, or tent or membrane structure, the  
 4 appropriate permits shall be obtained from the Fire Chief no later than 10 days prior to  
 5 the date of the event.

6 (e) Review by ISCOTT; Recommendation. Except as provided in Subsection (d)(2) of  
 7 this Section, no later than 60 days prior to the proposed date of the street fair, ISCOTT  
 8 shall review the application and shall recommend that the Director of Transportation  
 9 grant, deny, or grant with conditions the application for a permit. The Director of  
 10 Transportation may accept or reject the recommendation of ISCOTT, and may grant,  
 11 deny or grant with conditions the application for a permit. Upon granting permission to  
 12 conduct a street fair, the Director of Transportation shall cause all necessary permits to  
 13 be issued to the sponsor of the street fair. If the Director of Transportation denies  
 14 permission to conduct the street fair, the Director of Transportation shall state in writing  
 15 his or her reasons for the denial.

16 (f) Fee. No later than 60 days prior to the proposed date of the street fair and in  
 17 consultation with other City departments, ISCOTT shall determine the fee to be  
 18 charged for the permit according to the schedule below. No other fee for conducting a  
 19 street fair shall be required or assessed. All fees paid by the sponsors for street fair  
 20 permits shall be deposited in the City Treasury and allocated by the Controller to the  
 21 appropriate City departments. The fee shall be based on the actual costs to the City of  
 22 temporarily closing the street for the street fair, pursuant to the following fee schedule:

23 (1) Fire Department:

24 A) Application fee: . . . ~~\$135.00~~ \$330.00

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1 B) Inspection fee--Food vendors using propane, butane, charcoal  
2 briquettes or open flame:

3 (i) First Day of Street Fair:

4 1 to 10 food vendors: . . . ~~\$172.00~~\$468.00

5 11 to 20 food vendors: . . . ~~\$342.00~~\$936.00

6 21 to 30 food vendors: . . . ~~\$514.00~~\$1,404.00

7 31 food vendors and over: . . . ~~\$685.00~~\$1,872.00

8 (ii) Each Consecutive Day of Street Fair:

9 1 to 20 food vendors: . . . ~~\$172.00~~\$468.00

10 21 food vendors and over: . . . ~~\$342.00~~\$936.00

11 C) ~~LPG heaters: \$172.00 and \$43.00 for each hour after four hours of service.~~  
12 ~~Whenever an LPG heater is used in a tent where a public assembly event is held,~~  
13 ~~one inspector shall be on duty during the duration of the operation of the heater,~~  
14 ~~pursuant to Section 2501.18.1 of the Municipal Fire Code. Other activities at a~~  
15 ~~street fair that are regulated by the Fire Department will require operational~~  
16 ~~permits from the Department. Examples of regulated activities include but are~~  
17 ~~not limited to: The erection of tents, the use or storage of hazardous materials,~~  
18 ~~professional fireworks displays, and carnivals. Additional inspection fees may~~  
19 ~~also be required depending on the activity.~~

20 ~~D) Tents or membrane structures~~

21 ~~Permit fee: . . . \$153.00~~

22 ~~E) Fireworks or pyrotechnics~~

23 ~~Permit fee: . . . \$94.00~~

24 2) Department of Public Health: Application and permit fees payable to the Department  
25 of Public Health under this Section shall be the same as those charged for temporary

1 food permits for special events as governed by Section 249.11 of the Business and Tax  
2 Regulations Code.

3 3) Municipal Railway fee: Fee to be established by the Municipal Transportation  
4 Agency.

5 4) A) Street fairs where alcoholic beverages are served:  
6 100 percent of the projected Police Department costs incurred by reason of the street  
7 fair, subject to the following caps:

8 TABLE INSET:

ATTENDANCE	MAXIMUM FEE
0 to 100,000 patrons	\$5,494.07
100,001 to 250,000 patrons	\$10,988.14
More than 250,000 patrons	\$21,976.28

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15 The Police Department, working with the sponsor, shall provide an estimate of  
16 attendance for the event for purposes of determining the applicable cap.

17 B) Street fairs where alcoholic beverages are not served:

18 Police Department: 40 percent of the projected Police Department costs incurred by  
19 reason of the street fair; provided, that this fee shall not exceed \$2,793.49. ISCOTT  
20 shall waive all or part of this fee upon a showing that the sponsors of the event are  
21 unable to pay the full fee.

