

1 [License And Permit Fees.]

2
3 **Ordinance amending the San Francisco Business and Tax Regulations Code by**
4 **amending Sections 35, 120, 248, 249.1, 249.7, 249.11, 249.12, 249.13, 249.14, 249.16, and**
5 **249.20; and the San Francisco Health Code by amending Sections 258, 1009.54, 1927,**
6 **and 3304 relating to fees for licenses, permits and inspections by the Department of**
7 **Public Health.**

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.
Board amendment deletions are ~~strikethrough normal~~.

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

12 Section 1. Findings.

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

17 Section 2. The San Francisco Municipal Code Business and Tax Regulations Code is
18 hereby amended by amending Sections 35, 120, 248, 249.1, 249.7, 249.11, 249.12, 249.13,
19 249.14, 249.16 and 249.20 to read as follows:

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

21 (a) Unless otherwise specifically provided, all fixed fees for inspection or permits
22 which involve the Health Department shall be payable in advance annually. A filing fee of
23 ~~\$240~~\$298 payable in advance to the Health Department for each inspection for a permit is
24 required for a first-time inspection of a premises or thing if such inspection is requested or
25 required as a condition of the issuance of a first permit or of a first license, except applications

3000 1001 - 3 BA 1:11
RECEIVED

1 for permits for ambulances, refuse trucks, swill trucks, fumigation site surveillance, soft-serve
2 ice cream machines and hazardous material storage.

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

7 (c) When the owner or lessee of premises where said class or classes of business are
8 located or conducted does not directly or indirectly conduct the same, the owner or lessee of
9 said premises shall not be required to obtain a permit for said premises or pay any fee
10 imposed by this Section.

11 (d) ~~A fee of \$63 shall accompany~~ Any application for a special event referred to in
12 Section 452(b) of the San Francisco Health Code shall be accompanied by fees set out in Section
13 249.11(c) of the San Francisco Business and Tax Regulations Code.

14 (e) Exemptions. The following establishments are exempt, as set forth in Section
15 249.1 of this Code, from paying fees:

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

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

20 (f) When the Health Department provides environmental health inspection services,
21 permit review, or training services, whether in response to a permit or license application or by
22 request, a fee of ~~\$135~~\$167 per hour will be charged for service by environmental health inspectors,
23 and a fee of \$150 per hour will be charged for service by environmental health technicians. When
24 these services are provided during nonregular working hours, a fee of ~~\$155~~174 per hour will be
25

1 charged. "Environmental Health Inspection services, permit review, or training services" includes
2 but is not limited to reviewing plans and blueprints, providing consultations and making site
3 inspections. A bill for these services will be issued to the person making the application or
4 request and must be paid prior to the Department's providing the service. If the time expended
5 exceeds what the Department anticipated, the Department shall bill the applicant or person
6 making the request for the additional time expended and such person shall be responsible for
7 paying that amount. Notwithstanding any other provision of this Section 35, all fees for routine,
8 nonenforcement-related inspection services provided for solid waste transfer station permit
9 issuance and compliance review will be included in the license fee required by Section 249.15
10 of this Article.

11 (g) When the Health Department, while in the process of conducting inspections of
12 businesses required to have a valid Permit To Operate, issued by the Department of Public
13 Health, finds violations of local, state law or federal law, requiring follow up inspection(s) to
14 determine if the documented violations have been corrected, the permitted establishment is
15 liable for payment to the San Francisco Department of Public Health a fee of \$75 per half-hour
16 of on-site inspection services. Violations subject to reinspection fees include those listed as
17 high-risk violations on the Department of Public Health food inspection report.

