

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Dr. Grant Colfax, Director, Department of Public Health  
Greg Wagner, City Controller, Office of the Controller  
José Cisneros, Treasurer, Office of the Treasurer and Tax Collector  
Sarah Dennis-Phillips, Executive Director, Office of Economic and  
Workforce Development

FROM: Brent Jalipa, Assistant Clerk, Budget and Finance Committee

DATE: April 29, 2024

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Budget and Finance Committee has received the following proposed legislation, introduced by Mayor London Breed:

**File No. 240406**

**Ordinance amending the Health and Business and Tax Regulations Codes to create a new annual retail food permit for food operators participating in special events and set the fees for the new permit.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Dr. Naveena Bobba, Department of Public Health  
Sneha Patil, Department of Public Health  
Ana Validzic, Department of Public Health  
Todd Rydstrom, Office of the Controller  
Ted Egan, Office of the Controller  
Amanda Kahn Fried, Office of the Treasurer and Tax Collector  
Anne Taupier, Office of Economic and Workforce Development  
Alesandra Lozano, Office of Economic and Workforce Development

1 [Health, Business and Tax Regulations Codes - Annual Retail Food Special Event Permit]

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3 **Ordinance amending the Health and Business and Tax Regulations Codes to create a**  
4 **new annual retail food permit for food operators participating in special events and set**  
5 **the fees for the new permit.**

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.

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

14 Section 1. The Health Code is hereby amended by revising Section 452 of Article 8, to  
15 read as follows:

16 **SEC. 452. PERMIT REQUIRED.**

17 \* \* \* \*

18 (g) Applications for temporary permits to operate special events shall be submitted  
19 no later than *fourteen (14)* calendar days prior to the commencement of the event along with  
20 the applicable filing fees listed in Section 249.11(c) of the Business and Tax Regulations  
21 Code ~~of the City and County of San Francisco~~. If the application and/or filing fees are submitted  
22 less than *fourteen (14)* calendar days prior to the commencement of the event, the applicant  
23 shall pay an additional *fifty percent (50%)* of the filing fee as a late charge before the  
24 application can be processed or approved. Applications and/or fees (including any late  
25 charges) ~~that which~~ are submitted seven (~~7~~) calendar days or less prior to the commencement  
of the event may, at the Department's discretion, not be processed. This subsection (g) shall

1 not apply to annual permits to operate special events when the applicant pays the annual permit fee  
2 provided in Section 249.11(d) of the Business and Tax Regulations Code.

3  
4 Section 2. The Business and Tax Regulations Code is hereby amended by revising  
5 Section 249.11 of Article 2, to read as follows:

6 **SEC. 249.11. TEMPORARY AND ANNUAL PERMITS FOR~~AND~~ SPECIAL EVENTS**  
7 **PERMITS; FEES.**

8 (a) Temporary permits, effective for a period of one to 90 days, and annual permits will be  
9 granted by the Department of Public Health ("Department") to operate establishments under  
10 Section 248 – Food Product and Marketing Establishments and Section 249.1 – Food  
11 Preparation and Service Establishments ~~for a fee equivalent to the hourly rate of an Environmental~~  
12 ~~Health Inspector, which will be effective for a period of one to 45 days.~~

13 (b) Business concerns whose regular sales activities concern products or  
14 commodities other than food, but sell or give away food periodically for sales promotion  
15 purposes shall obtain either a temporary or annual permit prescribed by this Section 249.11.