22 If the Director of Transportation grants the application for a permit, he or she shall  
23 transmit to the sponsor an invoice for the fee. The sponsor of the street fair shall make  
24 full payment of the fee no later than 10 days prior to the date of the event.

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1 (g) Insurance. Street fair sponsors shall be required to file with the Director of  
2 Transportation proof of insurance in accordance with Section 6.7(I).

3 (h) Conditions. In addition to any other conditions imposed by the Director of  
4 Transportation, any street fair conducted pursuant to this Article shall be subject to the  
5 conditions set forth in Section 6.7.

6 (i) Appeals. Any appeal from the denial of the issuance of a permit to conduct a street  
7 fair, from the imposition of conditions on the issuance of a permit, or the determination  
8 or refund of fees shall be to the Board of Supervisors. Such appeal shall be made by  
9 filing with the Clerk of the San Francisco Board of Supervisors, on a form provided by  
10 the Clerk of the Board, within 10 days of the Director of Transportation's approval or  
11 disapproval or the determination or refund of fees. The Board of Supervisors may  
12 establish a fee to be imposed upon the filing of any such appeal. Upon receipt, the  
13 Clerk of the Board shall set a time and place for hearing such appeal by the Board of  
14 Supervisors, which shall be at its next regular meeting in conformance with public  
15 notice requirements. At the appeal hearing, the appellant and Director of  
16 Transportation shall have an opportunity to present oral testimony and written materials  
17 in support of their positions. Upon hearing the appeal, and after any further  
18 investigation that the Board of Supervisors may request, the Board of Supervisors may  
19 affirm, reverse, or modify the Director of Transportation's decision on the issue  
20 appealed.

21 (j) Notice. The Director of Transportation shall transmit copies of the granting of  
22 permission to conduct a street fair to the Chief of Police, the Fire Chief, the Director of  
23 Public Works, the Executive Director of the Entertainment Commission, the Director of  
24 the Environmental Health Section of the Department of Public Health and the  
25 Superintendent of Emergency Hospital Service of the Department of Public Health.

1 (k) Authorization to Sell Goods; Unauthorized Sales. The sponsor of a street fair shall  
2 determine which individuals or organizations may sell goods or merchandise on a  
3 street that has been closed for the purposes of conducting a street fair, provided,  
4 however, that such authorization shall not be withheld on the basis of the race, sex,  
5 religion, creed, national origin or sexual orientation of the person seeking such  
6 authorization. Individuals seeking to sell goods or merchandise in a street that has  
7 been closed for the purpose of a street fair without the authorization of a sponsor may  
8 be cited for violating San Francisco Police Code Section 869 (peddling without a  
9 permit). Nothing in this Section shall be construed to deprive the Department of Public  
10 Health of its authority to determine that foods or beverages may be sold.

11 (l) Refund of Fees. If for any reason a sponsor cancels a proposed street fair, the  
12 sponsor shall be entitled to a refund of that portion of the fees paid, other than  
13 application fees, representing the costs saved by City departments by reason of the  
14 cancellation of the street fair.

15 (m) Annual Reports. No later than December 1st of each year, the Chief of Police and  
16 the Director of Transportation shall provide to the Board of Supervisors written reports  
17 setting forth in detail the Police Department and Municipal Transportation Agency's  
18 costs, respectively, associated with street fairs for that year.

19 (n) Annual Adjustment of Fees. Fees set in this Section, including the caps on fees for  
20 police services, may be adjusted each year, without further action by the Board of  
21 Supervisors or the Municipal Transportation Agency Board of Directors, to reflect  
22 changes in the relevant Consumer Price Index, as determined by the Controller. No  
23 later than April 15th of each year, the officer, department, or agency administering the  
24 fees shall submit its current fee schedule to the Controller, who shall apply the  
25 Consumer Price Index adjustment to produce a new fee schedule for the following

1 year. No later than May 15th of each year, the Controller shall file a report with the  
2 Board of Supervisors and the Municipal Transportation Agency Board of Directors  
3 reporting the new fee schedule and certifying that: (a) the fees produce sufficient  
4 revenue to support the costs of providing the services for which each fee is assessed,  
5 and (b) the fees do not produce revenue which is significantly more than the costs of  
6 providing the services for which each fee is assessed.

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8 Section 3. This ordinance shall become operative on its effective date or on July 1,  
9 2009 whichever is later.

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

By: \_\_\_\_\_  
KATHARINE HOBIN PORTER  
Deputy City Attorney