18 (h) ~~Application, permit and inspection fees as provided for in Sections 35, 120, 248, 249,~~
19 ~~249.1, 249.2, 249.7, 249.12, 249.13, and 249.14 of the San Francisco Municipal Code Business and~~
20 ~~Tax Regulations Code and Section 258 of the San Francisco Municipal Code Public Health Code for~~
21 ~~fiscal years subsequent to 2005-06 shall be adjusted each year from those charged the previous fiscal~~
22 ~~year based on cost of living allowances (COLA) as indicated in these Code Sections. The Department~~
23 ~~will perform an annual review of the fees scheduled to be assessed the following fiscal year, subject to~~
24 ~~review by the Controller. Should this review determine that any of the scheduled fee revenues exceed~~
25

1 ~~program costs, a report will be filed with the Board of Supervisors no later than May 15 along with a~~
2 ~~proposed ordinance readjusting the fee rates as necessary to ensure that the fees do not produce more~~
3 ~~revenue than required to recover the costs of operating the program. Beginning with fiscal year 2008-~~
4 ~~2009, fees set forth in Sections 35, 120, 248, 249, 249.1, 249.2, 249.6, 249.7, 249.8, 249.11, 249.12,~~
5 ~~249.13, 249.14, 249.15, 249.16, and 249.20 may be adjusted each year, without further action by the~~
6 ~~Board of Supervisors, as set forth in this Section.~~

7 Not later than April 1, the Director shall report to the Controller the revenues generated by the
8 fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other
9 information that the Controller determines appropriate to the performance of the duties set forth in this
10 Section.

11 Not later than May 15, the Controller shall determine whether the current fees have produced
12 or are projected to produce revenues sufficient to support the costs of providing the services for which
13 the fees are assessed and that the fees will not produce revenue that is significantly more than the costs
14 of providing the services for which the fees are assessed.

15 The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal
16 year as appropriate to ensure that the program recovers the costs of operation without producing
17 revenue which is significantly more than such costs. The adjusted rates shall become operative on July
18 1.

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

20 (a) Every owner, manager or lessee of a hand laundry will pay the following license
21 fee annually in advance to the Tax Collector: ~~\$70~~\$87.

22 (b) Every owner, manager or lessee of a wash laundry will pay the following license
23 fee annually in advance to the Tax Collector: ~~\$151~~\$187.

1 (c) Every owner, manager or lessee of a cleaning, dyeing or cleaning and dyeing
2 works will pay the following fee annually in advance: ~~\$18~~\$22.

3 (d) Every owner, manager or lessee of an automatic laundry (mechanical, pay-to-
4 operate, washing or dyeing machine) will pay the following license fee annually in advance to
5 the Tax Collector: ~~\$23~~\$29 plus ~~\$9~~\$11 per machine.

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

8 The license fees prescribed by this Section are due and payable the first day of
9 January of each year. Fees for new licenses issued prior to January 1st shall be prorated to
10 the end of such calendar year on a monthly basis.

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

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

15 Class Fee

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

18 Less than 5,001 square feet . . . ~~\$450~~\$560

19 5,001 square feet to 10,000 square feet . . . ~~603~~748

20 10,001 square feet to 20,000 square feet . . . ~~753~~934

21 Greater than 20,000 square feet . . . ~~915~~1,135

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

24 Less than 5,001 square feet . . . ~~492~~610

1 5,001 square feet to 10,000 square feet . . . 640794

2 10,001 square feet to 20,000 square feet . . . 781968

3 Greater than 20,000 square feet . . . 9311,154

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

5 Less than 2,001 square feet . . . 504625

6 Greater than 2,000 square feet . . . 520645

7 Class D. Produce stand . . . 507629

8 Class E. Certified farmers market . . . 512635

9 Class F. Wholesale food markets . . . 492610

10 Class G. Food manufacturing or processing . . . 507629

11 Class H. Food product and marketing establishments with an inventory of food at cost
12 in stock as of the first day of April:

13 Less than \$1,000 . . . 858105

14 Greater than \$1,000 . . . 604749

15 Class I. Food product and marketing establishments in stadiums, arenas or auditoriums
16 with a seating capacity of 25,000 or more . . . 516625

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

19 Fees for new licenses issued prior to, or after September 1st, shall be prorated on a
20 monthly basis.

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

22 Every person, firm or corporation engaged in the business of operating food
23 preparation and service establishments, as defined in Section 451 of the San Francisco
24
25

1 Health Code, that require permits from the Health Department shall pay an annual license fee
2 to the Tax Collector as follows:

