

1 [Police Code - Street Artist Certificate Fee]

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3 **Ordinance amending the Police Code Article 24, Section 2404.1, to increase the fee for**
4 **a Street Artist Certificate in accordance with the applicable Consumer Price Index when**
5 **necessary in order to ensure recovery of the costs of administering and enforcing the**
6 **provisions of the Street Artists Ordinance; and making environmental findings.**

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

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

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Section 1. The Planning Department has determined that the actions contemplated in
13 this ordinance comply with the California Environmental Quality Act (California Public
14 Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the
15 Board of Supervisors in File No. 130550 and is incorporated herein by reference.

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17 Section 2. The Police Code is hereby amended by amending Section 2404.1, to read
18 as follows:

19 **SEC. 2404.1. STREET ARTIST CERTIFICATE: FEE.**

20 Pursuant to the provisions of Proposition K, adopted by the voters at an election held
21 on November 8, 1983, the Board of Supervisors hereby establishes the fee for a Street Artist
22 Certificate to be as follows: Beginning July 1, 2010, the fee for a quarterly Street Artist
23 Certificate shall be \$166.02 and said certificate shall be valid for a period of three months from
24 the date of issuance; except that any person certified as a street artist pursuant to the

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1 provisions of this Article shall have the option of purchasing for \$664.08 an annual certificate
2 valid for a period of one year from the date of issuance.

3 Beginning with fiscal year 2013-2014, the Controller, without further action by the Board of
4 Supervisors, shall adjust the fees set forth in this section by an amount that does not exceed changes in
5 the United States Department of Labor and Bureau of Labor Statistics Consumer Price Index for San
6 Francisco (the "Department of Labor CPI"), or a comparable appropriate Consumer Price Index if the
7 Department of Labor CPI is eliminated or superseded, provided that in no event may the adjusted fee
8 exceed the Arts Commission's costs of administering and enforcing the provisions of Article 24 of the
9 Police Code (the "Street Artists Ordinance"). No later than April 15th of each year, the Director of
10 Cultural Affairs or his or her designee, shall submit to the Controller the Arts Commission's current
11 Street Artist Certificate fee schedule and any information the Controller requests regarding the Art
12 Commission's costs of administering and enforcing the provisions of the Street Artists Ordinance. The
13 Controller shall apply the price index adjustment to produce a new certificate fee schedule for the
14 following year. No later than May 15th of each year, the Controller shall file a report with the Board
15 of Supervisors and the Arts Commission reporting the new certificate fee schedule and certifying that
16 the certificate fees, as adjusted, do not produce revenue that exceeds the Arts Commission costs of
17 administering and enforcing the provisions of the Street Artists Ordinance. Notwithstanding the
18 procedures set forth in this Section, the Board of Supervisors, in its discretion, may modify the fees by
19 ordinance at any time.

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21 Section 3. Effective Date. This ordinance shall become effective 30 days from the
22 date of passage.

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24 Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word
25 of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any

1 court of competent jurisdiction, such decision shall not affect the validity of the remaining
2 portions of the Ordinance. The Board of Supervisors hereby declares that it would have
3 passed this Ordinance and each and every section, subsection, sentence, clause, phrase,
4 and word not declared invalid or unconstitutional without regard to whether any other portion
5 of this Ordinance would be subsequently declared invalid or unconstitutional.

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7 Section 5. Scope of Ordinance. In enacting this Ordinance, the Board intends to
8 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
9 punctuation, charts, diagrams, or any other constituent part of the Police Code that are
10 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
11 Board amendment deletions in accordance with the “Note” that appears under the official title
12 of the legislation.

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14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By: _____
17 ADINE VARAH
18 Deputy City Attorney
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