

1 [Business and Tax Regulations and Police Codes - Parking Tax Exemption for Special
2 Parking Events Operated by Volunteers on SFUSD Property]

3 **Ordinance amending the San Francisco Business and Tax Regulations Code, Article 9,**
4 **by amending Section 604 and adding Section 608 to exempt a limited number of special**
5 **parking events operated by the ~~volunteers of~~ volunteer led non-profit organizations on**
6 **SFUSD property for the sole benefit of San Francisco public schools and earning less**
7 **than \$10,000 in gross revenue per event from Rent, from the requirement to pay**
8 **parking tax and other requirements, establishing Special School Parking Event Permits**
9 **issued by the Tax Collector and making findings; and amending the San Francisco**
10 **Police Code by amending Section 1215 to ~~exempt said organizations from the~~**
11 **~~requirement to obtain a commercial parking permit, establishing an alternative~~**
12 **~~permitting process~~ exclude from the definitions of Parking Garage and Parking Lot**
13 **special event parking on SFUSD property operated by a Qualified Nonprofit pursuant to**
14 **a Special School Parking Event Permit, and establishing a sunset date.**

15 Note: Additions are *single-underline italics Times New Roman*;
16 deletions are *strikethrough italics Times New Roman*.
17 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

19 Section 1. The San Francisco Business and Tax Regulations Code is hereby amended
20 by amending Article 9, Section 604 and adding Section 608, to read as follows:

21 **SEC. 604. COLLECTION OF TAX BY OPERATOR; RECEIPT TO OCCUPANT; RULES**
22 **FOR COLLECTION SCHEDULES.**

23 (a) Every Operator maintaining a place of business in this City and County as provided
24 in Section 603 herein, and Renting parking space in a Parking Station in this City and County
25 to an Occupant who is not exempted under Section 606 *or Section 608* of this Article or

Mayor Lee, Supervisors Mar, Wiener, Chiu, Farrell, Chu, Olague, Kim, Campos, Cohen, Avalos
BOARD OF SUPERVISORS

1 elsewhere in this Code, shall at the time of collecting the Rent from the Occupant, collect the
2 Parking Tax from the Occupant and on demand shall give to the Occupant a Receipt that
3 meets the requirements of Article 22 of this Code. In all cases in which the Parking Tax is not
4 collected by the Operator, as aforesaid, the Operator shall be liable to the Tax Collector of the
5 City and County for the amount of Parking Tax due on the amount of taxable Rent collected
6 from the Occupant under the provisions of this Article the same as though the Parking Tax
7 were paid by the Occupant. In all cases of transactions upon credit or deferred payment, the
8 remittance or payment of Parking Tax to the Tax Collector may be deferred in accordance
9 therewith, and the Operator shall be liable therefore at the time and to the extent that such
10 credits are paid or deferred payments are made in accordance with the rate of tax owing on
11 the amount thereof.

12 (b) Unless the Operator can provide an explanation or other sufficient proof that the
13 Enforcing Agency in its sole discretion deems to be credible to establish the validity of a claim
14 for a Lost Ticket or an otherwise Unaccounted Ticket (as those terms are defined in Section
15 2201 of Article 22 of this Code), every Lost Ticket and Unaccounted Ticket shall be
16 considered as a full value Parking Ticket for which the Operator is liable for transmitting to the
17 City the full value of the Parking Tax and surcharge required under this Code applicable to the
18 highest maximum daily rate charged for any parking space without discount, except that an
19 Operator shall be allowed an Unaccounted Ticket Ratio of 1.5 percent for each Parking
20 Station that it operates (as that term is defined and used in Article 22 of this Code) in a
21 reporting period, for which the Operator may not be liable for failure to remit the Parking Tax.

22 (c) The Operator shall have the burden of explaining and establishing the validity of
23 Lost Tickets and Cancelled Transactions, as those terms are defined in Article 22 of this
24 Code. The Enforcing Agency may consider a verifiable statement signed by the Occupant
25 claiming a Lost Ticket that includes the Occupant's name, address, telephone number, the

1 Occupant's Motor Vehicle license plate number, the time of entry and the time of exit as
2 sufficient proof of a valid Lost Ticket transaction. An Operator shall maintain a log of all Lost
3 Tickets and Cancelled Transactions. The Enforcing Agency may consider in its sole and
4 absolute discretion an Operator's log of Cancelled Transactions or Lost Ticket transactions
5 that includes the cashier or attendant's name and/or Log File identification number who
6 processed the Transaction, the date and time of the Transaction, and a credible reason for
7 processing the transaction as a Lost Ticket transaction.