3 (a) Class Fee

4 Class A. Food preparation and service establishments with a total square footage of:

5 Less than 1,000 square feet . . . ~~\$627~~\$777

6 1,000 square feet to 2,000 square feet . . . ~~829~~1,028

7 Greater than 2,000 square feet . . . ~~951~~1,179

8 Class B. Bar or tavern . . . ~~744~~923

9 Class C. Take-out establishment . . . ~~752~~932

10 Class D. Fast food establishment . . . ~~852~~1,056

11 Class E. Catering facility . . . ~~732~~908

12 Class F. Temporary facility . . . ~~117~~145

13 Class G. Food demonstrations . . . 105

14 Class H. Commissary . . . ~~713~~884

15 Class I. Pushcart on private property . . . ~~594~~737

16 Class J. Stadium concession . . . ~~504~~625

17 Class K. Vending machines . . . ~~143~~177

18 Class L. Bed and breakfast establishment . . . ~~806~~999

19 Class M. Boarding house . . . ~~194~~241

20 Class N. Private school cafeteria . . . ~~237~~294

21 Class O. Hospital kitchen . . . ~~758~~940

22 The license fees prescribed in this Section are due and payable on an annual basis
23 commencing April 1, 1984. Fees for new licenses issued prior to, or after April 1st, shall be
24 prorated on a monthly basis.
25

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

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

5 For the purpose of this subsection, a "day care facility for children" shall mean a
6 "community care facility" licensed pursuant to the provisions of Chapter 3, Division 2 of the
7 California Health and Safety Code (commencing at Section 1500) which provides nonmedical
8 care to children in need of personal services, supervision, or assistance essential for
9 sustaining the activities of daily living or for the protection of the individual on less than a 24-
10 hour basis, or a "family day care home for children" licensed pursuant to the provisions of
11 Chapter 3.6, Division 2 of the California Health and Safety Code (commencing at Section
12 1597.50).

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

15 **SEC. 249.7. SWIMMING POOLS.**

16 Every person, firm or corporation engaged in operating a swimming pool on a year-
17 round basis that requires a permit from the Health Department shall pay an annual license fee
18 of ~~\$255~~\$274 to the Tax Collector. Swimming pools that require a permit from the Health
19 Department which operate less than six months per year shall pay an annual license fee of
20 ~~\$219~~\$235 per year to the Tax Collector.

21 The license fee shall be due and payable annually in advance on the first day of
22 October of each year. Fees for licenses issued prior to or after October 1st, shall be prorated
23 on a monthly basis. License fees paid hereunder shall not be refundable because of
24 revocation of license, discontinuance of operation or sale or transfer of the swimming pool.
25

1 **SEC. 249.11. TEMPORARY PERMITS AND SPECIAL EVENT PERMITS; FEES.**

2 (a) Temporary permits will be granted by the Department of Public Health to operate
3 establishments under Section 248--Food Product and Marketing Establishments and Section
4 249.1--Food Preparation and Service Establishments for a fee of \$63, which will be effective
5 for a period of one to 45 days.

6 (b) Business concerns whose regular sales activities concern products or
7 commodities other than food, but sell or give away food periodically for sales promotion
8 purposes shall obtain a temporary permit prescribed by this Section.

9 (c) ~~Temporary~~Special Event permits will be granted by the Department of Public Health
10 to operate special events referred to in Section 451(i) and 452 of the San Francisco Health
11 Code upon payment of fees listed as follows:

12 (1) Application fees for fiscal year ~~2000-01~~2008-2009, per event:

13 (A) Event sponsor: ~~\$100~~\$120;

14 (B) Food operator, ~~\$20~~\$24, where all food sold or distributed and the method of
15 processing the food is considered to be low in potential hazard by the Department of Public
16 Health;

17 (C) Food operator, ~~\$46~~\$83, where any food sold or distributed or the method of
18 processing the food is considered to be high in potential hazard by the Department of Public
19 Health;

20 (2) Permit fees for fiscal year ~~2000-01~~2008-2009, per location:

21 (A) ~~\$35~~\$42 for up to two days, and ~~\$10~~\$12 for each additional day, where all food sold
22 or distributed and the method of processing the food is considered to be low in potential
23 hazard by the Department of Public Health;

1 (B) \$6072 for up to two days, and \$2024 for each additional day, where any food sold
2 or distributed or the method of processing the food is considered to be high in potential hazard
3 by the Department of Public Health.

