

1 [Due Date for Taxes]
 2 AMENDING ARTICLE 12-B OF PART III OF THE SAN FRANCISCO MUNICIPAL CODE
 3 (REVENUE AND FINANCE BUSINESS REGULATIONS) BY AMENDING SECTION 1009
 4 THERETO, PROVIDING THAT TAXES SHALL BE DUE AND PAYABLE ON THE FIRST
 5 DAY OF JANUARY OF EACH YEAR; PROVIDING THAT TAXES SHALL BECOME
 6 DELINQUENT IF NOT PAID ON OR BEFORE THE LAST DAY OF FEBRUARY OF SUCH
 7 YEAR; REQUIRING INSTALLMENT PAYMENTS OF TAXES IN EXCESS OF \$2,500; AND
 8 IMPOSING A MONTHLY PENALTY OF 5 PERCENT ON DELINQUENT TAXES, UP TO 20
 9 PERCENT IN THE AGGREGATE.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:
Section 1. Article 12-B of Part III of the San Francisco Municipal Code is hereby
amended by amending Section 1009, to read as follows:

SEC. 1009. PAYMENTS, RETURNS, PREPAYMENTS AND EXTENSIONS. (a) **Due Date of Taxes.** Unless otherwise specifically provided for in other provisions of this ordinance, the taxes imposed by this ordinance shall become due and payable to the Tax Collector annually on or before ((the last day of the month of February next succeeding each respective annual period)) the first day of January of each year and shall become delinquent if not paid on or before the last day of February of each year.

(b) **Return: Time for Filing; Persons Required to File; and Execution.** Unless otherwise specifically provided for in other provisions of this ordinance, each person subject to the tax imposed by this Article and any person who would be subject to tax imposed by this

1 Article but for the provisions of Section 1005.3 (Small Business Exemption) shall, on or before
2 the last day of February of each year and concurrently with the payment of the tax herein
3 imposed, file a return for the preceding annual period with the Tax Collector, in such form as
4 the Tax Collector may prescribe.

5 (c) **Contents of Return.** Returns shall show the amount of tax due for the related
6 period and such other information as may be reasonably required by the Tax Collector for the
7 purpose of ascertaining the amount of tax due.
8

9 (d) **Prepayments.** Notwithstanding the dates otherwise provided for herein for the
10 payment of the tax due hereunder, every person who becomes liable for payment of a total
11 business tax in an amount in excess of ((\$1,000)) \$2,500, shall be required to make tax
12 payment for the following calendar year in two installments.
13

14 The first installment (hereinafter called "tax prepayment"), shall be a credit against the
15 total business tax liability attributable to said following calendar year, and shall be in an
16 amount equal to $\frac{1}{2}$ of the estimated business tax liability for the then-current year. Said
17 estimated business tax liability shall be computed by using $\frac{1}{2}$ of the gross receipts (for each
18 business category) for the preceding tax year plus a two percent growth factor, and the rate
19 of tax (for each business category) applicable to the current year. The second installment
20 shall be in an amount equal to total business tax liability, less the amount of any tax
21 prepayment actually paid. Such prepayment shall become due and payable every July 1st
22 and shall become delinquent every August 1st. Any tax prepayment required hereunder
23 which is not paid before the delinquency date shall bear a penalty of ((10)) 5 percent of the
24
25

1 amount of delinquent tax prepayment, in addition to the amount of such delinquent tax
2 prepayment, if the delinquency is for not more than one month, with an additional 5 percent
3 for each month or fraction of a month during which such failure continues, up to 20% in the
4 aggregate, and shall also bear interest from the date of the delinquency on the amount of
5 delinquent tax payment at the rate of one percent per month or fraction thereof, for each
6 month of said delinquency. Said prepayment shall be accompanied by a tax prepayment form
7 prepared by the Tax Collector, but failure of the Tax Collector to furnish the taxpayer with a
8 tax prepayment form shall not relieve the taxpayer of the tax prepayment obligation set forth
9 herein. If the taxpayer can establish by clear and cogent evidence that said prepayment will
10 amount to more than the total tax liability for the calendar year in which the tax prepayment
11 becomes due, the Tax Collector may, in writing, adjust the amount of the tax prepayment.
12
13