8 (d) The Tax Collector shall have the power to adopt rules and regulations prescribing
9 methods and schedules for the collection and payment of the tax and such methods and
10 schedules shall provide that the fractional part of 1 cent shall be disregarded unless it
11 amounts to 1/2 of 1 cent or more, in which case the amount (determined without regard to the
12 fractional part of 1 cent) shall be increased by 1 cent.

13 **SEC. 608. SPECIAL SCHOOL PARKING EVENT PERMITS.**

14 (a) Findings. The Board of Supervisors of the City and County of San Francisco
15 hereby finds and determines that:

16 (1) San Francisco Business and Tax Regulations Code Articles 6, 9 and 22
17 require that Occupants of Parking Stations pay a 25 percent tax that is collected and remitted
18 to the City by parking Operators. Operators must register with the City and meet other
19 parking Operator requirements.

20 (2) San Francisco Police Code Section 1215 requires that Commercial Parking
21 Operators obtain an annual permit.

22 (3) Special parking events on San Francisco Unified School District (SFUSD)
23 property, operated by the volunteers of non-profit organizations, such as Parent Teacher
24 Associations and Parent Teacher Organizations constitute a beneficial activity to supplement
25 SFUSD school revenues that have been drastically reduced by State budget cuts.

1 (4) Requiring parent volunteers to register as parking Operators is a burden on
2 the volunteer organizers of these events who are staging them for the sole benefit of the
3 SFUSD schools.

4 (5) Therefore, in order for volunteer organizers to be able to reap the full benefit
5 of their efforts and help the schools to better meet the needs of their students, the San
6 Francisco Business and Tax Regulations Code and Police Code are amended to provide for
7 Special School Parking Event Permits.

8 ~~(a)~~(b) No tax shall be imposed hereunder on Rent for the occupancy of parking space in
9 parking stations at special school parking events, provided that the following requirements are met:

10 (1) The parking activity is conducted on San Francisco Unified School District
11 ("SFUSD") property.

12 (2) The parking activity is conducted by ~~the volunteers of an~~ a volunteer led
13 organization having a formally recognized exemption from income taxation pursuant to Section
14 501(c)(3) of the Internal Revenue Code of 1986, as amended.

15 (3) One hundred percent of the earnings from the parking activity are for the sole
16 benefit of San Francisco public schools. No part of the organization's earnings from the parking
17 activity may inure to the benefit of any private shareholder or individual.

18 (4) The organization holds a Special School Parking Event p~~ermit~~ issued by the
19 Chief of Police ~~Tax Collector~~ to conduct the parking activity that it shall, which must be publicly
20 displayed during the operation of the parking activity.

21 (5) The gross revenue from the special school parking event does not exceed \$10,000.

22 ~~(b)~~(c) The ~~Chief of Police~~ Tax Collector or designee may issue up to a maximum of 150
23 sSpecial sSchool pParking eEvent pPermits annually on a first come, first served basis, to the
24 President, Chief Administrative Officer, or the equivalent of ~~eligible non-profit~~ the Second District
25 PTA organizations in the City, for distribution to ~~their members~~ qualifying organizations, for the

1 purpose of conducting special school parking events that meet the requirements of this Section. Each
2 permit may be used to conduct only one special school parking event. Special School Parking
3 Event Permits are not transferrable and shall be valid only during the calendar year in which they are
4 issued. Any organization conducting a special school parking event must in advance of the
5 event notify the Tax Collector of the date and location of the special school parking event and
6 must have the permit available for inspection on-site during the event.

7 (e)(d) The Tax Collector shall prescribe the form of the Special School Parking Event
8 Permit application. The Tax Collector or his or her designee shall determine whether an
9 organization meets the requirements of this Section and is eligible to receive a permit. The
10 Tax Collector shall not charge any fee to apply for or obtain a Special School Parking Event
11 Permit.

12 (1) Organizations that are issued permits under this Section 608 The Second
13 District PTA shall keep and preserve business records, and make them available to the Tax Collector
14 and Chief of Police, or their his or her designees, as may be necessary to determine the
15 organization's eligibility and use of the sSpecial sSchool pParking eEvent pPermits, including all
16 local, state and federal tax returns of any kind, for a period of 5 years from the date the permit is
17 issued.

18 (2) Organizations that are issued permits under this Section The Second District
19 PTA shall submit annual returns on a form prescribed by the Tax Collector. Required data shall
20 include the number of permits received from the Chief of Police Tax Collector, the number of special
21 school parking events conducted and the date of each event, the rate charged for parking at each event,
22 and the dollar value of gross revenues for each event.

23 (3) Upon the request of the Tax Collector or the Chief of Police, or their his or her
24 designees, an organization the Second District PTA shall produce such business records at the Tax
25 Collector's Office or Police Department, as applicable, during normal business hours for

1 inspection, examination, and copying. Refusal to allow full inspection, examination, or copying of such
2 records shall subject the organization to revocation of any existing permits and disqualify it from
3 eligibility for sSpecial sSchool pParking eEvent pPermits in the future.

4 (e)(e) An organization that collects rRent for occupancy of parking space for a special school
5 parking event pursuant to this Section 608 shall also be exempt from the requirement to obtain a
6 certificate of authority from the Tax Collector pursuant to Section 6.6-1 (a) of this Article 6, or to
7 execute a parking tax bond pursuant to Section 6.6-1 (g) of this Article 6, provided that the Operator
8 demonstrates to the satisfaction of the Tax Collector that it meets all of the requirements in Section
9 608(a).

10 (d)(f) An organization that collects rRent for occupancy of parking space for a special school
11 parking event pursuant to this Section 608 shall be exempted from the Revenue Control Equipment
12 requirements in Article 22 of this Code, except that such organizations must comply with the
13 requirements of Section 2204 (b)(1)-(6).

14 (e)(g) For each year for which the sSpecial sSchool pParking eEvent pPermits authorized
15 under this Section 608 are available, the Tax Collector shall submit an annual report to the Board of
16 Supervisors that sets forth aggregate information regarding the dollar value of the gross revenues
17 taken in each year, the number of permits issued, and the parking tax revenue foregone.

18 (f)(h) Termination Date. The exemption granted in this Ordinance shall expire by operation of
19 law on December 31, 2015, and the City Attorney shall cause it to be removed from future editions of
20 the Business and Tax Regulations Code unless the Board of Supervisors or the voters extends the
21 exemption prior to December 31, 2015. If the exemption in this Section expires under this
22 subsection (h), the Tax Collector shall not issue any Special School Parking Event Permits
23 after that expiration date.

1 ~~(e)~~(i) Severability. If any provision of this Ordinance or the application thereof to any person
2 or circumstance is held invalid, the remainder of the Ordinance and the application of such provision
3 to other persons or circumstances shall not be affected thereby.
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5 Section 2. The San Francisco Police Code is hereby amended by amending Section
6 1215, to read as follows:

7 **SEC. 1215. COMMERCIAL PARKING PERMITS.**

8 (a) **Definitions.** The following definitions shall apply in Police Code Sections 2.9, 2.26
9 and 1215 through 1215.7 and Business and Tax Regulations Code Section 22.

10 (1) **Chief of Police.** The Chief of the San Francisco Police Department, or
11 designee.

12 (2) **Commercial parking permit.** A permit the Chief of Police issues under this
13 Section to operate a parking garage or parking lot.

14 (3) **Covered crimes.** The crimes of assault, battery, burglary, robbery, theft
15 including identity theft, receipt of stolen property, breaking or removing parts from a vehicle,
16 malicious mischief to a vehicle, unlawful use or tampering by bailee of a vehicle, altering a
17 vehicle identification, tax fraud or evasion, and any offense related to the use of alcohol,
18 narcotics or controlled substances while operating or in connection with a vehicle, committed
19 anywhere in the United States of America.

20 (4) **Entertainment Establishment.** Any building, space, or structure operating
21 under a "Place of Entertainment" permit issued pursuant to San Francisco Police Code
22 section 1070 *et seq.*

23 (5) **Parking garage.** Any building or structure, or any portion of a building or
24 structure, where members of the public may park or store motor vehicles for a charge. This
25 definition does not include (A) any parking garage in a residential building or development that

1 provides parking for a charge as a convenience or amenity for residents or their guests only-
2 and (B) any parking garage on San Francisco Unified School District property where a
3 Qualified Nonprofit makes special event parking available to members of the public for a
4 charge, pursuant to a Special School Parking Event Permit under Article 9, Section 608 of the
5 Business and Tax Regulations Code.

6 (6) **Parking lot.** Any outdoor or uncovered space, including any plot, place, lot,
7 parcel, yard or enclosure, or any portion of such a space, where members of the public may
8 park or store motor vehicles for a charge. This definition does not include (A) any outdoor or
9 uncovered space that is part of a residential building or development that provides parking for
10 a charge as a convenience or amenity for residents or their guests only-, and (B) any outdoor
11 or uncovered lot on San Francisco Unified School District property where a Qualified Nonprofit
12 makes special event parking available to members of the public for a charge, pursuant to a
13 Special School Parking Event Permit under Article 9, Section 608 of the Business and Tax
14 Regulations Code.

