

1 [Establishing a Fee to Regulate Revenue Control Equipment At Parking Stations]

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3 **Ordinance amending the Business and Tax Regulation Code, Article 22, by adding**
4 **Sections 2219, 2219.5, 2219.6, 2219.7, 2219.8, 2219.9, 2219.10 and 2219.11, to impose a**
5 **fee on all parking stations that are subject to the requirements in Article 22 to recover**
6 **administrative and enforcement costs.**

7 NOTE: Additions are *single-underline italics Times New Roman*;
8 deletions are *strike-through italics Times New Roman*.
9 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through normal~~.

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

11 Section 1. The San Francisco Business and Tax Regulations Code is hereby amended
12 by adding Sections 2219, 2219.5, 2219.6, 2219.7, 2219.8, 2219.9, 2219.10 and 2219.11 to
13 read as follows:

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15 **SEC. 2219. TITLE AND PURPOSE.**

16 *This Ordinance shall be known as the "Revenue Control Equipment Compliance Fee*
17 *Ordinance" and the Fee imposed herein shall be known as the "Revenue Control Equipment*
18 *Compliance Fee" or "Fee." The purpose of this Fee is to recover the City's costs to ensure that all*
19 *parking operators meet the requirements of Article 22.*

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21 **SEC. 2219.5. IMPOSITION OF REVENUE CONTROL EQUIPMENT COMPLIANCE FEE.**

22 *The City hereby imposes an annual Revenue Control Equipment Compliance Fee of \$500 on*
23 *each Parking Station that is subject to the RCE requirements set forth in this Article 22.*

1 **SEC. 2219.6. COLLECTION AND ENFORCEMENT.**

2 (a) The Revenue Control Equipment Compliance Fee shall be due annually to the Tax
3 Collector and shall be remitted by the Operator as a part of the last quarterly parking tax return.

4 (b) The Fee is payable, when due, at the office of the Tax Collector, and if not paid within
5 30 days after the same becomes due, the Tax Collector shall add 10 percent to the amount of the Fee as
6 a penalty for nonpayment. If the Fee is not paid within 60 days after the same becomes due, the Tax
7 Collector shall add 15 percent to the amount of the Fee as a penalty for nonpayment. If the Fee is not
8 paid within 90 days after same becomes due, the Tax Collector shall add 25 percent to the amount of
9 the Fee, as a penalty for nonpayment; provided, however, when an Operator has failed for a period of
10 six months or more to pay the fee, and has allowed the fee to become delinquent for this or a longer
11 period, the Tax Collector shall, in such instance, impose a penalty of 25 percent on the total amount of
12 the Fee delinquent and refer the Operator to the Bureau of Delinquent Revenue for further collection
13 and enforcement.

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15 **SEC. 2219.7. EXEMPTIONS**

16 (a) Exemption. The Fee shall not apply to any Parking Station that is exempt from the
17 requirements of Article 22, pursuant to Section 2202.

18 (b) Inspection and Audit. The Tax Collector may inspect or audit any claim for exemption
19 from the Fee to determine whether or not the Parking Station is exempt from the Fee.

20 (c) Notice of Change in Status. Any Operator who claims an exemption to Fee payment
21 must notify the Tax Collector in writing within 10 days of when that Parking Station no longer qualifies
22 for the exemption, if applicable.

23 (d) Penalties for Establishments That Falsely Claim to Qualify for Exemption. Any
24 Operator that claims an exemption and is found by the Tax Collector not to be entitled to the exemption
25 and to have falsely claimed the exemption without reasonable grounds, Operator shall be subject to a

1 penalty of \$100. The Tax Collector may impose the penalty by written citation. Any Operator that
2 disputes the Tax Collector's determination under this Section may appeal to the Tax Collector in
3 writing according to the provisions of Article 6, Section 6.19-8.

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5 **SEC. 2219.8. AUTHORITY TO ADOPT RULES AND REGULATIONS.**

6 (a) The Tax Collector may issue and amend rules, regulations, standards, guidelines, or
7 conditions to implement and enforce this Section 2219 et seq.

8 (b) Failure or refusal to comply with any rules and regulations promulgated under this
9 Section shall be a violation of and subject to the penalties of this Section.

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11 **SEC. 2219.9. FEE TO BE DEPOSITED IN THE GENERAL FUND**

12 (a) The Fee shall be deposited in the General Fund.

13 (b) Use of Funds. The proceeds of the Fee shall be used solely for costs incurred by, or on
14 behalf of, the City and County of San Francisco, to administer and enforce Article 22.

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16 **SEC. 2219.10. SEVERABILITY.**

17 If any of the provisions of this Ordinance or the application thereof to any person or
18 circumstance is held invalid, the remainder of this Chapter, including the application of such part or
19 provisions to persons or circumstances other than those to which it is held invalid, shall not be affected
20 thereby and shall continue in full force and effect. To this end, the provisions of this Section are
21 severable.

1 **SEC. 2219.11. EFFECTIVE/OPERATIVE DATES**

2 *This Section shall become effective upon passage, except that the Fee imposed by this Section*
3 *shall become operative and be imposed on October 1, 2010, and shall not apply before that date.*

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5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

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7 By: _____
8 JULIE VAN NOSTERN
 Deputy City Attorney

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