

1 [Cholorfluorocarbon Recovery and Recycling Fees.]

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3 **Ordinance amending Section 1412 of San Francisco Health Code Article 24 to increase**
4 **fees for permitting and inspections by the Department of Public Health and making**
5 **environmental findings.**

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. Section 1. Findings.

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

15 Section 2. The San Francisco Health Code is hereby amended by amending Section
16 1412, to read as follows:

17 **SEC. 1412. FEE SCHEDULE.**

18 (a) The Department shall collect the following fees:

19 (1) ~~*\$79 for fiscal year 2004 (beginning July 1, 2004), \$83 for fiscal year 2005 (beginning July*~~
20 ~~*1, 2005), \$88 for fiscal year 2006 (beginning July 1, 2006)*~~ \$92 for processing permit applications
21 and associated administration activities undertaken by the Department; and

22 (2) ~~*\$137 for fiscal year 2004 (beginning July 1, 2004), \$145 for fiscal year 2005 (beginning*~~
23 ~~*July 1, 2005), \$153 for fiscal year 2006 (beginning July 1, 2006)*~~ \$167 per hour or each portion
24 thereof for inspections and associated administrative activities, including enforcement
25 activities pursuant to Section 1409.

1 (b) A notice of payment due shall be sent by the Department to the permittee, the
2 violator, and the owner of the property, advising as to the amount of any fee and containing
3 the following information:

4 (1) The date and location of the Department's inspection;

5 (2) The amount of the fee;

6 (3) A statement advising the addressee that he or she is liable under this Article for
7 the fee in the amount indicated in the notice and that payment to the City is due within 30
8 days of the mailing date of the notice;

9 (4) A statement advising the addressee that a penalty of 10 percent plus interest at
10 the rate of one percent per month on the outstanding balance shall be added to the costs from
11 the date that payment is due under Subsection (b)(3);

12 (5) A statement advising the owner of the establishment that if payment of the costs is
13 not received within 90 days of the mailing date, a lien may be imposed on the property of the
14 owner which is an establishment subject to the provisions of this Article; and

15 (6) A statement that the addressee or property owner may appeal the fee
16 determination contained in the notice of payment due to the Director. Said appeal must be
17 filed in writing with the Department no later than 30 days after the date the notice of payment
18 due is issued. The Director's decision on the appeal shall be final.

19 (c) If full payment of the costs is not received within 30 days after the notice of
20 payment due was sent, a second notice of payment due shall be sent by the Department to
21 the addressees of the previous notice. The second notice shall state that the generator and
22 property owner are liable for the payment of the costs indicated on the notice.

23 (d) If full payment of the costs is not received within 30 days after the second notice of
24 payment due was sent, a third (and final) notice of payment due shall be sent by the
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1 Department. The third notice shall state that addressees are liable for the payment of the
2 costs indicated on the notice and that if payment of such costs is not received within 30 days
3 of the mailing date of the third notice, a lien may be imposed on the subject property pursuant
4 to the provisions of this Article.

5 (e) If payment is not received within 30 days after mailing the third notice, the
6 Department shall initiate lien proceedings pursuant to the provisions of Article XX of Chapter
7 10 of the San Francisco Administrative Code.

8 (f) Beginning with fiscal year 2007-2008, no later than April 15 of each year, the
9 Controller shall adjust the fees provided in this Article to reflect changes in the relevant
10 Consumer Price Index, without further action by the Board of Supervisors. In adjusting the
11 fees, the Controller may round these fees up or down to the nearest dollar, half-dollar or
12 quarter-dollar. The Director shall perform an annual review of the fees scheduled to be
13 assessed for the following fiscal year and shall file a report with the Controller no later than
14 May 1st of each year, proposing, if necessary, an adjustment to the fees to ensure that costs
15 are fully recovered and that fees do not produce significantly more revenue than required to
16 cover the costs of operating the program. The Controller shall adjust fees when necessary in
17 either case.

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

20 By: _____
21 CECILIA T. MANGOBA
22 Deputy City Attorney

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