Ordinance amending the Health Code and Business and Tax Regulations Code to replace the requirement that food preparation and service establishments ("food facilities") post a symbol issued by the Department of Public Health with a requirement to post a color-coded placard indicating whether the establishment has passed (green), conditionally passed (yellow), or failed (red) a health inspection; clarifying some of the terminology pertaining to violations and remedies and penalties for same; defining new categories of food facilities; establishing annual permit fees for new categories of food facilities; and increasing permit fees for temporary permits and food vending machines.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font. Asterisks (* * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Article 8 of the Health Code is hereby amended by revising Sections 451, 456, 456.1, 456.2, 456.3, 456.4, and 467, to read as follows:

SEC. 451. FOOD PREPARATION AND SERVICE ESTABLISHMENT.

For purposes of this Article 8, the following terms have the following meanings:

(a) "Bar or tavern" means any food preparation and service establishment which primarily prepares and/or serves alcoholic beverages.
—(b)—"Bed and breakfast establishment" means a "restricted food service facility" as defined in California Health and Safety Code Section 113893, as may be amended from time to time.

—(e)—"Boardinghouse" means any building or portion thereof occupied or intended, arranged, or designed for occupation by six or more but less than 35 guests, where sleeping rooms and meals are provided to the guests for compensation; in addition, Boardinghouse and includes all private institutional-type homes where inspection is made by the San Francisco Department of Public Health.

—(f)—"Caterer" means a person who is in the business of providing food, beverages, and sometimes service, at social gatherings. The caterer prepares the food at a location separate from the social gathering, though the caterer may engage in limited food preparation at the location where the caterer serves the food. A caterer is not a private chef or chef for hire who prepares food in a private home.

—(g)—"Catering facility" means any food preparation and service establishment where a caterer prepares food for service at another location.

(1) "Catering facility - Cooking" means a Catering facility where food is cooked for service at another location.

(2) "Catering facility - No Cooking" means a Catering facility where limited food preparation occurs, but cooking is not allowed.

"City" means City and County of San Francisco.

—(f)—"Commissary" means any food establishment in which food, containers, equipment, or supplies are stored or handled for use in vehicles, mobile food preparation units, food carts, or vending machines.

(1) "Commissary for cooking" means a Commissary where cooking occurs.
(2) "Commissary for Mobile Food Facility servicing" means a Commissary where
food is stored for a Mobile Food Facility, and where no food preparation or cooking is allowed.

"Consumer" has the meaning set forth in California Health and Safety Code Section 113757, as
may be amended from time to time.

"Cooking school" means a school where students prepare and consume food products.

(g) "Director" means the Director of Public Health of the City and County of San Francisco or his or her the Director's designee. "Inspectors" shall mean the "Inspectors of the
Department of Public Health," administered by said Director. The Director shall be responsible
for the administration and enforcement of Sections 451 to 456, inclusive, of this Article 8 and the
rules and regulations relating thereto. The Director shall, after a public hearing, prescribe the
rules and regulations relating thereto. Said rules and regulations shall be issued in pamphlet form:
All such Food preparation and service Establishments shall be operated, conducted, and
maintained in accordance therewith.

(h) "Employee Cafeteria" means a food facility located within business premises
where the business employees are provided or sold food on a regular basis. Food and drink
are not regularly served to the public and the food establishment is not subject to tax. The
operators of the food facility are either employees of the business or are contracted by that
business.

(i) "Food demonstrations" means any food preparation and/or service facility
operating out of temporary facilities approved by the Director of Public Health for a period of
time not to exceed seven consecutive days for purposes of demonstrating food preparation or
equipment.

(j) "Food preparation and service Establishment" means and includes any
restaurant, mobile food facility, guest house, boardinghouse, special events, school food
concessions, bar or tavern, take-out establishment, fast food establishment, caterer, catering
facility, temporary facility, food demonstration, commissary, pushcart, stadium concession, vending machine, bed and breakfast establishment, employee cafeteria, private school cafeteria, hospital kitchen, and licensed health care facility, as those terms are defined herein.

(k) "Guest house" means any building or portion thereof occupied or intended, arranged, or designed for occupation by 35 or more guests where sleeping rooms and meals are provided to the guests for compensation and shall include "guest house," "residence club," "lodge," "dormitory," "residence cooperative," and any of its variants.

