[Increasing Fire Department fees for street fairs.]

Ordinance amending Section 6.6 of the San Francisco Transportation Code to increase fees for Fire Department services, permits and inspections related to street fairs, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

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

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

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 090708 and is incorporated herein by reference.

Section 2. The San Francisco Transportation Code is hereby amended by amending Section 6.6 to read as follows:

SEC. 6.6. TEMPORARY USE OF STREETS FOR STREET FAIRS.

(a) Definitions. For the purpose of this Section, the following definitions shall apply:

(1) To "issue" a permit is to deliver to an applicant for a street fair permit written permission to sponsor or hold a street fair at a specified date and location.

(2) "Sponsor" means that organization responsible for organizing a street fair and authorized to represent the street fair before City agencies and officials.
(3) A "street fair" means a social or community event, not including an athletic event or parade, in which any group of persons convene to celebrate their community or neighborhood on any street in the City which event obstructs or interferes with the normal flow of vehicular traffic.

(b) Applying for Temporary Use of Street for Street Fair. Notwithstanding any other provisions of this Code or the San Francisco Administrative Code, the regulation of street fairs, including the processes for obtaining permits from the City for conducting these street fairs and the payment of associated fees to the City, shall be governed by this Section. In order to provide for the safe, orderly and cost-effective conduct of street fairs, any organization seeking permission for the temporary use of a street for the purpose of conducting a street fair shall file an application with the Director of Transportation no later than 90 days prior to the proposed date for the event. Applications shall be submitted on forms prepared by the Director of Transportation after conferring with the appropriate representatives from the Police Department, Fire Department, Department of Public Health, the Department of Public Works, and the Entertainment Commission. At the time of filing an application under this Section, the sponsoring organization shall also file an application fee established by the Municipal Transportation Agency Board of Directors.

(c) Timeliness of Applications. No person submitting an application after the deadlines set forth in this Article shall be granted permission to conduct a street fair on the dates requested unless the person demonstrates to the satisfaction of the Director of Transportation that the failure to submit a timely application was justified by extraordinary circumstances; provided, however, that in no event shall an applicant be permitted to file an application less than 60 days prior to the proposed date for the
event. Municipal Transportation Agency Board of Directors may establish a late fee to be assessed for untimely filed applications.

(d) Review of Application.

(1) Upon receiving an application for permission for the temporary use of a street for purposes of conducting a street fair, the Director of Transportation shall review the application to determine whether the information required in the application has been provided. If the Director of Transportation determines that the applicant has failed to provide the information required, the Director of Transportation shall, within five business days of receiving the application, notify the applicant of what additional information is required. If the applicant fails to provide the additional information required within five business days of notification by the Director of Transportation, the application shall be deemed to be untimely filed; provided, however, that upon good cause shown, the Director of Transportation may extend this five-day period. Except as provided in Subsection (2) of this Section, the Director of Transportation shall transmit the completed application to ISCOTT.

(2) If, upon reviewing the application, the Director of Transportation determines that the proposed street fair will be contained within one block in such a manner that no intersections will be closed, and that the proposed street fair will not require the rerouting of Municipal Railway vehicles, the Director of Transportation may grant the street fair permit without referring the application to ISCOTT; provided, however, that the Director of Transportation shall transmit copies of the applications to the constituent members of ISCOTT for informational purposes. The Director of Transportation will calculate the fee to be charged to the sponsor using the same schedule and in the same manner as prescribed in Subsection (f) of this Section. If such a street fair will include the sale of food or beverages, the appropriate permits shall be obtained from
the Department of Public Health no later than 14 days prior to the date of the event. If such a street fair will include the use of propane or butane (liquefied petroleum gas), open flames, pyrotechnics and fireworks, or tent or membrane structure, the appropriate permits shall be obtained from the Fire Chief no later than 10 days prior to the date of the event.

(e) Review by ISCOTT; Recommendation. Except as provided in Subsection (d)(2) of this Section, no later than 60 days prior to the proposed date of the street fair, ISCOTT shall review the application and shall recommend that the Director of Transportation grant, deny, or grant with conditions the application for a permit. The Director of Transportation may accept or reject the recommendation of ISCOTT, and may grant, deny or grant with conditions the application for a permit. Upon granting permission to conduct a street fair, the Director of Transportation shall cause all necessary permits to be issued to the sponsor of the street fair. If the Director of Transportation denies permission to conduct the street fair, the Director of Transportation shall state in writing his or her reasons for the denial.

(f) Fee. No later than 60 days prior to the proposed date of the street fair and in consultation with other City departments, ISCOTT shall determine the fee to be charged for the permit according to the schedule below. No other fee for conducting a street fair shall be required or assessed. All fees paid by the sponsors for street fair permits shall be deposited in the City Treasury and allocated by the Controller to the appropriate City departments. The fee shall be based on the actual costs to the City of temporarily closing the street for the street fair, pursuant to the following fee schedule:

(1) Fire Department:

A) Application fee: \( \ldots \$135.00 \ldots \$330.00 \)
B) Inspection fee--Food vendors using propane, butane, charcoal briquettes or open flame:

(i) First Day of Street Fair:

1 to 10 food vendors: ... $172.00 $468.00
11 to 20 food vendors: ... $342.00 $936.00
21 to 30 food vendors: ... $514.00 $1,404.00
31 food vendors and over: ... $685.00 $1,872.00

(ii) Each Consecutive Day of Street Fair:

1 to 20 food vendors: ... $172.00 $468.00
21 food vendors and over: ... $342.00 $936.00

C) LPG heaters: $172.00 and $43.00 for each hour after four hours of service.

