

1 [Building Code - Waiver and Refund of Investigation Fee for Persons Registered with the
2 Office of Cannabis]

3 **Ordinance waiving and refunding investigation fees imposed by Building Code,**
4 **Section 107A.5, for persons (as defined in Police Code, Section 1602) registered with**
5 **the Office of Cannabis.**

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. Findings and Purpose.

15 (a) To ensure that the cannabis industry in San Francisco operates in a manner that
16 promotes health and safety, and that otherwise conforms to applicable regulatory standards,
17 the City and County of San Francisco has encouraged potential participants in that industry to
18 register with the Office of Cannabis. Indeed, Persons (as defined in Police Code Section
19 1602) who wish to operate a Cannabis Business (as defined in the same Section) are
20 required, under Police Code Section 1605, to be registered with the Office of Cannabis to
21 obtain a Temporary Cannabis Business Permit. Persons who register with the Office of
22 Cannabis are required to submit to inspections of the proposed Cannabis Business's
23 premises by the Department of Building Inspection, in addition to certain other City
24 departments, agencies, and offices.

25 (b) Building Code Section 107A.5 imposes an investigation fee for any work performed
without a required Building Code permit. As described in Building Code Table 1A-K

1 (“Penalties, Hearings, Code Enforcement Assessments”), the amount of this investigation fee
2 is generally “9 times the Permit Issuance Fee plus the original permit fee.” Imposing this
3 investigation fee on Persons who are registered with the Office of Cannabis would likely be
4 perceived as unfair or punitive by those who have cooperated with the City’s efforts to
5 regulate the cannabis industry in a manner that promotes health and safety. Likewise,
6 imposing this fee might discourage similar cooperation by such Persons in the future.

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8 Section 2. Waiver of Investigation Fee Imposed by Building Code Section 107A.5;
9 Refund of Fees Previously Collected.

10 (a) The investigation fee imposed by Section 107A.5 of the Building Code is hereby
11 waived with respect to Persons who are registered with the Office of Cannabis. Accordingly,
12 neither the Department of Building Inspection, nor any other City department, agency, or
13 office, may collect this fee from any Person who is registered with the Office of Cannabis.

14 (b) This ordinance is retroactive to September 26, 2017. Accordingly, the Department
15 of Building Inspection, and, if applicable, any other City department, agency, or office, shall
16 refund any fees described in subsection (a) that have, as of the effective date of this
17 ordinance, already been collected.

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19 Section 3. Sunset Provision.

20 Section 2 of this ordinance shall be inoperative after December 31, 2018. After that
21 date, Persons registered with the Office of Cannabis shall again be subject to the investigation
22 fee imposed by Section 107A.5 of the Building Code. After that date, the Department of
23 Building Inspection, and, as applicable, other City departments, agencies, or offices, may
24 impose this fee on Persons registered with the Office of Cannabis, for unpermitted work that
25 occurs, or other Building Code violations that exist, after that date.

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Section 4. Effective Date; Retroactivity.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

(b) As stated in subsection (b) of Section 2 of this ordinance, the fee waiver described in Section 2 of this ordinance shall be retroactive to September 26, 2017.

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

By: _____
MATTHEW LEE
Deputy City Attorney

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