(f) "Hospital kitchen" means any food preparation and service facility operating within a hospital that serves food to staff or the general public, but not to patients.

"Host facility" has the meaning set forth in California Health and Safety Code Section 113806.1, as may be amended from time to time.

(m) "Licensed Health Care Facility" means all of the following health facilities with 16 or more beds designated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence, rehabilitation, and care during and after pregnancy, to which persons are admitted for a 24-hour stay or longer:

(1) General Acute Care Hospital as defined in California Health and Safety Code Section 1250(a) or any successive statutes;

(2) Acute Psychiatric Hospital as defined in California Health and Safety Code Section 1250(b) or any successive statutes;

(3) Skilled Nursing Facility as defined in California Health and Safety Code Section 1250(c) or any successive statutes;

(4) Intermediate Care Facility as defined in California Health and Safety Code Section 1250(d) or any successive statutes;

(5) Special Hospital as defined in California Health and Safety Code Section 1250(f) or any successive statutes;
(6) Intermediate Care Facility/Developmentally Disabled as defined in California Health and Safety Code Section 1250(g) or any successive statutes; and

(7) Chemical Dependency Recovery Facility as defined in California Health and Safety Code Section 1250.3 or any successive statutes;

Any of the facility types listed above that are operated by the State of California Departments of Mental Health, Developmental Services, Corrections, or Youth Authority are not included in this definition.

"Limited food preparation" has the meaning set forth in California Health and Safety Code Section 113818, as may be amended from time to time.

"Limited service charitable feeding operation" has the meaning set forth in California Health and Safety Code Section 113819, as may be amended from time.

(n) "Mobile Food Facility" means any vehicle or pushcart used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. Mobile Food Facilities may be located on private or public property. Mobile Food Facility does not include a "Transporter" used to transport packaged food from a food facility or other approved source to the Consumer. There are five categories of Mobile Food Facilities for licensing and fee payment purposes under San Francisco Business and Tax Regulations Code Section 249.1 as set forth below. For purposes of this Section, the term "potentially hazardous food" shall have the same meaning as set forth in California Health and Safety Code Section 110005 or any successor provisions; the term "limited food preparation" shall have the same meaning set forth in California Health and Safety Code Section 113818 or any successor provisions; and the term "prepackaged" shall have the same meaning as set forth in California Health and Safety Code Section 113876 or any successor provisions.
(1) "Mobile Food Facility 1" means a Mobile Food Facility where a Mobile Food Facility Vendor handles prepackaged and non-potentially hazardous foods, including but not limited to, pastries, bagels, donuts, popcorn, chips, candies, sodas, or bottled drinks.

(2) "Mobile Food Facility 2" means a Mobile Food Facility where a Mobile Food Facility Vendor handles prepackaged and potentially hazardous foods, including but not limited to, cold sandwiches, salads, pasta, or cold noodles.

(3) "Mobile Food Facility 3" means a Mobile Food Facility where a Mobile Food Facility Vendor handles non-prepackaged and non-potentially hazardous foods, including but not limited to, churros, salted bagels, cotton candy, lemonade, or tea.

(4) "Mobile Food Facility 4" means a Mobile Food Facility where a Mobile Food Facility Vendor engages in limited food preparation.

(5) "Mobile Food Facility 5" means a Mobile Food Facility where a Mobile Food Facility Vendor engages in full food preparation or any food preparation not covered by Mobile Food Facility Categories 1-4, including but not limited to, tacos, burritos, crepes, or falafel.

—(a)—"Mobile Food Facility Vendor" means any person engaged in the business of operating a Mobile Food Facility within the City and County of San Francisco.

—(b)—"Owner" or "owners" mean those persons, partnerships, or corporations who are financially interested in the operation of a Food Preparation and Service Establishment.

—(c)—"Operator" means any person engaged in the dispensing of or in assisting in the preparation of food, or a person otherwise employed in a Food Preparation and Service Establishment.

"Potentially hazardous food" has the meaning set forth in California Health and Safety Code Section 113871, as may be amended from time to time.