4 ~~(3) Application and permit fees for fiscal years subsequent to 2000-01 shall be increased by~~
5 ~~three percent each year over those charged the previous fiscal year. Each year the Controller shall~~
6 ~~review the fees which would be charged in the next fiscal year and shall file a report with the Board of~~
7 ~~Supervisors no later than May 15th which may be accompanied by a proposed ordinance readjusting~~
8 ~~the next year's fee rates only if the proposed ordinance is necessary to ensure that (A) the fees produce~~
9 ~~sufficient revenue to support the costs of providing the services for which each fee is assessed, and (B)~~
10 ~~the fees do not produce revenue which is significantly more than the costs of providing the services for~~
11 ~~which each fee is assessed.~~

12 **SEC. 249.12. FOOD VENDING MACHINES.**

13 (a) Every person, firm or corporation engaged in the business of operating food
14 vending machines shall pay a fee of ~~\$63~~\$177. Said fee is due and payable on an annual basis
15 starting October 1st.

16 (b) In addition to the fee prescribed in Subsection (a) of this Section every permittee
17 shall pay an annual fee of ~~\$4~~\$5 for each vending machine operated in said business. The fee
18 prescribed herein shall not be prorated.

19 (c) The fee prescribed in Subsection (b) of this Section shall be credited to the fee
20 payable in Subsection (a) but said credit shall not exceed \$60.

21 **SEC. 249.13. WELLS AND WELL WATER.**

22 (a) Every person, firm or corporation engaged in operating wells that require a permit
23 from the San Francisco Department of Public Health shall pay an annual permit fee of ~~\$44~~\$47
24
25

1 to the Tax Collector. For the purpose of this Section, the term "well" shall have the same
2 meaning as that in Section 659 or Article 12B of the San Francisco Health Code.

3 (b) The permit fee shall be due and payable annually in advance on the first day of
4 January of each year. Fees for new permit issued prior to or after January 1st, or in any
5 subsequent calendar year, shall be prorated to January 1st, on a monthly basis.

6 **SEC. 249.14. CERTIFIED TESTERS.**

7 Every person who is not a City employee and who is engaged in testing backflow
8 prevention or cross-connection control devices for which a certificate is required from the
9 Department of Public Health shall pay fee(s) to the Tax Collector prior to the issuance of said
10 certificate, as follows:

11 (a) Initial application for certification: \$159.

12 (b) Training for certification: \$115.

13 (c) Examination for certification: \$78.

14 (d) Seals or tags: ~~\$10~~\$11 each.

15 (e) Annual license fee and recertification fee: ~~\$78~~\$84.

16 The fees for annual licenses shall be prorated to January 1st on a monthly basis. All
17 fees are nonrefundable.

18 **SEC. 249.16. TOBACCO SALES PERMIT FEE.**

19 Every person, firm or corporation engaged in tobacco sales shall pay an annual permit
20 fee of ~~\$175~~\$188 to the Tax Collector.

21 **SEC. 249.20. MEDICAL CANNABIS DISPENSARY LICENSE FEE.**

22 Every person, firm or corporation engaged in operating a medical cannabis dispensary
23 shall pay an annual license fee of ~~\$3,100.00~~\$3,919 to the Tax Collector to cover the costs of
24 annual inspections, enforcement and other costs to the City. ~~Beginning with fiscal year 2006-~~
25

1 ~~2007, the annual license fee may be adjusted each year, without further action by the Board of~~
2 ~~Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller.~~
3 ~~No later than April 15th of each year, the Tax Collector shall submit the annual license fee to the~~
4 ~~Controller, who shall apply the price index adjustment to produce a new annual license fee for the~~
5 ~~following year. No later than May 15th of each year, the Controller shall file a report with the Board of~~
6 ~~Supervisors reporting the new annual license fee and certifying that: (a) the annual license fee~~
7 ~~produces sufficient revenue to support the cost of providing the services for which the annual fee is~~
8 ~~being charged and (b) the annual license fee does not produce revenue that exceeds the costs of~~
9 ~~providing the services for which the annual license fee is charged. Notwithstanding the procedures set~~
10 ~~forth in this Section, the Board of Supervisors, in its discretion, may modify the annual license fee by~~
11 ~~ordinance at any time.~~

12 Section 2. The San Francisco Health Code is hereby amended by amending Sections
13 258, 1009.54, 1927, and 3304 to read as follows:

14 **SEC. 258. LICENSE FEES.**

15 (a) Upon approval of an application for a permit to engage in the practice of
16 tattooing, the Director of Public Health shall forward the permit therefor to the Tax Collector,
17 who, upon payment of the license fee hereinafter provided shall issue the permit to the
18 designated permittee.

19 Every person engaged in the business of conducting, managing or operating any
20 establishment for the practice of the art of tattooing shall pay a license fee of ~~\$129~~\$1372 per
21 year, or for any portion of a year, payable annually in advance.

22 (b) Beginning with fiscal year 2008-2009, the fee set forth in this Section may be adjusted
23 each year, without further action by the Board of Supervisors, as set forth in this Section.

1 Not later than April 1 , the Director shall report to the Controller the revenues generated by the
2 fee for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other
3 information that the Controller determines appropriate to the performance of the duties set forth in this
4 Section.

5 Not later than May 15, the Controller shall determine whether the current fee has produced or
6 is projected to produce revenues sufficient to support the costs of providing the services for which the
7 fee is assessed and that the fee will not produce revenue which is significantly more than the costs of
8 providing the services for which the fee is assessed.

9 The Controller shall, if necessary, adjust the fee upward or downward for the upcoming fiscal
10 year as appropriate to ensure that the program recovers the costs of operation without producing
11 revenue which is significantly more than such costs. The adjusted fee shall become operative on July 1.

12
13 **SEC. 1009.54. FEES FOR PERMIT.**

14 (a) The Department shall charge every applicant for a tobacco sales permit a non-
15 refundable application fee for the initial inspection and processing of the application and an
16 annual license fee sufficient to cover the costs of annual inspections, as determined by the
17 Director. The application and processing fee shall be ~~\$50~~\$53 and is otherwise governed by
18 section 35 of the San Francisco Business and Tax Regulations Code. The annual fee is listed
19 in section 249.16 of the San Francisco Business and Tax Regulations Code.

20 (b) Beginning with fiscal year 2008-2009, fees set forth in this Section and referred to in
21 this Section may be adjusted each year, without further action by the Board of Supervisors, as set forth
22 in this Section.

23 Not later than April 1 , the Director shall report to the Controller the revenues generated by the
24 fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other
25

1 information that the Controller determines appropriate to the performance of the duties set forth in this
2 Section.

3 Not later than May 15, the Controller shall determine whether the current fees have produced
4 or are projected to produce revenues sufficient to support the costs of providing the services for which
5 the fees are assessed and that the fees will not produce revenue which is significantly more than the
6 costs of providing the services for which the fees are assessed.

7 The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal
8 year as appropriate to ensure that the program recovers the costs of operation without producing
9 revenue which is significantly more than such costs. The adjusted rates shall become operative on July
10 1.

11
12 **SEC. 1927. FEES.**

13 (a) The application fee for a massage practitioner permit, as provided in Section 1902,
14 shall be ~~\$100.00~~\$116. The annual license fee for a massage practitioner, as provided in
15 Section 1906, shall be ~~\$75.00~~\$86.

16 (b) The application fee for a massage establishment, as provided in Section 1909,
17 shall be ~~\$240.00~~\$394. The annual license fee for a massage establishment, as provided in
18 Section 1920, shall be ~~\$600~~\$694.

19 (c) The application fee for a solo practitioner massage establishment, as provided in
20 Section 1909, shall be ~~\$240~~\$394. The annual license fee for a solo practitioner massage
21 establishment, as provided in Section 1920, shall be ~~\$400~~\$464.

22 (d) The application fee for an outcall massage services permit, as provided in Section
23 1909, shall be ~~\$240.00~~\$278. The annual license fee for an outcall massage service, as
24 provided in Section 1920, shall be ~~\$200~~\$231.

1 (e) An advanced massage practitioner holding a solo practitioner massage
2 establishment permit shall not be required to pay any additional permit or annual license fee
3 for an outcall massage service permit.