15 (7) **Person.** Any individual, firm, company, corporation, partnership, joint
16 venture, association, organization or other legal entity. When Sections 1215 through 1215.6
17 require person to provide or list a name, the person must provide or list any prior names and
18 aliases.

19 (8) **Prevailing Party.** Prevailing Party has the same meaning as set forth in
20 California Code of Civil Procedure Section 1032, or any successor provision. "Prevailing
21 Party" includes the City in actions where the City obtains an injunction and/or civil penalties or
22 other monies under Sections 1215 through 1215.6 or under State law.

23 (9) **Qualified Nonprofit.** A volunteer led organization having a formally
24 recognized exemption from income taxation pursuant to Section 501(c)(3) of the Internal
25

1 Revenue Code of 1986, as amended, and with a mission of benefiting one or more
2 San Francisco public schools.

3 (b) **Permit Requirement.** A person may not operate a parking garage or parking lot,
4 directly or indirectly, unless the person holds a commercial parking permit issued by the Chief
5 of Police. This Section requires a separate commercial parking permit for each parking
6 garage and parking lot. The Chief of Police shall close immediately any parking garage or
7 parking lot operating without the required commercial parking permit.

8 (c) **Annual Permit.** Each commercial parking permit shall authorize the permittee to
9 operate the permitted parking garage or parking lot for one year from the date the Chief of
10 Police issues the permit, unless the Chief of Police suspends or revokes the permit. Each
11 commercial parking permit shall expire by operation of law at the end of the one-year period.
12 Notwithstanding Section 2.10 of the Police Code, a permittee wishing to operate beyond the
13 one-year permit term must obtain a new commercial parking permit before the existing permit
14 expires.

15 ~~(d) Any organization that meets the requirements of Section 608 of Article 9 of the~~
16 ~~Business and Tax Regulations Code shall be exempt from the requirement to obtain a~~
17 ~~commercial parking permit under this Section 1215, for each special school parking event~~
18 ~~conducted by its members for which it has applied for and obtained a special school parking~~
19 ~~event permit ("School Parking Permit") from the Chief of Police or his or her designee. It shall~~
20 ~~be unlawful for any organization or its members to hold a special school parking event in the~~
21 ~~City and County of San Francisco without first obtaining a School Parking Permit from the~~
22 ~~Chief of Police or his or her designee.~~

23 ~~(1) The form of such School Parking Permit application shall be prescribed by~~
24 ~~the Chief of Police or his or her designee and be consistent with this Ordinance and Section~~
25 ~~608 of Article 9 of the Business and Tax Regulations Code.~~

1 ~~(2) The Chief of Police or his or her designee shall determine whether an~~
2 ~~organization meets the requirements of Section 608 of Article 9 of the Business and Tax~~
3 ~~Regulations Code.~~

4 ~~(3) The Chief of Police or his or her designee shall issue no more than 150~~
5 ~~School Parking Permits annually, on a first-come first-serve basis. More than one School~~
6 ~~Parking Permit can be issued to an organization at a time.~~

7 ~~(4) There shall be no fee charged to apply for or obtain a School Parking~~
8 ~~Permit.~~

9 ~~(5) No School Parking Permit shall be issued under this Section subsequent to~~
10 ~~the expiration of Section 608 of Article 9 of the Business and Tax Regulations Code. All~~
11 ~~School Parking Permits issued under this Section shall expire and become void when Section~~
12 ~~608 expires.~~

13 ~~(6) This subsection (d) shall expire by operation of law on December 31, 2015~~
14 ~~and the City Attorney shall cause it to be removed from future editions of the Police Code~~
15 ~~unless the Board of Supervisors or the voters extends the exemption in Section 608 prior to~~
16 ~~December 31, 2015.~~

17
18 Section 3. Effective Date. This ordinance shall become effective 30 days from the
19 date of passage.

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21 Section 4. This section is uncodified. In enacting this ordinance, the Board intends to
22 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
23 punctuation, charts, diagrams, or any other constituent part of the Business and Tax
24 Regulations Code and the Police Code that are explicitly shown in this legislation as additions,
25

1 deletions, Board amendment additions, and Board amendment deletions in accordance with
2 the "Note" that appears under the official title of the legislation.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: _____
7 JEAN H. ALEXANDER
8 Deputy City Attorney