"Prepackaged food" has the meaning set forth in California Health and Safety Code Section 113876, as may be amended from time to time.
"Private school cafeteria" means any food preparation and service facility serving food to faculty and/or students of a school not operated by the San Francisco Unified School District.

"Restaurant" means any coffee shop, cafeteria, short-order cafe, luncheonette, cocktail lounge, sandwich stand, soda fountain, public school cafeteria or eating establishment, in-plant or employee eating establishment, and any other eating establishment, organization, club, including Veterans' Club, boardinghouse, bed and breakfast establishments, or guest house, which gives, sells, or offers for sale, food to the public, guests, patrons, or employees as well as kitchens or other food preparation areas in which food is prepared on the premises for serving or consumption on or off the premises, and requires no further preparation, and also includes manufacturers of perishable food products that prepare food on the premises for sale directly to the public. The term "restaurant" shall not include mobile food facilities, cooperative arrangements made by employees who purchase food or beverages for their own consumption and where no employee is assigned full-time to care for or operate equipment used in such arrangement, or private homes; nor shall the term "restaurant" include churches, church societies, private clubs, or other nonprofit associations of a religious, philanthropic, civic improvement, social, political, or educational nature, which purchase food, food products, or beverages, or which receive donations of food, food products, or beverages for service without charge to their members, or for service or sale at a reasonable charge to their members or to the general public at occasional fundraising events, for consumption on or off the premises at which the food, food products, or beverages are served or sold, if the service or sale of such food, food products, or beverages does not constitute a primary purpose or function of the club or association, and if no employee or member is assigned full-time to care for or operate equipment used in such arrangements.
"School food concessions" means any food preparation, food service, or food products intended for consumption by students attending or participating in activities within a school facility.

"Shared kitchen complex" means a facility that provides services and restrooms to Food Preparation and Service Establishments located within the facility for the purpose of cleaning, storage, refuse disposal, and wastewater disposal.

"Special events" means any organized collection of food purveyors operating individually or collaboratively out of approved temporary or mobile food facilities at a fixed location for a period of time not to exceed 25 days in a 90-day period in conjunction with a single, weekly, or monthly community event as defined in the California Health and Safety Code Section 113755, as may be amended from time to time.

"Stadium concession" means any food preparation and/or service facility operating within the footprint of a stadium, arena, or auditorium with a seating capacity of 25,000 or more.

"Take-out establishment" means any food preparation and service establishment which primarily prepares food for consumption off premises.

"Temporary facility" means any food preparation and service facility operating out of temporary facilities approved by the Director of Public Health at a fixed location for a period of time not to exceed 25 days in any 90-day period in conjunction with a single event or celebration.

"Vending machine" means any self-service device, which upon insertion of money, credit card, mobile payment, or tokens, dispenses Potentially hazardous food or beverages without the necessity of replenishing the device between each vending operation.
SEC. 456. FOOD PREPARATION AND SERVICE ESTABLISHMENT

DISCLOSURES.

For purposes of Sections 456 through 456.5, the following terms have the following meanings:

“Closed Placard” means a red placard issued by a County Environmental Health Inspector to a Food Preparation and Service Establishment at the conclusion of a Routine or Scheduled Inspection in which one or more Major Violations that may pose an Imminent Health Hazard are documented, which violations, or subset thereof, are not corrected at the time of the inspection, as set forth in the Food Inspection Report.

“Conditional Pass Placard” means a yellow placard issued by a County Environmental Health Inspector to a Food Preparation and Service Establishment at the conclusion of a Routine or Scheduled Inspection in which two or more Major Violations that may pose an Imminent Health Hazard are documented, which violations are corrected at the time of the inspection, as set forth in the Food Inspection Report.

A. “Food preparation and service establishment” is defined in Section 451 and for the purposes of Section 456 et seq. shall include a food preparation and service establishment operating in conjunction with a “food product and marketing establishment” (as defined in Section 440).

B. “Food Inspection Report” means the written notice prepared and issued by a County Environmental Health Inspector after conducting an inspection of a Food Preparation and Service Establishment to determine compliance with all applicable Federal, State, and local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the public health.