4 (f) ~~Beginning with fiscal year 2004-2005, fees set in this Section may be adjusted each year,~~
5 ~~without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price~~
6 ~~Index, as determined by the Controller.~~

7 ~~No later than April 15th of each year, the Health Department shall submit its current fee~~
8 ~~schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule~~
9 ~~for the following year.~~

10 ~~No later than May 15th of each year, the Controller shall file a report with the Board of~~
11 ~~Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue~~
12 ~~to support the costs of providing the services for which each fee is assessed, and (b) the fees do not~~
13 ~~produce revenue which is significantly more than the costs of providing the services for which each fee~~
14 ~~is assessed. Beginning with fiscal year 2008-2009, fees set forth in this Article may be adjusted each~~
15 ~~year, without further action by the Board of Supervisors, as set forth in this Section.~~

16 ~~Not later than April 1, the Director shall report to the Controller the revenues generated by the~~
17 ~~fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other~~
18 ~~information that the Controller determines appropriate to the performance of the duties set forth in this~~
19 ~~Section.~~

20 ~~Not later than May 15, the Controller shall determine whether the current fees have produced~~
21 ~~or are projected to produce revenues sufficient to support the costs of providing the services for which~~
22 ~~the fees are assessed and that the fees will not produce revenue which is significantly more than the~~
23 ~~costs of providing the services for which the fees are assessed.~~

1 The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal
2 year as appropriate to ensure that the program recovers the costs of operation without producing
3 revenue which is significantly more than such costs. The adjusted rates shall become operative on July
4 1.

6 **SEC. 3304. APPLICATION FOR MEDICAL CANNABIS DISPENSARY PERMIT.**

7 (a) Every applicant for a medical cannabis dispensary permit shall file an application
8 with the Director upon a form provided by the Director and pay a non-refundable permit
9 application fee of ~~\$6691.00~~\$8,459 to cover the costs to all City departments of investigating and
10 processing the application and any applicable surcharges, exclusive of filing fees for appeals
11 before the Board of Appeals. ~~Beginning with fiscal year 2006-2007, the application fee may be~~
12 ~~adjusted each year, without further action by the Board of Supervisors, to reflect changes in the~~
13 ~~relevant Consumer Price Index, as determined by the Controller. No later than April 15th of each year,~~
14 ~~the Health Department shall, in collaboration with the Tax Collector's Office, submit the application~~
15 ~~fee to the Controller, who shall apply the price index adjustment to produce a new application fee for~~
16 ~~the following year. No later than May 15th of each year, the Controller shall file a report with the~~
17 ~~Board of Supervisors reporting the new application fee and certifying that: (a) the application fee~~
18 ~~produces sufficient revenue to support the costs of providing the services for which the annual fee is~~
19 ~~being charged and (b) the application fee does not produce revenue that exceeds the costs of providing~~
20 ~~the services for which the application fee is charged. Notwithstanding the procedures set forth in this~~
21 ~~Section, the Board of Supervisors, in its discretion, may modify the application fee by ordinance at any~~
22 ~~time. Beginning with fiscal year 2008-2009, fees set forth in this Section may be adjusted each year,~~
23 ~~without further action by the Board of Supervisors, as set forth in this Section.~~

1 Not later than April 1, the Director shall report to the Controller the revenues generated by the
2 fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other
3 information that the Controller determines appropriate to the performance of the duties set forth in this
4 Section.

5 Not later than May 15, the Controller shall determine whether the current fees have produced
6 or are projected to produce revenues sufficient to support the costs of providing the services for which
7 the fees are assessed and that the fees will not produce revenue which is significantly more than the
8 costs of providing the services for which the fees are assessed.

9 The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal
10 year as appropriate to ensure that the program recovers the costs of operation without producing
11 revenue which is significantly more than such costs. The adjusted rates shall become operative on July
12 1.

13 (b) The permit application form shall provide clear notice to applicants that the
14 California Fire Code includes a requirement, among others that may apply, that an
15 establishment obtain a place of assembly permit if it will accommodate 50 or more persons
16 based on its square footage.

