

File No. 220013

Committee Item No. 13

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: Budget and Finance Committee Date February 2, 2022

Board of Supervisors Meeting Date \_\_\_\_\_

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Completed by: Brent Jalipa Date January 28, 2022

Completed by: Brent Jalipa Date \_\_\_\_\_

1 [Public Works Code - Mobile Food Facility Permit Renewal Fees Collection]

2

3 **Ordinance amending the Public Works Code to permit the Office of the Treasurer and**  
4 **Tax Collector to collect the Mobile Food Facility renewal fees on the unified license bill**  
5 **due annually on March 31.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
9 **Board amendment additions** are in double-underlined Arial font.  
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
11 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
12 subsections or parts of tables.

10

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

12

13 Section 1. The Public Works Code is hereby amended by revising Article 5.8,  
14 Section 184.83, to read as follows:

15 **SEC. 184.83. MOBILE FOOD FACILITY APPLICATION AND FEE PROVISIONS**

16

\* \* \* \*

17 **(d) Permit Renewal, Annual Renewal Fee, Permit Expiration.**

18 *(1) The permit renewal date (“Renewal Date”) shall be the date that the Director issues*  
19 *the decision to renew the permit or conditionally renew the permit, and shall be the same day of the*  
20 *year, selected by the Director, for all Mobile Food Facility permits.*

21 *(2) Every Mobile Food Facility permit is subject to an annual renewal filing fee*  
22 *of \$125.00 per permit. In addition, if during the course of the ~~preceding year~~ 12-month period*  
23 *preceding the Renewal Date the Department received one or more substantiated complaints*  
24 *against the permit Location(s) or filed one or more notices of violation against the Ppermit, the*  
25 *Department shall assess an additional processing fee of \$159.50 per permit shall apply. The*

1 ~~Department also shall charge i~~Inspection fees shall also apply as follows: \$576.00 each for the  
2 first two ~~(2)~~Locations wherefor which substantiated complaints were received or notices of  
3 violation were filed and \$288.00 per each additional Location wherefor which substantiated  
4 complaints were received or notices of violation were filed.

5 (3) Said Pursuant to Section 76.1 of Article 2 of the Business and Tax Regulations  
6 Code, the fees in subsection (2), above, are payable to the Department shall be due and payable  
7 annually on or before March 31, for the 12-month period commencing with the most recent Renewal  
8 Date prior to March 31. The March 31 due date shall apply to the most recent Renewal Date prior to  
9 March 31, 2022, and to all Renewal Dates thereafter. If a permittee ceases operating the Mobile Food  
10 Facility between the Renewal Date and the next March 31, such permittee shall still owe the fees due  
11 on that March 31 for the entire 12-month period commencing with the most recent Renewal Date prior  
12 to March 31, and shall not be entitled to any refund or proration. Separate annual fees shall be  
13 paid to the Department of Public Health and the Fire Marshal for the approvals required by  
14 each department for a valid renewal permit under this Article 5.8. The annual renewal fees for  
15 the Department of Public Health are set forth in the Business and Taxation Regulations Code.

16 (24) Any Mobile Food Facility permit that the Director renews is not operative  
17 unless and until the Mobile Food Facility Vendor has obtained an annual renewal of theirhis or  
18 ~~her~~ Certificate of Sanitation fromfor the Department of Public Health and approval from the  
19 Fire Marshal.

20 (45) Permits are renewed annually so long as the Mobile Food Facility remains  
21 in compliance with this Article 5.8, including payment of all fees due to the City. Annual  
22 renewal of a permit does not constitute issuance of a new permit and does not require notice  
23 under Section 184.88. Notwithstanding the above, if, as part of a permit renewal, the  
24 permittee is changing the Location that the Mobile Food Facility serves, adding a new  
25 Location(s), changing the hours of operation to serve a Location later than 8 p.m.; or making

1 other changes to the Mobile Food Facility that the Director determines require public notice,  
2 the Department shall treat such changes as the equivalent of a new permit and require the  
3 applicant to satisfy the requirements associated with applying for and obtaining a new permit.