“Food Preparation and Service Establishment” is defined in Section 451 and for purposes of Sections 456 et seq. shall include a Food Preparation and Service Establishment operation in conjunction with a “food product and marketing establishment” (as defined in Section 440).
C. "Symbol" means a representative mark issued by a county environmental health inspector at the conclusion of the routine or scheduled inspection of a food preparation and service establishment. The Symbol shall be issued only to a food preparation and service establishment that scores ninety (90) percent or higher as a total numerical percentage score as set forth in the food inspection report. The character of the Symbol shall be determined by the Director of Health in consultation with San Francisco food preparation and service establishments.

D. "Inspection score card" means a card that indicates the total numerical percentage score for the establishment as determined by a County Environmental Health Inspector and as set forth in the food inspection report.

"Imminent Health Hazard" has the meaning set forth in California Health and Safety Code Section 113810, as amended from time to time.

"Major Violation" has the meaning set forth in California Health and Safety Code Section 113821, as may be amended from time to time.

E. "Notice of closure" means a public notice that may be posted by a county environmental health inspector at a food preparation and service establishment upon suspension or revocation of the establishment's public health permit to operate and that results in the immediate closure of the establishment and the discontinuance of all operations of the food preparation and service establishment, by order of a County Environmental Health Inspector, because of violations of applicable Federal, State, and/or local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the public health.

"Pass Placard" means a green placard issued by a County Environmental Health Inspector to a Food Preparation and Service Establishment at the conclusion of a Routine or Scheduled inspection in which no more than one Major Violation that may pose an Imminent Health Hazard is documented, which violation is corrected at the time of the inspection, as set forth in the Food Inspection Report.

"Placard" means a Closed Placard, a Conditional Pass Placard, or a Pass Placard.
"Routine Inspection" means a periodic, unannounced inspection of a Food Preparation and Service Establishment to determine compliance with all applicable Federal, State and local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the public health. A Routine Inspection shall not mean an inspection conducted by a County Environmental Health Inspector to determine compliance with a previously issued Food Inspection Report or any interim inspection conducted to determine compliance with specific regulations or legal requirements.

"Scheduled Inspection" means an announced inspection of a Food Preparation and Service Establishment that is scheduled for the purpose of following up on a Routine inspection, and where a food safety evaluation is made and a new Placard may be issued.

SEC. 456.1. POSTING REQUIREMENTS – PENALTY FOR NONCOMPLIANCE – DOCUMENTS AVAILABLE FOR PUBLIC REVIEW.

A. (a) Upon issuance of a Symbol Placard by a County Environmental Health Inspector, the Food Preparation and Service Establishment shall post the Symbol Placard on the premises of the establishment so as to be clearly visible to patrons of the establishment.

B. (b) Food Preparation and Service Establishments that are not issued a Symbol Placard by a County Environmental Health Inspector shall not post the Symbol Placard on the premises of the establishment.

C. (c) Food Preparation and Service Establishments, whether issued a Symbol Placard or not, must make the inspection score card and the Food Inspection Report available to the general public and patrons for review upon request. In addition, establishments must post the inspection report on the premises so as to be clearly visible to patrons of the establishment. Posting of the inspection report shall not be required of "food preparation and service establishments" defined in Section 451 (i), (m), (n), (o), (p), or (r).
—D.(d) The Health Department of Public Health shall strive to make all current Food Inspection Reports of Food Preparation and Service Establishments available on the Department's website as soon as is practicable.

—E.(e) Once required to be posted, the Symbol Placard and the inspection report shall not be defaced, marred, camouflaged, hidden, or removed by the Food Preparation and Service Establishment until superseded. It is unlawful to operate a Food Preparation and Service Establishment unless the inspection score card, the Symbol, Placard and the inspection report are in place as set forth hereunder. Removal of (or defacement, marring, camouflaging, or hiding of) the inspection score card, the Symbol, or the inspection report from their required place on the premises is a violation of Sections 456 et seq. and may result in the suspension or revocation of the Public Health Permit to operate, as specified in Section 456.3, and shall be punishable, as specified in Section 456.4.

—F.(f) Every Food Preparation and Service Establishment shall post a legibly lettered sign which displays the following information so as to be clearly visible to the general public and to patrons entering the establishment: Any public health concerns regarding this establishment should be directed to the City and County of San Francisco Department of Public Health, Environmental Health Section located at: (local office address and telephone number to be provided by a County Environmental Health Inspector) 1390 Market Street, Suite 210, San Francisco, CA, 94102, (415) 252-3800.