Whenever an LPG heater is used in a tent where a public assembly event is held, one inspector shall be on duty during the duration of the operation of the heater, pursuant to Section 2501.18.1 of the Municipal Fire Code. Other activities at a street fair that are regulated by the Fire Department will require operational permits from the Department. Examples of regulated activities include but are not limited to: The erection of tents, the use or storage of hazardous materials, professional fireworks displays, and carnivals. Additional inspection fees may also be required depending on the activity.

D) Tents or membrane structures

Permit fee: .... $153.00

E) Fireworks or pyrotechnics

Permit fee: .... $94.00

2) Department of Public Health: Application and permit fees payable to the Department of Public Health under this Section shall be the same as those charged for temporary
food permits for special events as governed by Section 249.11 of the Business and Tax
Regulations Code.

3) Municipal Railway fee: Fee to be established by the Municipal Transportation
Agency.

4) A) Street fairs where alcoholic beverages are served:

100 percent of the projected Police Department costs incurred by reason of the street
fair, subject to the following caps:

TABLE INSET:

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<tr>
<th>ATTENDANCE</th>
<th>MAXIMUM FEE</th>
</tr>
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<tr>
<td>0 to 100,000 patrons</td>
<td>$5,494.07</td>
</tr>
<tr>
<td>100,001 to 250,000 patrons</td>
<td>$10,988.14</td>
</tr>
<tr>
<td>More than 250,000 patrons</td>
<td>$21,976.28</td>
</tr>
</tbody>
</table>

The Police Department, working with the sponsor, shall provide an estimate of
attendance for the event for purposes of determining the applicable cap.

B) Street fairs where alcoholic beverages are not served:

Police Department: 40 percent of the projected Police Department costs incurred by
reason of the street fair; provided, that this fee shall not exceed $2,793.49. ISCOTT
shall waive all or part of this fee upon a showing that the sponsors of the event are
unable to pay the full fee.

If the Director of Transportation grants the application for a permit, he or she shall
transmit to the sponsor an invoice for the fee. The sponsor of the street fair shall make
full payment of the fee no later than 10 days prior to the date of the event.
(g) Insurance. Street fair sponsors shall be required to file with the Director of Transportation proof of insurance in accordance with Section 6.7(l).

(h) Conditions. In addition to any other conditions imposed by the Director of Transportation, any street fair conducted pursuant to this Article shall be subject to the conditions set forth in Section 6.7.

(i) Appeals. Any appeal from the denial of the issuance of a permit to conduct a street fair, from the imposition of conditions on the issuance of a permit, or the determination or refund of fees shall be to the Board of Supervisors. Such appeal shall be made by filing with the Clerk of the San Francisco Board of Supervisors, on a form provided by the Clerk of the Board, within 10 days of the Director of Transportation's approval or disapproval or the determination or refund of fees. The Board of Supervisors may establish a fee to be imposed upon the filing of any such appeal. Upon receipt, the Clerk of the Board shall set a time and place for hearing such appeal by the Board of Supervisors, which shall be at its next regular meeting in conformance with public notice requirements. At the appeal hearing, the appellant and Director of Transportation shall have an opportunity to present oral testimony and written materials in support of their positions. Upon hearing the appeal, and after any further investigation that the Board of Supervisors may request, the Board of Supervisors may affirm, reverse, or modify the Director of Transportation's decision on the issue appealed.

(j) Notice. The Director of Transportation shall transmit copies of the granting of permission to conduct a street fair to the Chief of Police, the Fire Chief, the Director of Public Works, the Executive Director of the Entertainment Commission, the Director of the Environmental Health Section of the Department of Public Health and the Superintendent of Emergency Hospital Service of the Department of Public Health.
(k) Authorization to Sell Goods; Unauthorized Sales. The sponsor of a street fair shall determine which individuals or organizations may sell goods or merchandise on a street that has been closed for the purposes of conducting a street fair, provided, however, that such authorization shall not be withheld on the basis of the race, sex, religion, creed, national origin or sexual orientation of the person seeking such authorization. Individuals seeking to sell goods or merchandise in a street that has been closed for the purpose of a street fair without the authorization of a sponsor may be cited for violating San Francisco Police Code Section 869 (peddling without a permit). Nothing in this Section shall be construed to deprive the Department of Public Health of its authority to determine that foods or beverages may be sold.

(l) Refund of Fees. If for any reason a sponsor cancels a proposed street fair, the sponsor shall be entitled to a refund of that portion of the fees paid, other than application fees, representing the costs saved by City departments by reason of the cancellation of the street fair.

(m) Annual Reports. No later than December 1st of each year, the Chief of Police and the Director of Transportation shall provide to the Board of Supervisors written reports setting forth in detail the Police Department and Municipal Transportation Agency's costs, respectively, associated with street fairs for that year.

(n) Annual Adjustment of Fees. Fees set in this Section, including the caps on fees for police services, may be adjusted each year, without further action by the Board of Supervisors or the Municipal Transportation Agency Board of Directors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller. No later than April 15th of each year, the officer, department, or agency administering the fees shall submit its current fee schedule to the Controller, who shall apply the Consumer Price Index adjustment to produce a new fee schedule for the following
year. No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors and the Municipal Transportation Agency Board of Directors reporting the new fee schedule and certifying 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.

Section 3. This ordinance shall become operative on its effective date or on July 1, 2009 whichever is later.

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

By: KATHARINE HOBIN PORTER
Deputy City Attorney
Ordinance amending Section 6.6 of the San Francisco Transportation Code to increase fees for Fire Department services, permits and inspections related to street fairs, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

July 7, 2009 Board of Supervisors — PASSED, ON FIRST READING
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

July 14, 2009 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 14, 2009 by the Board of Supervisors of the City and County of San Francisco.

Date Approved
7/21/2009

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom