

1 [License Fees.]

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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, relating to fees for licenses**
5 **or permits for inspections by the Department of Public Health.**

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

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

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

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

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

20 (B) When two or more food product and marketing establishments or food preparation
21 and service establishments, or any combination thereof, subject to inspection are located on
22 the same premises, are not contiguous to each other, and are conducted by one owner
23 whether person, firm or corporation, a permit shall be required for each such establishment.

24 (C) When the owner or lessee of premises where said class or classes of business are
25 located or conducted does not directly or indirectly conduct the same, the owner or lessee of

1 said premises shall not be required to obtain a permit for said premises or pay any fee
2 imposed by this Section.

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

5 (E) Exemptions. The following establishments are exempt, as set forth in Section
6 249.1 of this Code, from paying fees:

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

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

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

23 (g) When the Health Department, while in the process of conducting inspections of businesses
24 required to have a valid Permit To Operate, issued by the Department of Public Health, finds
25 violations of local, state law or federal law, requiring follow up inspection(s) to determine if the

1 documented violations have been corrected, the permitted establishment is liable for payment to the
2 San Francisco Department of Public Health a fee of \$75 per half-hour of on-site inspection services.

3 (Ord. 270-85, App. 5/30/85; amended by Ord. 443-86, App. 11/13/86; Ord. 341-88, App.
4 7/28/88; Ord. 244-91, App. 6/24/91; Ord. 207-93, App 6/25/93; Ord. 131-97, App. 4/18/97;
5 Ord. 117-01, File No. 010515, App. 6/1/2001)

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7 **SEC. 120. LAUNDRIES AND CLEANING AND DYEING WORKS.**

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

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

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

14 (D) Every owner, manager or lessee of an automatic laundry (mechanical, pay-
15 to-operate, washing or dyeing machine) will pay the following license fee annually in advance
16 to the Tax Collector: ~~((\$19))~~ \$23 plus ~~((\$7.00))~~ \$9 per machine.

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

20 The license fees prescribed by this Section are due and payable the first day of
21 January of each year. Fees for new licenses issued prior to January 1 shall be prorated to the
22 end of such calendar year on a monthly basis. (Amended by Ord. 53-82, App. 2/11/82; Ord.
23 369-88, App. 8/5/88; Ord 207-93, App. 6/25/93, Ord. 131-97, App. 4/18/97; Ord. 117-01, File
24 No. 010515, App. 6/1/2001)

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

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

4 **CLASS FEE**

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 6 Class A. Food product and marketing establishments without food preparation with a total square footage of:

7	Less than 5,001 square feet	((373))	<u>469</u>
8	5,001 square feet to 10,000 square feet	((490))	<u>616</u>
9	10,001 square feet to 20,000 square feet	((612))	<u>769</u>
10	Greater than 20,000 square feet	((744))	<u>935</u>

11 Class B. Food product and marketing establishments with food preparation with a total square footage of:

12	Less than 5,001 square feet	((400))	<u>503</u>
13	5,001 square feet to 10,000 square feet	((520))	<u>654</u>
14	10,001 square feet to 20,000 square feet	((635))	<u>798</u>
15	Greater than 20,000 square feet	((757))	<u>955</u>

16 Class C. Retail bakeries with total square footage of:

17	Less than 2,001 square feet	((410))	<u>516</u>
18	Greater than 2,000 square feet	((423))	<u>532</u>

19 Class D. Produce stand 518

20 Class E. Certified farmers market 524

21 Class F. Wholesale food markets 503

22 Class G. Food manufacturing or processing 518

23 Class H. Food Product and marketing establishments with an inventory of food at cost
 24 in stock as of the first day of April:

25	Less than	((69))	<u>87</u>
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1 \$1,000
 2 ~~((Greater than \$1,000)) \$1,000 ~~((491))~~ 618
 3 or greater~~

4 Class I. Food product and marketing establishments in stadiums, arenas
 5 or auditoriums
 6 with a seating capacity of ~~((391))~~ 516
 7 25,000 or more.

