

FILE NO. 041588

ORDINANCE NO.

1 [License Fees.]

2

3 **Ordinance amending the San Francisco Municipal Code Business and Tax Regulations**  
4 **Code by amending Sections 35, 120, 248, 249.1, and 249.12, and Health Code Section 258**  
5 **relating to fees for licenses or permits for inspections by the Department of Public**  
6 **Health.**

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

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

11 Section 1. The San Francisco Municipal Code Business and Tax Regulations Code is  
12 hereby amended by amending Sections 35, 120, 248, 249.1, and 249.12, to read as follows:

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

14 (A) Unless otherwise specifically provided, all fixed fees for inspection  
15 or permits which involve the Health Department shall be payable in advance  
16 annually. A filing fee of ~~(((\$195)), \$246- \$240~~ payable in advance to the Health  
17 Department for each inspection for a permit is required for a first-time inspection of  
18 a premises or thing if such inspection is requested or required as a condition of the  
19 issuance of a first permit or of a first license, except applications for permits for  
20 ambulances, refuse trucks, swill trucks, fumigation site surveillance, soft-serve ice  
21 cream machines and hazardous material storage.

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

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

7 (D) A fee of ~~(\$50)~~ \$63 shall accompany any application for a special  
8 event referred to in Section 452(b) of the San Francisco Health Code.

9 (E) Exemptions. The following establishments are exempt, as set  
10 forth in Section 249.1 of this Code, from paying fees:

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

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

15 (f) When the Health Department provides inspection services, whether in  
16 response to a permit or license application or by request, a fee of ~~(\$110)~~ \$138  
17 \$135 per hour will be charged. When these services are provided during  
18 nonregular working hours, a fee of ~~(\$123)~~ \$155 per hour will be charged.  
19 "Inspection services" includes but is not limited to reviewing plans and blueprints,  
20 providing consultations and making site inspections. A bill for these services will be  
21 issued to the person making the application or request and must be paid prior to  
22 the Department providing the service. If the time expended exceeds what the  
23 Department anticipated, the Department shall bill the applicant or person making  
24 the request for the additional time expended and such person shall be responsible  
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1 for paying that amount. Notwithstanding any other provision of this Section 35, all  
2 fees for routine, nonenforcement related inspection services provided for solid  
3 waste transfer station permit issuance and compliance review will be included in  
4 the license fee required by Section 249.15 of this Article.

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

13 (h) ~~(e) (F) Application, and permit and inspection fees as provided for in~~  
14 ~~Sections 248 through 249.2 35, 120, 248, 249, 249.1, 249.2, 249.7, 249.12, 249.13~~  
15 ~~and 249.14 of the San Francisco Municipal Code Business and Tax Regulations~~  
16 ~~Code and Section 258 of the San Francisco Municipal Code Public Health Code for~~  
17 ~~fiscal years subsequent to 2000-04 2005-06 shall be adjusted each year from those~~  
18 ~~charged the previous fiscal year based on cost of living allowances (COLA) as~~  
19 ~~indicated in these code sections . Each year, the Controller shall review the fees~~  
20 ~~which would be charged in the next fiscal year and shall file a report with the Board~~  
21 ~~of Supervisors no later than May 15 along with a proposed ordinance readjusting~~  
22 ~~the fee rates as necessary to ensure that (A) the fees produce sufficient revenue to~~  
23 ~~support the costs of providing the services for which each fee is assessed, and (B)~~  
24 ~~the fees do not produce revenue which is significantly more than the costs of~~