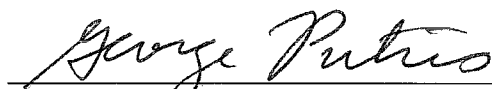
14 (e) **Large Firm Prepayments.** Notwithstanding the dates otherwise provided for
15 herein for the payment of the tax due hereunder each person subject to the tax imposed by
16 this Article with a total tax liability of \$50,000 or more in the preceding year shall be required
17 to make tax payment for the taxes due on the last day of February of the following year in four
18 quarterly installments. The first, second, and third quarterly installments ("quarterly
19 prepayments"), which shall become due and payable every April 1st, July 1st and October 1st
20 and shall become delinquent every May 1st, August 1st and November 1st respectively, shall
21 be a credit against the payments due on the last day of February of the following year.
22 Quarterly prepayments due hereunder shall be in an amount equal to $\frac{1}{4}$ the estimated
23 business tax liability for the then-current year. Said estimated business tax liability shall be
24 computed by using $\frac{1}{4}$ of the gross receipts (for each business category) for the preceding
25

1 annual filing period plus a two percent growth factor, and the rate of tax (for each business
2 category) applicable to the current annual filing period. The fourth installment shall be in an
3 amount equal to the total business tax liability for the annual period, less the amount of any
4 quarterly prepayment actually paid. Any quarterly prepayment required hereunder which is
5 not paid before the delinquency date shall bear a penalty of ((10)) 5 percent of the amount of
6 delinquent quarterly prepayment, in addition to the amount of such delinquent tax
7 prepayment, if the delinquency is for not more than one month, with an additional 5 percent
8 for each month or fraction of a month during which such failure continues, up to 20% in the
9 aggregate, and shall also bear interest from the date of the delinquency on the amount of
10 delinquent tax payment, at the rate of one percent per month or fraction thereof, for each
11 month of said delinquency. Said quarterly prepayment shall be accompanied by a
12 prepayment form prepared by the Tax Collector, but failure of the Tax Collector to furnish the
13 taxpayer with a prepayment form shall not relieve the taxpayer of the tax prepayment
14 obligation set forth herein. If the taxpayer can establish by clear and cogent evidence that any
15 quarterly prepayment will make the sum of all prepayment made in an annual filing period
16 exceed the total tax liability for the annual filing period in which the tax prepayment becomes
17 due, the Tax Collector may, in writing, adjust the amount of the tax prepayment.

18
19 APPROVED AS TO FORM:

20 LOUISE H. RENNE, City Attorney

21
22
23 By:


24 GEORGE W. PUTRIS
25 Deputy City Attorney

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 990299

Date Passed:

Ordinance amending Municipal Code, Part III, Article 12-B, by amending Section 1009 providing that taxes shall be due and payable on the first day of January each year, providing that taxes shall become delinquent if not paid on or before the last day of February of such year; requiring installment payments of taxes in excess of \$2,500; and imposing a monthly penalty of 5 percent on delinquent taxes, up to 20 percent in the aggregate.

April 12, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Teng,
Yaki, Yee

Absent: 1 - Brown

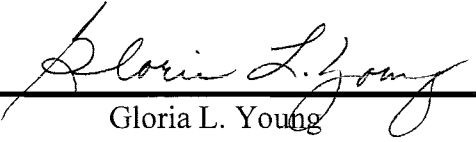
April 19, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Ammiano, Becerril, Brown, Katz, Kaufman, Leno, Yaki, Yee

Absent: 3 - Bierman, Newsom, Teng

File No. 990299

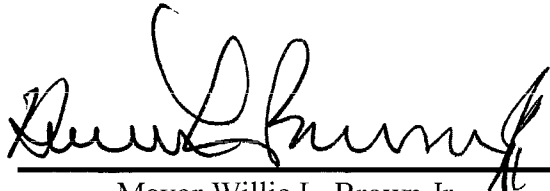
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on April 19, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

APR 30 1999

Date Approved



Mayor Willie L. Brown Jr.

File No. 990299 continued...