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

19 (1) Application fees ~~for fiscal year 2008-09~~, per event:

20 (A) Event sponsor: \$1820;

21 (B) Food operator, \$24, where all food sold or distributed and the method of  
22 processing the food is considered to be low in potential hazard by the Department: \$50 ~~of~~  
23 ~~Public Health~~;

1 (C) Food operator, ~~\$83~~, where any food sold or distributed or the method of  
2 processing the food is considered to be high in potential hazard by the Department: ~~\$130~~ of  
3 ~~Public Health~~;

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

5 (A) ~~\$7442~~ for up to two days, and ~~\$5012~~ for each additional day, where all food  
6 sold or distributed and the method of processing the food is considered to be low in potential  
7 hazard by the Department ~~of Public Health~~;

8 (B) ~~\$11472~~ for up to two days, and ~~\$5024~~ for each additional day, where any  
9 food sold or distributed or the method of processing the food is considered to be high in  
10 potential hazard by the Department ~~of Public Health~~.

11 (d) Annual Special Event permits will be granted by the Department to operate at special  
12 events referred to in Sections 451 and 452(g) of the Health Code upon payment of the fees listed as  
13 follows:

14 (1) Application fees:

15 (A) Food operator, where all food sold or distributed and the method of  
16 processing the food is considered to be low in potential hazard by the Department: \$401;

17 (B) Food operator, 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: \$401.

19 (2) Permit fees:

20 (A) Food operator, where all food sold or distributed and the method of  
21 processing the food is considered to be low in potential hazard by the Department: \$353;

22 (B) Food operator, where any food sold or distributed or the method of  
23 processing the food is considered to be high in potential hazard by the Department: \$588.

24 The annual fees set forth in this subsection (d) shall be paid annually on or before March 31, in  
25 accordance with Section 76.1 of the Business and Tax Regulations Code.

1           (e) Beginning with fiscal year 2025-2026 and annually thereafter, the fees set forth in this  
2 Section 249.11 may be adjusted each year, without further action by the Board of Supervisors, as set  
3 forth in this subsection (e). Not later than April 1, the Department shall report to the Controller the  
4 revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as  
5 well as any other information that the Controller determines appropriate to the performance of the  
6 duties set forth in this Section. Not later than May 15, the Controller shall determine whether the  
7 current fees have produced or are projected to produce revenues sufficient to support the costs of  
8 providing the services for which the fee is assessed and that the fees will not produce revenue that is  
9 significantly more than the costs of providing the services for which the fee is assessed. The Controller  
10 shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to  
11 ensure that the program recovers the costs of operation without producing revenue that is significantly  
12 more than such costs. The adjusted rates shall become operative on July 1.

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14           Section 3. Effective Date. This ordinance shall become effective 30 days after  
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
17 of Supervisors overrides the Mayor's veto of the ordinance.

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19           Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
23 additions, and Board amendment deletions in accordance with the "Note" that appears under  
24 the official title of the ordinance.

1 APPROVED AS TO FORM:  
2 DAVID CHIU, City Attorney

3 By: /s/ Henry L. Lifton  
4 HENRY L. LIFTON  
Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Health, Business and Tax Regulations Codes - Annual Retail Food Special Event Permit]

**Ordinance amending the Health and Business and Tax Regulations Codes to create a new annual retail food permit for food operators participating in special events and set the fees for the new permit.**

### **Existing Law**

Currently, the Department of Public Health (“DPH”) issues temporary permits for various types of food establishments to operate special events, such as festivals and other community events. A temporary special event permit (also known as a temporary food facility permit) allows an event sponsor and food operators to operate food establishments for no more than 25 days within every 90-day period.

### **Amendments to Current Law**

The proposed ordinance would create an annual special event permit that would allow food operators to operate for no more than 25 days within each 90-day period over the course of a year, *i.e.*, four 90-day periods. The proposed ordinance would establish application and permit fees for the new annual special event permit and allow the Controller, with input from DPH, to annually adjust the fees for both the existing temporary special event permit and the new annual special event permit. The proposed ordinance would exempt the new annual special event permits from the late fees for temporary special event permit applications.

### **Background Information**

State law allows temporary food facilities to operate for community events where the event is conducted for not more than 25 days in a 90-day period and where the event is of a civic, political, public, or educational nature (such as county fairs, festivals, and other public gather events).

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