1 providing the services for which each fee is assessed. The Department will perform  
2 an annual review of the fees scheduled to be assessed the following fiscal year,  
3 subject to review by the Controller. Should this review determine that any of the  
4 scheduled fee revenues exceed program costs, a report will be filed with the Board  
5 of Supervisors no later than May 15 along with a proposed ordinance readjusting  
6 the fee rates as necessary to ensure that the fees do not produce more revenue  
7 than required to recover the costs of operating the program. (~~Ord. 270-85, App.~~  
8 5/30/85; amended by Ord. 443-86, App. 11/13/86; Ord. 341-88, App. 7/28/88; Ord.  
9 244-91, App. 6/24/91; Ord. 207-93, App. 6/25/93; Ord. 131-97, App. 4/18/97; Ord.  
10 117-01, File No. 010515, App. 6/1/2001)

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

13 (A) Every owner, manager or lessee of a hand laundry will pay  
14 the following license fee annually in the advance to the Tax Collector ~~((~~\$57~~))~~  
15 ~~\$72.~~ \$70.

16 (B) Every owner, manager, or lessee of a wash laundry will pay  
17 the following license fee annually in advance to the Tax Collector ~~((~~\$123~~))~~  
18 ~~\$155.~~ \$151.

19 (C) Every owner, manager or lessee of a cleaning, dyeing or  
20 cleaning and dyeing works will pay the following fee annually in advance:  
21 ~~((~~\$15~~))~~ \$18.

22 (D) Every owner, manager or lessee of an automatic laundry  
23 (mechanical, pay-to-operate, washing or dyeing machine) will pay the  
24 following license fee annually in advance to the Tax Collector: ~~((~~\$19~~))~~  
25



1	square feet		
2	Greater than 20,000 square	<del>((744))</del>	<u>935 915</u>
3	feet		
4	Class B. Food product and marketing establishments with food preparation		
5	with a total square footage of:		
6			
7	Less than 5,001	<del>((400))</del>	<u>503 492</u>
8	square feet		
9	5,001 square feet to 10,000	<del>((520))</del>	<u>654 640</u>
10	square feet		
11	10,001 square feet to 20,000	<del>((635))</del>	<u>798 781</u>
12	square feet		
13	Greater than 20,000 square	<del>((757))</del>	<u>955 931</u>
14	feet		
15	Class C. Retail bakeries with total square		
16	footage of:		
17	Less than 2,001	<del>((410))</del>	<u>516 504</u>
18	square feet		
19	Greater than 2,000 square	<del>((423))</del>	<u>532 520</u>
20	feet		
21	Class D. Produce	<del>((412))</del>	<u>518 507</u>
22	stand		
23	Class E. Certified farmers	<del>((416))</del>	<u>524 512</u>
24	market		
25			

1	Class F. Wholesale food	<del>((400))</del>	503 <u>492</u>
2	markets		
3	Class G. Food manufacturing	<del>((412))</del>	518 <u>507</u>
4	or processing		
5	Class H. Food Product and marketing establishments with an inventory of		
6	food at cost		
7	in stock as of the first day of		
8	April:		
9	Less than	<del>((69))</del>	87 <u>85</u>
10	\$1,000		
11	<del>((Greater than \$1,000))</del>	<del>((491))</del>	618 <u>604</u>
12	<i>\$1,000 or greater</i>		
13			
14	Class I. Food product and marketing establishments in stadiums, arenas		
15	or auditoriums		
16	with a seating capacity of	<del>((391))</del>	<u>516</u>
17	25,000 or more.		

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

21           Fees for new licenses issued prior to, or after September 1, shall be prorated on a  
22 monthly basis. ~~(Amended by Ord. 95-84, App. 3/8/84; Ord. 369-88, App. 8/5/88; Ord. 244-91,  
23 App. 6/24/91; Ord. 207-93, App. 6/25/93; Ord. 131-97, App. 4/18/97; Ord. 117-01, File No.  
24 010515, App. 6/1/2001)~~

