Amendment of the Whole
Further amended in committee
December 8, 2004

FILE NO. 041588

ORDINANCE NO. 5-05

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; deletions are strikethrough italics Times New Roman.

8 Board amendment additions are double underlined.

9 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

15 or permits which involve the Health Department shall be payable in advance

16 annually. A filing fee of ((($196)) $246 $240 payable in advance to the Health

17 Department for each inspection for a permit is required for a first-time inspection of

18 a premises or thing if such inspection is requested or required as a condition of the

19 issuance of a first permit or of a first license, except applications for permits for

20 ambulances, refuse trucks, swill trucks, fumigation site surveillance, soft-serve ice

21 cream machines and hazardous material storage.

22 (B) When two or more food product and marketing establishments or

23 food preparation and service establishments, or any combination thereof, subject

24 to inspection are located on the same premises, are not contiguous to each other,
and are conducted by one owner whether person, firm or corporation, a permit shall be required for each such establishment.

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

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

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

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

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

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

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

(h) (e) Application, and permit and inspection fees as provided for in
Sections 248 through 249.2 35, 120, 248, 249, 249.1, 249.2, 249.7, 249.12, 249.13
and 249.14 of the San Francisco Municipal Code Business and Tax Regulations
Code and Section 258 of the San Francisco Municipal Code Public Health Code for
fiscal years subsequent to 2000-01 2005-06 shall be adjusted each year from those
charged the previous fiscal year based on cost of living allowances (COLA) as
indicated in these code sections. Each year, the Controller shall review the fees
which would be charged in the next fiscal year and shall file a report with the Board
of Supervisors no later than May 15 along with a proposed ordinance readjusting
the fee rates as necessary to ensure that (A) the fees produce sufficient revenue to
support the costs of providing the services for which each fee is assessed, and (B)
the fees do not produce revenue which is significantly more than the costs of
providing the services for which each fee is assessed. The Department will perform an annual review of the fees scheduled to be assessed the following fiscal year, subject to review by the Controller. Should this review determine that any of the scheduled fee revenues exceed program costs, a report will be filed with the Board of Supervisors no later than May 15 along with a proposed ordinance readjusting the fee rates as necessary to ensure that the fees do not produce more revenue than required to recover the costs of operating the program. (Ord. 270-85, App. 5/30/85; amended by Ord. 443-86, App. 11/13/86; Ord. 341-88, App. 7/26/88; Ord. 244-91, App. 6/24/91; Ord. 207-93, App 6/25/93; Ord. 131-97, App. 4/18/97; Ord. 117-01, File No. 010515, App. 6/4/2001)

SEC. 120. LAUNDRIES AND CLEANING AND DYEING WORKS.

(A) Every owner, manager or lessee of a hand laundry will pay the following license fee annually in advance to the Tax Collector: $57. $72. $70.

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>CLASS</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A. Food product and marketing establishments without food preparation with a total square footage of:</td>
<td></td>
</tr>
<tr>
<td>Less than 5,001 square feet</td>
<td>469-459</td>
</tr>
<tr>
<td>5,001 square feet to 10,000 square feet</td>
<td>616-503</td>
</tr>
<tr>
<td>10,001 square feet to 20,000 square feet</td>
<td>769-753</td>
</tr>
<tr>
<td>Class</td>
<td>Description</td>
</tr>
<tr>
<td>-------</td>
<td>-------------</td>
</tr>
<tr>
<td>B</td>
<td>Food product and marketing establishments with food preparation with a total square footage of:</td>
</tr>
<tr>
<td></td>
<td>Less than 5,001</td>
</tr>
<tr>
<td></td>
<td>5,001 square feet to 10,000</td>
</tr>
<tr>
<td></td>
<td>10,001 square feet to 20,000</td>
</tr>
<tr>
<td></td>
<td>Greater than 20,000</td>
</tr>
<tr>
<td>C</td>
<td>Retail bakeries with total square footage of:</td>
</tr>
<tr>
<td></td>
<td>Less than 2,001</td>
</tr>
<tr>
<td></td>
<td>Greater than 2,000</td>
</tr>
<tr>
<td>D</td>
<td>Produce stand</td>
</tr>
<tr>
<td>E</td>
<td>Certified farmers market</td>
</tr>
</tbody>
</table>
Class F. Wholesale food markets

Class G. Food manufacturing or processing

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
- $1,000 or greater

Class I. Food product and marketing establishments in stadiums, arenas or auditoriums with a seating capacity of 25,000 or more.

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

Fees for new licenses issued prior to, or after September 1, shall be prorated on a monthly basis. (Amended by Ord. 95, App. 3/8/84; Ord. 369, App. 8/5/88; Ord. 244, App. 6/24/91; Ord. 207, App. 6/25/93; Ord. 131, App. 4/18/97; Ord. 117, File No. 040515, App. 6/4/2004)
SEC. 249.1. FOOD PREPARATION AND SERVICE ESTABLISHMENTS.

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

<table>
<thead>
<tr>
<th>CLASS</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A. Food preparation and service establishments with a total square footage of:</td>
<td></td>
</tr>
<tr>
<td>Less than 1,000 square feet</td>
<td>$(540)$</td>
</tr>
<tr>
<td>1,000 square feet to 2,000 square feet</td>
<td>$(674)$</td>
</tr>
<tr>
<td>Greater than 2,000 square feet</td>
<td>$(773)$</td>
</tr>
<tr>
<td>Class B. Bar or tavern</td>
<td>$(605)$</td>
</tr>
<tr>
<td>Class C. Take-out establishments</td>
<td>$(614)$</td>
</tr>
<tr>
<td>Class D. Fast food establishments</td>
<td>$(693)$</td>
</tr>
<tr>
<td>Class E. Catering</td>
<td>$(595)$</td>
</tr>
</tbody>
</table>

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

(b) Exemptions. The following establishments are exempt from paying the fees required by this Section:
(I) Food preparation and service establishments used exclusively by day care facilities for children are exempt from paying the fees required by this Section.

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

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

(c) Application, and permit and inspection fees as provided for in Sections 248 through 249.35, 120, 248, 249.1, 249.7, 249.12, 249.13 and 249.14 of the San Francisco Municipal Code Business and Tax Regulations Code and Section 258 of the San Francisco Municipal Code Public Health Code for fiscal years subsequent to 2000-01-2005-06 shall be adjusted each year from those charged the previous fiscal year based on cost of living allowances (COLA) as indicated in these code sections. Each year, the Controller shall review the fees which would be charged in the next fiscal year and shall file a report with the Board of Supervisors no later than May 15 along with a proposed ordinance readjusting the fee rates as necessary to ensure that (A) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (B) the fees do not produce revenue which is significantly more than the costs of providing the services for which each fee is assessed. The Department will perform an annual review of the fees scheduled to be
assessed the following fiscal year. Should this review determine that any of the scheduled fee revenues exceed program costs, a report will be filed with the Board of Supervisors no later than May 15 along with a proposed ordinance readjusting the fee rates as necessary to ensure that the fees do not produce more revenue than required to recover the costs of operating the program. (Amended by Ord. 270-85, App. 5/30/85; Ord. 28-88, App. 1/28/88; Ord. 369-88, App. 8/5/88; Ord. 444-88, App. 9/28/88; Ord. 244-91, App. 6/24/91; Ord. 207-93; App. 6/25/93; Ord. 131-97, App. 4/18/97; Ord. 117-01, File No. 010515, App. 6/4/2001)

SEC. 249.12. FOOD VENDING MACHINES.

(a) Every person, firm, or corporation engaged in the business of operating food vending machines shall pay a fee of \((4\times 63)\) $149-$63. Said fee is due and payable on an annual basis starting October 1st.

(b) In addition to the fee prescribed in Subsection (a) of this Section every permittee shall pay an annual fee of $4 for each vending machine operated in said business. The fee prescribed herein shall not be prorated.

(c) The fee prescribed in Subsection (b) of this Section shall be credited to the fee payable in Subsection (a) but said credit shall not exceed $60.

Section 2. The San Francisco Health Code is hereby amended by amending Sections 258 to read as follows

SEC. 258 LICENSE FEES.

Upon approval of an application for a permit to engage in the practice of tattooing, the Director of Public Health shall forward the permit therefor to the Tax Collector, who, upon

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payment of the license fee hereinafter provided shall issue the permit to the designated permittee.

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

APPROVED AS TO FORM:

DENNIS J. HERRERA
City Attorney

By 
ALEETA M. VAN RUNKLE
Deputy City Attorney
Ordinance amending the San Francisco Municipal Code Business and Tax Regulations Code by amending Sections 35, 120, 248, 249.1, and 249.12, relating to fees for licenses or permits for inspections by the Department of Public Health.

December 14, 2004 Board of Supervisors — PASSED ON FIRST READING
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufy, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Gonzalez

January 4, 2005 Board of Supervisors — FINALLY PASSED
Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Daly
I hereby certify that the foregoing Ordinance was FINALLY PASSED on January 4, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Gavin Newsom