

FILE NO. 041588

ORDINANCE NO.

1 [License Fees.]

2

3 **Ordinance amending the San Francisco Municipal Code Business and Tax Regulations**  
4 **Code by amending Sections 35, 120, 248, 249.1, and 249.12, and Health Code Section 258**  
5 **relating to fees for licenses or permits for inspections by the Department of Public**  
6 **Health.**

7 Note: Additions are *single-underline italics Times New Roman*;  
8 deletions are *strikethrough italics Times New Roman*.  
9 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. The San Francisco Municipal Code Business and Tax Regulations Code is  
12 hereby amended by amending Sections 35, 120, 248, 249.1, and 249.12, to read as follows:

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

14 (A) Unless otherwise specifically provided, all fixed fees for inspection or permits which  
15 involve the Health Department shall be payable in advance annually. A filing fee of ~~(\$195)~~  
16 ~~\$246~~ \$240 payable in advance to the Health Department for each inspection for a permit is  
17 required for a first-time inspection of a premises or thing if such inspection is requested or  
18 required as a condition of the issuance of a first permit or of a first license, except applications  
19 for permits for ambulances, refuse trucks, swill trucks, fumigation site surveillance, soft-serve  
20 ice cream machines and hazardous material storage.

21 (B) When two or more food product and marketing establishments or food preparation  
22 and service establishments, or any combination thereof, subject to inspection are located on  
23 the same premises, are not contiguous to each other, and are conducted by one owner  
24 whether person, firm or corporation, a permit shall be required for each such establishment.

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

5 (D) A fee of ~~(((\$50))~~ \$63 shall accompany any application for a special event referred to  
6 in Section 452(b) of the San Francisco Health Code.

7 (E) Exemptions. The following establishments are exempt, as set forth in Section  
8 249.1 of this Code, from paying fees:

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

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

13 (f) When the Health Department provides inspection services, whether in response to  
14 a permit or license application or by request, a fee of ~~(((\$110))~~ \$138 ~~\$135~~ per hour will be  
15 charged. When these services are provided during nonregular working hours, a fee of  
16 ~~(((\$123))~~ \$155 per hour will be charged. "Inspection services" includes but is not limited to  
17 reviewing plans and blueprints, providing consultations and making site inspections. A bill for  
18 these services will be issued to the person making the application or request and must be  
19 paid prior to the Department providing the service. If the time expended exceeds what the  
20 Department anticipated, the Department shall bill the applicant or person making the request  
21 for the additional time expended and such person shall be responsible for paying that amount.  
22 Notwithstanding any other provision of this Section 35, all fees for routine, nonenforcement  
23 related inspection services provided for solid waste transfer station permit issuance and  
24 compliance review will be included in the license fee required by Section 249.15 of this Article.

1 (g) When the Health Department, while in the process of conducting inspections of businesses  
2 required to have a valid Permit To Operate, issued by the Department of Public Health, finds  
3 violations of local, state law or federal law, requiring follow up inspection(s) to determine if the  
4 documented violations have been corrected, the permitted establishment is liable for payment to the  
5 San Francisco Department of Public Health a fee of \$75 per half-hour of on-site inspection services.  
6 Violations subject to reinspection fees include those listed as high-risk violations on the  
7 Department of Public Health food inspection report.

8 (h) ~~(e)~~ (F) Application, and permit and inspection fees as provided for in Sections 248  
9 through 249.2 35, 120, 248, 249, 249.1, 249.2, 249.7, 249.12, 249.13 and 249.14 of the San  
10 Francisco Municipal Code Business and Tax Regulations Code and Section 258 of the San  
11 Francisco Municipal Code Public Health Code for fiscal years subsequent to 2000-04 2005-06  
12 shall be adjusted each year from those charged the previous fiscal year based on cost of  
13 living allowances (COLA) as indicated in these code sections . Each year, the Controller shall  
14 review the fees which would be charged in the next fiscal year and shall file a report with the Board of  
15 Supervisors no later than May 15 along with a proposed ordinance readjusting the fee rates as  
16 necessary to ensure that (A) the fees produce sufficient revenue to support the costs of providing the  
17 services for which each fee is assessed, and (B) the fees do not produce revenue which is significantly  
18 more than the costs of providing the services for which each fee is assessed. The Department will  
19 perform an annual review of the fees scheduled to be assessed the following fiscal year,  
20 subject to review by the Controller. Should this review determine that any of the scheduled  
21 fee revenues exceed program costs, a report will be filed with the Board of Supervisors no  
22 later than May 15 along with a proposed ordinance readjusting the fee rates as necessary to  
23 ensure that the fees do not produce more revenue than required to recover the costs of  
24 operating the program. (Ord. 270-85, App. 5/30/85; amended by Ord. 443-86, App. 11/13/86;  
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1 Ord. 341-88, App. 7/28/88; Ord. 244-91, App. 6/24/91; Ord. 207-93, App. 6/25/93; Ord. 131-  
2 97, App. 4/18/97; Ord. 117-01, File No. 010515, App. 6/1/2001)

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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  
6 license fee annually in the advance to the Tax Collector ~~((\$57))~~ \$72. \$70.

7 (B) Every owner, manager, or lessee of a wash laundry will pay the following  
8 license fee annually in advance to the Tax Collector ~~((\$123))~~ \$155-\$151.

9 (C) Every owner, manager or lessee of a cleaning, dyeing or cleaning and  
10 dyeing works will pay the following fee annually in advance: ~~((\$15))~~ \$18.

11 (D) Every owner, manager or lessee of an automatic laundry (mechanical, pay-  
12 to-operate, washing or dyeing machine) will pay the following license fee annually in advance  
13 to the Tax Collector: ~~((\$19))~~ \$23 plus ~~((\$7.00))~~ \$9 per machine.

14 (E) Every owner, manager or lessee of a laundry delivery service will pay the  
15 following license fee annually in advance to the Tax Collector: ~~((\$17))~~ \$21 per delivery vehicle  
16 per year.

17 The license fees prescribed by this Section are due and payable the first day of  
18 January of each year. Fees for new licenses issued prior to January 1 shall be prorated to the  
19 end of such calendar year on a monthly basis. ~~(Amended by Ord. 53-82, App. 2/11/82; Ord.  
20 369-88, App. 8/5/88; Ord. 207-93, App. 6/25/93, Ord. 131-97, App. 4/18/97; Ord. 117-01, File  
21 No. 010515, App. 6/1/2001)~~

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

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

CLASS	FEE	
Class A. Food product and marketing establishments without food preparation with a total square footage of:		
Less than 5,001 square feet	<del>((373))</del>	469 <u>459</u>
5,001 square feet to 10,000 square feet	<del>((490))</del>	616 <u>603</u>
10,001 square feet to 20,000 square feet	<del>((612))</del>	769 <u>753</u>
Greater than 20,000 square feet	<del>((744))</del>	935 <u>915</u>
Class B. Food product and marketing establishments with food preparation with a total square footage of:		
Less than 5,001 square feet	<del>((400))</del>	503 <u>492</u>
5,001 square feet to 10,000 square feet	<del>((520))</del>	654 <u>640</u>
10,001 square feet to 20,000 square feet	<del>((635))</del>	798 <u>781</u>
Greater than 20,000 square feet	<del>((757))</del>	955 <u>931</u>
Class C. Retail bakeries with total square footage of:		
Less than 2,001 square feet	<del>((410))</del>	516 <u>504</u>
Greater than 2,000 square feet	<del>((423))</del>	532 <u>520</u>
Class D. Produce stand	<del>((412))</del>	518 <u>507</u>
Class E. Certified farmers market	<del>((416))</del>	524 <u>512</u>
Class F. Wholesale food markets	<del>((400))</del>	503 <u>492</u>
Class G. Food manufacturing or processing	<del>((412))</del>	518 <u>507</u>
Class H. Food Product and marketing establishments with an inventory of food at cost in stock as of the first day of April:		
Less than \$1,000	<del>((69))</del>	87 <u>85</u>
<del>((Greater than \$1,000))</del> \$1,000 or greater	<del>((491))</del>	618 <u>604</u>
Class I. Food product and marketing establishments in stadiums, arenas or auditoriums		

1 with a seating capacity of ~~((391))~~  
25,000 or more.

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

4 Fees for new licenses issued prior to, or after September 1, shall be prorated on a  
5 monthly basis. ~~(Amended by Ord. 95-84, App. 3/8/84; Ord. 369-88, App. 8/5/88; Ord. 244-91,  
6 App. 6/24/91; Ord. 207-93, App. 6/25/93; Ord. 131-97, App. 4/18/97; Ord. 117-01, File No.  
7 010515, App. 6/1/2001)~~

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

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

13  
14 **(a) CLASS**

**FEE**

15  
16 Class A. Food preparation and service establishments with a total square  
17 footage of:

18 Less than 1,000 square feet	<del>((510))</del>	<u>642 627</u>
19 1,000 square feet to 2,000 20 square feet	<del>((674))</del>	<u>848 829</u>
21 Greater than 2,000 square 22 feet	<del>((773))</del>	<u>972 951</u>
23 Class B. Bar or 24 tavern	<del>((605))</del>	<u>764 744</u>
25 Class C. Take-out establishments	<del>((611))</del>	<u>768 752</u>
Class D. Fast food establishments	<del>((693))</del>	<u>872 852</u>
Class E. Catering facility	<del>((595))</del>	<u>748 732</u>
Class F. Temporary facility	<del>((95))</del>	<u>420 117</u>
Class G. Food demonstration	<del>((85))</del>	<u>107 105</u>
Class H. Commissary	<del>((580))</del>	<u>729 713</u>

1	Class I. Pushcart on private property	<del>((483))</del>	607 <u>594</u>
2	Class J. Stadium concession	<del>((410))</del>	516 <u>504</u>
3	Class K. Vending machines	<del>((116))</del>	149 <u>143</u>
4	Class L. Bed and breakfast establishment	<del>((655))</del>	824 <u>806</u>
5	Class M. Boarding house	<del>((158))</del>	198 <u>194</u>
6	Class N. Private school cafeteria	<del>((193))</del>	243 <u>237</u>
7	Class O. Hospital kitchen	<del>((616))</del>	774 <u>758</u>

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

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

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

15           For the purpose of this subsection, a “day care facility for children” shall mean a  
16 “community care facility” licensed pursuant to the provisions of Chapter 3, Division 2 of the  
17 California Health and Safety Code (commencing at Section 1500) which provides nonmedical  
18 care to children in need of personal services, supervision, or assistance essential for  
19 sustaining the activities of daily living or for the protection of the individual on less than a 24-  
20 hour basis, or a “family day care home for children” licensed pursuant to the provisions of  
21 Chapter 3.6, Division 2 of the California Health and Safety Code (commencing at Section  
22 1597.50).

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

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1           (c) Application, and permit and inspection fees as provided for in Sections 248 through  
2 249.2-35, 120, 248, 249.1, 249.7, 249.12, 249.13 and 249.14 of the San Francisco Municipal  
3 Code Business and Tax Regulations Code and Section 258 of the San Francisco Municipal  
4 Code Public Health Code for fiscal years subsequent to 2000-01-2005-06 shall be adjusted  
5 each year from those charged the previous fiscal year based on cost of living allowances  
6 (COLA) as indicated in these code sections. Each year, the Controller shall review the fees  
7 which would be charged in the next fiscal year and shall file a report with the Board of  
8 Supervisors no later than May 15 along with a proposed ordinance readjusting the fee rates  
9 as necessary to ensure that (A) the fees produce sufficient revenue to support the costs of  
10 providing the services for which each fee is assessed, and (B) the fees do not produce  
11 revenue which is significantly more than the costs of providing the services for which each fee  
12 is assessed. The Department will perform an annual review of the fees scheduled to be  
13 assessed the following fiscal year. Should this review determine that any of the scheduled fee  
14 revenues exceed program costs, a report will be filed with the Board of Supervisors no later  
15 than May 15 along with a proposed ordinance readjusting the fee rates as necessary to  
16 ensure that the fees do not produce more revenue than required to recover the costs of  
17 operating the program. (Amended by Ord. 270-85, App. 5/30/85; Ord. 28-88, App. 1/28/88;  
18 Ord. 369-88, App. 8/5/88; Ord. 444-88, App. 9/28/88; Ord. 244-91, App. 6/24/91; Ord. 207-93,  
19 App. 6/25/93; Ord. 131-97, App. 4/18/97; Ord. 117-01, File No. 010515, App. 6/1/2001)

20           **SEC. 249.12. FOOD VENDING MACHINES.**

21           (a) Every person, firm, or corporation engaged in the business of operating food  
22 vending machines shall pay a fee of ~~(((\$63))~~ \$149-\$63. Said fee is due and payable  
23 on an annual basis starting October 1<sup>st</sup>.  
24  
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- 1 (b) In addition to the fee prescribed in Subsection (a) of this Section every permittee  
2 shall pay an annual fee of \$4 for each vending machine operated in said business.  
3 The fee prescribed herein shall not be prorated.  
4 (c) The fee prescribed in Subsection (b) of this Section shall be credited to the fee  
5 payable in Subsection (a) but said credit shall not exceed \$60.  
6

7 Section 2. The San Francisco Health Code is hereby amended by amending  
8 Sections 258 to read as follows  
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10 **SEC. 258 LICENSE FEES.**

11 Upon approval of an application for a permit to engage in the practice of tattooing, the  
12 Director of Public Health shall forward the permit therefor to the Tax Collector, who, upon  
13 payment of the license fee hereinafter provided shall issue the permit to the designated  
14 permittee.

15 Every person engaged in the business of conducting, managing, or operating any  
16 establishment for the practice of the art of tattooing and piercing shall pay a license fee of  
17 ~~\$105~~ \$120 per year, or for any portion of a year, payable annually in advance.  
18

19 APPROVED AS TO FORM:

20 DENNIS J. HERRERA  
21 City Attorney

22 By \_\_\_\_\_  
23 ALEETA M. VAN RUNKLE  
24 Deputy City Attorney  
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