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1	facility		
2	Class F. Temporary	<del>((95))</del>	420 <u>117</u>
3	facility		
4	Class G. Food demonstration	<del>((85))</del>	407 <u>105</u>
5	Class H. Commissary	<del>((580))</del>	729 <u>713</u>
6	Class I. Pushcart on private	<del>((483))</del>	607 <u>594</u>
7	property		
8	Class J. Stadium concession	<del>((410))</del>	516 <u>504</u>
9	Class K. Vending	<del>((116))</del>	149 <u>143</u>
10	machines		
11	Class L. Bed and breakfast	<del>((655))</del>	824 <u>806</u>
12	establishment		
13	Class M. Boarding	<del>((158))</del>	198 <u>194</u>
14	house		
15	Class N. Private school	<del>((193))</del>	243 <u>237</u>
16	cafeteria		
17	Class O. Hospital	<del>((616))</del>	774 <u>758</u>
18	kitchen		

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

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

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

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

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

13 ~~(c) Application, and permit and inspection fees as provided for in Sections 248 through~~  
14 ~~249.2 35, 120, 248, 249.1, 249.7, 249.12, 249.13 and 249.14 of the San Francisco Municipal~~  
15 ~~Code Business and Tax Regulations Code and Section 258 of the San Francisco Municipal~~  
16 ~~Code Public Health Code for fiscal years subsequent to 2000-01 2005-06 shall be adjusted~~  
17 ~~each year from those charged the previous fiscal year based on cost of living allowances~~  
18 ~~(COLA) as indicated in these code sections. Each year, the Controller shall review the fees~~  
19 ~~which would be charged in the next fiscal year and shall file a report with the Board of~~  
20 ~~Supervisors no later than May 15 along with a proposed ordinance readjusting the fee rates~~  
21 ~~as necessary to ensure that (A) the fees produce sufficient revenue to support the costs of~~  
22 ~~providing the services for which each fee is assessed, and (B) the fees do not produce~~  
23 ~~revenue which is significantly more than the costs of providing the services for which each fee~~  
24 ~~is assessed. The Department will perform an annual review of the fees scheduled to be~~  
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1 assessed the following fiscal year. Should this review determine that any of the scheduled fee  
2 revenues exceed program costs, a report will be filed with the Board of Supervisors no later  
3 than May 15 along with a proposed ordinance readjusting the fee rates as necessary to  
4 ensure that the fees do not produce more revenue than required to recover the costs of  
5 operating the program. (Amended by Ord. 270-85, App. 5/30/85; Ord. 28-88, App. 1/28/88;  
6 Ord. 369-88, App. 8/5/88; Ord. 444-88, App. 9/28/88; Ord. 244-91, App. 6/24/91; Ord. 207-93,  
7 App. 6/25/93; Ord. 131-97, App. 4/18/97; Ord. 117-01, File No. 010515, App. 6/1/2001)

8 **SEC. 249.12. FOOD VENDING MACHINES.**

9 (a) Every person, firm, or corporation engaged in the business of operating food  
10 vending machines shall pay a fee of ~~(((\$63)) \$149~~ \$63. Said fee is due and  
11 payable on an annual basis starting October 1<sup>st</sup>.

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

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

17  
18 ~~Section 2. The San Francisco Health Code is hereby amended by amending~~  
19 ~~Sections 258 to read as follows~~

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21 ~~SEC. 258 LICENSE FEES.~~

22 ~~Upon approval of an application for a permit to engage in the practice of tattooing, the~~  
23 ~~Director of Public Health shall forward the permit therefor to the Tax Collector, who, upon~~

1 payment of the license fee hereinafter provided shall issue the permit to the designated  
2 permittee.

3 ~~Every person engaged in the business of conducting, managing, or operating any~~  
4 ~~establishment for the practice of the art of tattooing and piercing shall pay a license fee of~~  
5 ~~\$105 \$120 per year, or for any portion of a year, payable annually in advance.~~

6  
7 APPROVED AS TO FORM:

8 DENNIS J. HERRERA  
9 City Attorney

10 By \_\_\_\_\_  
11 ALEETA M. VAN RUNKLE  
12 Deputy City Attorney

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