

1 [Setting new fees for inspection of retail food facilities by the Health Department.]

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3 **Ordinance amending the San Francisco Business and Tax Regulations Code, by**  
4 **amending Sections 35, 120, 248, and 249.1, setting fees for inspections of retail food**  
5 **facilities by the Department of Public Health in connection with licenses and permits,**  
6 **and authorizing the Controller to approve yearly cost-of-living adjustments in those**  
7 **fees.**

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:

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13 Section 1. The San Francisco Business and Tax Regulations Code is hereby amended  
14 by amending Section 35, 102, 248, and 249.1, to read as follows:

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

17 (a) Unless otherwise specifically provided, all fixed fees for inspection or permits which  
18 involve the Health Department shall be payable in advance annually. A filing fee of ~~\$205~~ \$95  
19 payable in advance to the Health Department for each inspection for a permit is required for a  
20 first-time inspection of a premises or thing if such inspection is requested or required as a  
21 condition of the issuance of a first permit or of a first license, except applications for permits  
22 for ambulances, refuse trucks, swill trucks, fumigation site surveillance, soft-serve ice cream  
23 machines and hazardous material storage.

24 (b) When two or more food product and marketing establishments or food preparation  
25 and service establishments, or any combination thereof, subject to inspection are located on

1 the same premises, are not contiguous to each other, and are conducted by one owner  
2 whether person, firm or corporation, a permit shall be required for each such establishment.

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

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

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

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

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

15 (f) When the Health Department provides inspection services, whether in response to  
16 a permit or license application or by request, a fee of ~~\$115~~ \$115 per hour will be charged. When  
17 these services are provided during nonregular working hours, a fee of ~~\$129~~ \$129 per hour will  
18 be charged. "Inspection services" includes but is not limited to reviewing plans and blueprints,  
19 providing consultations and making site inspections. A bill for these services will be issued to  
20 the person making the application or request and must be paid prior to the Department's  
21 providing the service. If the time expended exceeds what the Department anticipated, the  
22 Department shall bill the applicant or person making the request for the additional time  
23 expended and such person shall be responsible for paying that amount. Notwithstanding any  
24 other provision of this Section 35, all fees for routine, nonenforcement- related inspection  
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1 services provided for solid waste transfer station permit issuance and compliance review will  
2 be included in the license fee required by Section 249.15 of this Article.

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

5 (a) Every owner, manager or lessee of a hand laundry will pay the following license fee  
6 annually in advance to the Tax Collector: ~~\$60~~ \$57.

7 (b) Every owner, manager or lessee of a wash laundry will pay the following license  
8 fee annually in advance to the Tax Collector: ~~\$129~~ \$23.

9 (c) Every owner, manager or lessee of a cleaning, dyeing or cleaning and dyeing  
10 works will pay the following fee annually in advance: \$15.

11 (d) Every owner, manager or lessee of an automatic laundry (mechanical, pay-to-  
12 operate, washing or dyeing machine) will pay the following license fee annually in advance to  
13 the Tax Collector: ~~\$20~~ \$19 plus ~~\$7.00~~ \$8.00 per machine.

14 (e) Every owner, manager or lessee of a laundry delivery service will pay the following  
15 license fee annually in advance to the Tax Collector: \$17 per delivery vehicle per year.

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

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

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

24 Class Fee

25

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

3	Less than 5,001 square feet	<u>\$392</u> <del>373</del>
4	5,001 square feet to 10,000 square feet	<u>514</u> <del>490</del>
5	10,001 square feet to 20,000 square feet	<u>642</u> <del>612</del>
6	Greater than 20,000 square feet	<u>781</u> <del>744</del>

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

9	Less than 5,001 square feet	<u>420</u> <del>400</del>
10	5,001 square feet to 10,000 square feet	<u>546</u> <del>520</del>
11	10,001 square feet to 20,000 square feet	<u>667</u> <del>635</del>
12	Greater than 20,000 square feet	<u>795</u> <del>757</del>

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

14	Less than 2,001 square feet	<u>430</u> <del>410</del>
15	Greater than 2,000 square feet	<u>444</u> <del>423</del>

16 Class D. Produce stand 432 ~~412~~

17 Class E. Certified farmers market 437 ~~416~~

18 Class F. Wholesale food markets 420 ~~400~~

19 Class G. Food manufacturing or processing 432 ~~412~~

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

22	Less than \$1,000	<u>72</u> <del>69</del>
23	Greater than \$1,000	<u>515</u> <del>491</del>

24 Class I. Food product and marketing establishments in stadiums, arenas or  
25 auditoriums with a seating capacity of 25,000 or more 410 ~~391~~

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

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

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

7 Every person, firm or corporation engaged in the business of operating food  
8 preparation and service establishments, as defined in Section 451 of the San Francisco  
9 Health Code, that require permits from the Health Department shall pay an annual license fee  
10 to the Tax Collector as follows:

11	(a) <u>Class</u>	<u>Fee</u>
12	Class A. Food preparation and service establishments with a total square footage of:	
13	Less than 1,000 square feet	<del>\$535</del> 510
14	1,000 square feet to 2,000 square feet	<del>708</del> 674
15	Greater than 2,000 square feet	<del>881</del> 773
16	Class B. Bar or tavern	<del>635</del> 605
17	Class C. Take-out establishment	<del>641</del> 611
18	Class D. Fast food establishment	<del>727</del> 693
19	Class E. Catering facility	<del>625</del> 595
20	Class F. Temporary facility	<del>100</del> 95
21	Class G. Food demonstrations	<del>89</del> 85
22	Class H. Commissary	<del>609</del> 580
23	Class I. Pushcart on private property	<del>507</del> 483
24	Class J. Stadium concession	410
25	Class K. Vending machines	116

1	Class L. Bed and breakfast establishment	<u>688</u> <del>655</del>
2	Class M. Boarding house	<u>166</u> <del>158</del>
3	Class N. Private school cafeteria	<u>203</u> <del>193</del>
4	Class O. Hospital kitchen	<u>647</u> <del>616</del>

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

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

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

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

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

22 (c) Application and permit fees as provided for in Sections 248 through 249.2 for fiscal  
23 years subsequent to 2000-01 shall be adjusted each year from those charged the previous  
24 fiscal year based on cost of living allowances (COLA). Each year, the Controller shall review  
25 the fees which would be charged in the next fiscal year and shall file a report with the Board of

1 Supervisors no later than May 15 ~~along with a proposed ordinance~~ readjusting the fee rates as  
2 necessary to ensure that (A) the fees produce sufficient revenue to support the costs of  
3 providing the services for which each fee is assessed, and (B) the fees do not produce  
4 revenue which is significantly more than the costs of providing the services for which each fee  
5 is assessed.

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8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

RECOMMENDED:

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By: \_\_\_\_\_  
THOMAS J. OWEN  
Deputy City Attorney

\_\_\_\_\_  
MITCHELL KATZ, M.D.  
Director of Health

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15 APPROVED:

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Health Commission

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