[Health, Business and Tax Regulations Codes - Annual Retail Food Special Event Permit]

Ordinance amending the Health and Business and Tax Regulations Codes to create a new annual retail food permit for food operators participating in special events and set the fees for the new permit.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.

Additions to Codes are in single-underline italics Times New Roman font.

Deletions to Codes are in strikethrough italics Times New Roman font.

Board amendment additions are in double-underlined Arial font.

Board amendment deletions are in strikethrough Arial font.

Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Health Code is hereby amended by revising Section 452 of Article 8, to read as follows:

SEC. 452. PERMIT REQUIRED.

(g) Applications for temporary permits to operate special events shall be submitted no later than *fourteen* (14) calendar days prior to the commencement of the event along with the applicable filing fees listed in Section 249.11(c) of the Business and Tax Regulations Code of the City and County of San Francisco. If the application and/or filing fees are submitted less than *fourteen* (14) calendar days prior to the commencement of the event, the applicant shall pay an additional *fifty percent* (50%) of the filing fee as a late charge before the application can be processed or approved. Applications and/or fees (including any late charges) *that which* are submitted seven (7) calendar days or less prior to the commencement

of the event <u>may, at the Department's discretion, not</u> be processed. <u>This subsection (g) shall</u> not apply to annual permits to operate special events when the applicant pays the annual permit fee provided in Section 249.11(d) of the Business and Tax Regulations Code.

Section 2. The Business and Tax Regulations Code is hereby amended by revising Section 249.11 of Article 2, to read as follows:

SEC. 249.11. TEMPORARY <u>AND ANNUAL</u> PERMITS <u>FORAND</u> SPECIAL EVENT<u>S</u> PERMITS; FEES.

- (a) Temporary permits, <u>effective for a period of one to 90 days, and annual permits</u> will be granted by the Department of Public Health <u>("Department")</u> to operate establishments under Section 248 Food Product and Marketing Establishments and Section 249.1 Food Preparation and Service Establishments <u>for a fee equivalent to the hourly rate of an Environmental Health Inspector, which will be effective for a period of one to 45 days.</u>
- (b) Business concerns whose regular sales activities concern products or commodities other than food, but sell or give away food periodically for sales promotion purposes shall obtain <u>either</u> a temporary <u>or annual</u> permit prescribed by this Section <u>249.11</u>.
- (c) <u>Temporary</u> Special Event permits will be granted by the Department of Public

 Health to operate special events referred to in Section 451(i) and 452(g) of the <u>San Francisco</u>

 Health Code upon payment of fees listed as follows:
 - (1) Application fees *for fiscal year 2008-09*, per event:
 - (A) Event sponsor: \$1<u>8</u>*2*0;
- (B) Food operator, \$24, where all food sold or distributed and the method of processing the food is considered to be low in potential hazard by the Department: \$50 of Public Health;

- (C) Food operator, \$83, where any food sold or distributed or the method of processing the food is considered to be high in potential hazard by the Department: \$130 of Public Health;
 - (2) Permit fees *for fiscal year 2008-2009*, per location:
- (A) \$7442 for up to two days, and \$5012 for each additional day, where all food sold or distributed and the method of processing the food is considered to be low in potential hazard by the Department of Public Health;
- (B) $\$\underline{11472}$ for up to two days, and $\$\underline{5024}$ for each additional day, where any food sold or distributed or the method of processing the food is considered to be high in potential hazard by the Department-of Public Health.
- (d) Annual Special Event permits will be granted by the Department to operate at special events referred to in Sections 451 and 452(g) of the Health Code upon payment of the fees listed as follows:

(1) Application fees:

(A) Food operator, where all food sold or distributed and the method of	ſ
processing the food is considered to be low in potential hazard by the Department: \$401;	
(B) Food operator, where any food sold or distributed or the method o	<u>f</u>
processing the food is considered to be high in potential hazard by the Department: \$401.	
(2) Permit fees:	
(A) Food operator, where all food sold or distributed and the method of	<u>f</u>

processing the food is considered to be low in potential hazard by the Department: \$353;

(B) Food operator, where any food sold or distributed or the method of processing the food is considered to be high in potential hazard by the Department: \$588.

The annual fees set forth in this subsection (d) shall be paid annually on or before March 31, in accordance with Section 76.1 of the Business and Tax Regulations Code.

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(e) Beginning with fiscal year 2025-2026 and annually thereafter, the fees set forth in this Section 249.11 may be adjusted each year, without further action by the Board of Supervisors, as set forth in this subsection (e). Not later than April 1, the Department shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in this Section. Not later than May 15, the Controller shall determine whether the current fees have produced or are projected to produce revenues sufficient to support the costs of providing the services for which the fee is assessed and that the fees will not produce revenue that is significantly more than the costs of providing the services for which the fee is assessed. The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of operation without producing revenue that is significantly more than such costs. The adjusted rates shall become operative on July 1.

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

By: /s/ Henry L. Lifton HENRY L. LIFTON Deputy City Attorney

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City and County of San Francisco Tails

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

Ordinance

File Number:

240406

Date Passed: July 23, 2024

Ordinance amending the Health and Business and Tax Regulations Codes to create a new annual retail food permit for food operators participating in special events and set the fees for the new permit.

June 05, 2024 Budget and Finance Committee - CONTINUED TO CALL OF THE CHAIR

July 10, 2024 Budget and Finance Committee - RECOMMENDED

July 16, 2024 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

July 23, 2024 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 240406

I hereby certify that the foregoing **Ordinance was FINALLY PASSED on** 7/23/2024 by the Board of Supervisors of the City and County of San Francisco.

Clerk of the Board

London N. Breed Mayor

Date Approved