4 ~~(56)~~ **Permit Expiration.** A permit shall be deemed to expire seven ~~(7)~~ years  
5 from the anniversary of the first Renewal ~~original permit issuance d~~ Date as long as the permittee  
6 remains in compliance with this Article 5.8 during that term. If the permittee elects to pursue a  
7 new permit six ~~(6)~~ months prior to such expiration, the existing permittee may apply for a new  
8 permit under the same terms as the existing permit and shall be given priority over any other  
9 applicants. The only required notice under this Subsection (d)(6) shall be an electronic notice  
10 issued by the Department to any individual(s) or organization(s) that have requested such  
11 notification by the Department, except that any permittees who have received three ~~(3)~~ or  
12 more Notice of Violations by the Department in a period of 24 months prior to their permit  
13 expiration shall be required to satisfy all noticing requirements of Section 184.88 of this  
14 Article. Any new permit issued in accordance with the terms of this Subsection shall be  
15 subject to all applicable provisions of this Article. Subject to Section 184.88, if a protest is  
16 filed to request a Departmental administrative hearing on the new permit, the permittee may  
17 continue to operate under the provisions of the old permit until a decision is rendered by the  
18 Director of Public Works on the new permit.

19 ~~(67)~~ If an existing permittee seeks a new permit for the same Location in  
20 accordance with the terms of Subsection (d)~~(56)~~, but that Location no longer satisfies the  
21 requirements of Section 184.85, the Director, under such circumstances, shall strive to  
22 authorize a temporary or permanent relocation of the Mobile Food Facility to a comparable  
23 Location that meets the requirements of Section 184.85. Any such authorization shall be in  
24 writing and available at the Mobile Food Facility prior to issuance of a new permit. Notice  
25

1 related to the proposed temporary or permanent relocation of the Mobile Food Facility shall be  
2 subject to all applicable noticing requirements set forth in Subsection (d)(~~56~~).

3 (~~78~~) If a permittee for a Mobile Food Facility has a valid permit for a specific  
4 Location dated on or before July 1, 2013, said permittee is exempt from Subsection (d)(~~56~~) as  
5 long as the ~~such~~ permittee complies with all other applicable terms of this Article 5.8. As part  
6 of any permit issuance, renewal, or transfer pursuant to this Article, the Department shall  
7 include reference to the original granting date of the Mobile Food Facility permit.

8 \* \* \* \*

9  
10 Section 2. Effective Date. This ordinance shall become effective 30 days after  
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
13 of Supervisors overrides the Mayor’s veto of the ordinance.

14  
15 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
19 additions, and Board amendment deletions in accordance with the “Note” that appears under  
20 the official title of the ordinance.

21 APPROVED AS TO FORM:  
22 DAVID CHIU, City Attorney

23 By: /s/ Scott M. Reiber  
24 SCOTT M. REIBER  
25 Chief Tax Attorney

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**LEGISLATIVE DIGEST**

[Public Works Code - Mobile Food Facility Permit Renewal Fees Collection]

**Ordinance amending the Public Works Code to permit the Office of the Treasurer and Tax Collector to collect the Mobile Food Facility renewal fees on the unified license bill due annually on March 31.**

Existing Law

Under current law, the Department of Public Works collects both initial permit fees and renewal fees for mobile food facility permits.

Amendments to Current Law

This legislation would shift collection of the renewal fees for the mobile food facility permits to the Office of the Treasurer and Tax Collector on the unified license bill, with such fees being due on March 31 following the date the permit was renewed. It would also make other, non-substantive amendments.

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**From:** [Conine-Nakano, Susanna \(MYR\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Cc:** [Paulino, Tom \(MYR\)](#); [Fried, Amanda \(TTX\)](#); [Ruiz-Cornejo, Victor \(MYR\)](#); [REIBER, SCOTT \(CAT\)](#)  
**Subject:** Mayor -- Ordinance -- Mobile Food Facility Permit Renewal Fees Collection  
**Date:** Tuesday, January 4, 2022 4:08:13 PM  
**Attachments:** [Mayor--Ordinance--Mobile Food Facility Renewal Fee Collection.zip](#)

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Hello Clerks,

Attached for introduction to the Board of Supervisors is an ordinance amending the Public Works Code to permit the Office of the Treasurer and Tax Collector to collect the Mobile Food Facility renewal fees on the unified license bill due annually on March 31.

Please let me know if you have any questions. Thank you.

Sincerely,  
Susanna

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