17 (c) The applicant for a medical cannabis dispensary permit shall set forth, under
18 penalty of perjury, following on the permit application:

19 (1) The proposed location of the medical cannabis dispensary;

20 (2) The name and residence address of each person applying for the permit and any
21 other person who will be engaged in the management of the medical cannabis dispensary;

22 (3) A unique identifying number from at least one government-issued form of
23 identification, such as a social security card, a state driver's license or identification card, or a
24
25

1 passport for of each person applying for the permit and any other person who will be engaged
2 in the management of the medical cannabis dispensary;

3 (4) Written evidence that each person applying for the permit and any other person
4 who will be engaged in the management of the medical cannabis dispensary is at least 18
5 years of age;

6 (5) All felony convictions of each person applying for the permit and any other person
7 who will be engaged in the management of the medical cannabis dispensary;

8 (6) Whether cultivation of medical cannabis shall occur on the premises of the medical
9 cannabis dispensary;

10 (7) Whether smoking of medical cannabis shall occur on the premises of the medical
11 cannabis dispensary;

12 (8) Whether food will be prepared, dispensed or sold on the premises of the medical
13 cannabis dispensary; and

14 (9) Proposed security measures for the medical cannabis dispensary, including
15 lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

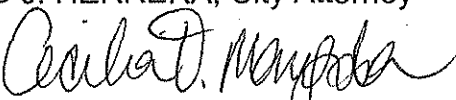
16 (e) If the applicant is a corporation, the applicant shall set forth the name of the
17 corporation exactly as shown in its articles of incorporation, and the names and residence
18 addresses of each of the officers, directors and each stockholder owning more than 10
19 percent of the stock of the corporation. If the applicant is a partnership, the application shall
20 set forth the name and residence address of each of the partners, including limited partners. If
21 one or more of the partners is a corporation, the provisions of this Section pertaining to a
22 corporation apply.

1 (f) The Director is hereby authorized to require in the permit application any other
2 information including, but not limited to, any information necessary to discover the truth of the
3 matters set forth in the application.

4 (g) The Department of Public Health shall make reasonable efforts to arrange with the
5 Department of Justice and with DOJ-certified fingerprinting agencies for fingerprinting services
6 and criminal background checks for the purposes of verifying the information provided under
7 Section 3304(c)(5) and certifying the listed individuals as required by Section 3307(c)(4). The
8 applicant or each person listed in Section 3304(c)(5) shall assume the cost of fingerprinting
9 and background checks, and shall execute all forms and releases required by the DOJ and
10 the DOJ-certified fingerprinting agency.

11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By:


15 CECILIA T. MANGOBA
16 Deputy City Attorney
17
18
19
20
21
22
23
24
25



City and County of San Francisco

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

Tails Ordinance

File Number: 080744

Date Passed:

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Sections 35, 120, 248, 249.1, 249.7, 249.11, 249.12, 249.13, 249.14, 249.16, and 249.20; and the San Francisco Health Code by amending Sections 258, 1009.54, 1927, and 3304 relating to fees for licenses, permits and inspections by the Department of Public Health.

July 16, 2008 Board of Supervisors — PASSED ON FIRST READING

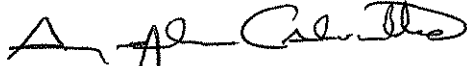
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

July 22, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080744

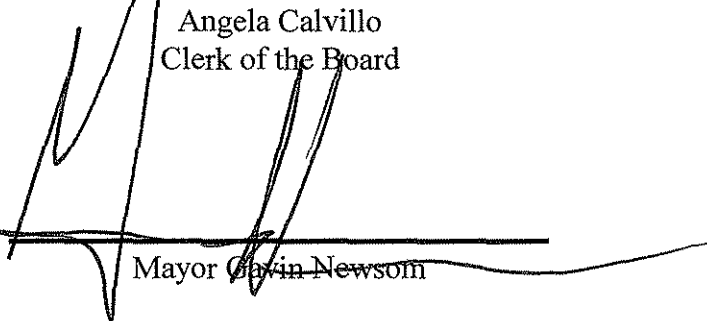
I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 22, 2008 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

7-30-08

Date Approved



Mayor Gavin Newsom