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

10 Fees for new licenses issued prior to, or after September 1, shall be prorated on a
 11 monthly basis. (Amended by Ord. 95-84, App. 3/8/84; Ord. 369-88, App. 8/5/88; Ord. 244-91,
 12 App. 6/24/91; Ord. 207-93, App. 6/25/93; Ord. 131-97, App. 4/18/97; Ord. 117-01, File No.
 13 010515, App. 6/1/2001)

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

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

(a) CLASS	FEE
19 Class A. Food preparation and service establishments with a total square 20 footage of:	
21 Less than 1,000 square feet ((510))	<u>642</u>
22 1,000 square feet to 2,000 23 square feet ((674))	<u>848</u>
24 Greater than 2,000 square 25 feet ((773))	<u>972</u>
Class B. Bar or ((605))	<u>761</u>
Class C. Take-out ((611))	<u>768</u>
Class D. Fast food ((693))	<u>872</u>
establishments	

1	Class E. Catering facility	((595))	<u>748</u>
2	Class F. Temporary facility	((95))	<u>120</u>
3	Class G. Food demonstration	((85))	<u>107</u>
4	Class H. Commissary	((580))	<u>729</u>
5	Class I. Pushcart on private property	((483))	<u>607</u>
6	Class J. Stadium concession	((410))	<u>516</u>
7	Class K. Vending machines	((116))	<u>149</u>
8	Class L. Bed and breakfast establishment	((655))	<u>824</u>
9	Class M. Boarding house	((158))	<u>198</u>
10	Class N. Private school cafeteria	((193))	<u>243</u>
11	Class O. Hospital kitchen	((616))	<u>774</u>

11 The license fees prescribed in this Section are due and payable on an annual basis
12 commencing April 1, 1984. Fees for new licenses issued prior to, or after April 1, shall be
13 prorated on a monthly basis.

14 (b) Exemptions. The following establishments are exempt from paying the fees
15 required by this Section:

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

18 For the purpose of this subsection, a “day care facility for children” shall mean a
19 “community care facility” licensed pursuant to the provisions of Chapter 3, Division 2 of the
20 California Health and Safety Code (commencing at Section 1500) which provides nonmedical
21 care to children in need of personal services, supervision, or assistance essential for
22 sustaining the activities of daily living or for the protection of the individual on less than a 24-
23 hour basis, or a “family day care home for children” licensed pursuant to the provisions of
24 Chapter 3.6, Division 2 of the California Health and Safety Code (commencing at Section
25 1597.50).

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

3 (c) Application, ~~and~~ permit and inspection fees as provided for in Sections ~~248 through~~
4 ~~249.2 35, 120, 248, 249.1, 249.7, 249.12, 249.13 and 249.14 of the San Francisco Municipal Code~~
5 Business and Tax Regulations Code and Section 258 of the San Francisco Municipal Code Public
6 Health Code for fiscal years subsequent to ~~2000-01~~ 2005-06 shall be adjusted each year from
7 those charged the previous fiscal year based on cost of living allowances (COLA) as indicated in
8 these code sections. ~~Each year, the Controller shall review the fees which would be charged in the~~
9 ~~next fiscal year and shall file a report with the Board of Supervisors no later than May 15 along with a~~
10 ~~proposed ordinance readjusting the fee rates as necessary to ensure that (A) the fees produce sufficient~~
11 ~~revenue to support the costs of providing the services for which each fee is assessed, and (B) the fees do~~
12 ~~not produce revenue which is significantly more than the costs of providing the services for which each~~
13 ~~fee is assessed. The Department will perform an annual review of the fees scheduled to be assessed the~~
14 ~~following fiscal year. Should this review determine that any of the scheduled fee revenues exceed~~
15 ~~program costs, a report will be filed with the Board of Supervisors no later than May 15 along with a~~
16 ~~proposed ordinance readjusting the fee rates as necessary to ensure that the fees do not produce more~~
17 ~~revenue than required to recover the costs of operating the program.~~ (Amended by Ord. 270-85,
18 App. 5/30/85; Ord. 28-88, App. 1/28/88; Ord. 369-88, App. 8/5/88; Ord. 444-88, App. 9/28/88;
19 Ord. 244-91, App. 6/24/91; Ord. 207-93, App. 6/25/93; Ord. 131-97, App. 4/18/97; Ord. 117-
20 01, File No. 010515, App. 6/1/2001)

21 **SEC. 249.12. FOOD VENDING MACHINES.**

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

1 ~~(b) In addition to the fee prescribed in Subsection (a) of this Section every permittee shall pay~~
2 ~~an annual fee of \$4 for each vending machine operated in said business. The fee prescribed~~
3 ~~herein shall not be prorated.~~

4 (c) ~~The fee prescribed in Subsection (b) of this Section shall be credited to the fee payable in~~
5 ~~Subsection (a) but said credit shall not exceed \$60.~~ (Amended by Ord. 279-22, App.
6 9/28/72; Ord. 207-93, App. 6/25/93)

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8 APPROVED AS TO FORM:

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11 By _____
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13 Deputy City Attorney

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