—G.(g) The food inspection report upon which the current Symbol and the current inspection score card are based shall be maintained at the food preparation and service establishment and shall be available to the general public and to patrons for review upon request. The Food Preparation and Service Establishment shall keep the current Food Inspection Report until such time as a County Environmental Health Inspector completes the next Routine or Scheduled Inspection of the establishment and issues a new Food Inspection Report.
SEC. 456.2. SYMBOL AND INSPECTION SCORE CARD/PLACARD – PERIOD OF VALIDITY.

A. A Symbol, an inspection score card, or both Placard shall remain valid until a County Environmental Health Inspector completes the next Routine or Scheduled inspection of the Food Preparation and Service Establishment. After a routine inspection, the owner of a Food preparation and service establishment may request that the Health Department conduct a scheduled inspection to revise the inspection score. The Health Department shall respond to the request as soon as is practicable.

SEC. 456.3. PUBLIC HEALTH PERMIT SUSPENSION OR REVOCATION – NOTICE OF CLOSURE.

A. (a) A County Environmental Health Inspector, in his or her discretion, may immediately close any Food preparation and Service establishment which, upon completion of a routine or scheduled inspection, does not achieve the lowest satisfactory inspection report score as determined by the Director of Health. Nothing in this provision Sections 456 et seq. shall prohibit a County Environmental Health Inspector from immediately closing any Food preparation and Service establishment if, in his or her discretion, immediate closure is necessary to protect the public health.

B. (b) Upon issuance of a written notice of suspension or revocation of the Public Health Permit to operate by a County Environmental Health Inspector, he or she shall post a notice of closure Closed Placard at the Food preparation and Service establishment so as to be clearly visible to the general public and to patrons.

C. (c) Upon issuance of the written notice of suspension or revocation of the Public Health Permit to operate by a County Environmental Health Inspector, and posting of a Closed
Placard, the Food Preparation and Service Establishment shall immediately close to the general public and to patrons and shall discontinue all operations until the Public Health Permit to operate has been reissued or reinstated by order of a County Environmental Health Inspector or until the establishment no longer operates as a Food Preparation and Service Establishment.

—D.— The notice of closure shall remain posted until removed by a County Environmental Health Inspector. Removal of the notice of closure by any person other than a County Environmental Health Inspector or the refusal of a Food Preparation and Service Establishment to close upon issuance of the written notice of suspension of the Public Health Permit to operate is a violation of Section 456 et seq. and may result in the suspension or revocation of the Food Preparation and Service Establishment's Public Health Permit to operate and shall be punishable as specified in Section 456.4.

**SEC. 456.4. PENALTIES AND ENFORCEMENT.**

—A.— Criminal Penalties. Any person violating any of the provisions of Section 456 et seq., inclusive, of this Article on more than three occasions within a twelve-month period, or violating Sections 451 through 454, inclusive, shall be guilty of a misdemeanor and shall be punished by a fine of not less than $10 and not in excess of $500, or by imprisonment in the County Jail for a term not exceeding 100 days, or by both such fine and imprisonment.

—B.— Administrative Penalties. Any firm, association, company, or corporation violating any of the provisions of Section 456 et seq., inclusive, of this Article shall be subject to administrative penalties imposed by the Director of Health. For a violation of subsection (c) or (d) of Section 456.3, the Director may assess an administrative penalty of not less than $200 and not more than $1,000. For all other violations of Sections 456 et seq., the Director
may assess an administrative penalty not exceeding \textit{fifty-dollars} ($50) for a first violation; not exceeding \textit{one-hundred-dollars} ($100) for a second violation; and not exceeding \textit{two-hundred-dollars} ($200) for the third and each subsequent violation of Section\textsuperscript{g} 456 et seq.

Before imposing an administrative penalty, the Director must serve upon the firm, association, company, \textit{person}, or corporation \textit{with responsibility for the Food Preparation and Service Establishment (hereinafter, “Responsible Party”) with a notice of initial determination. The notice shall state the proposed administrative penalty and the basis for the Director’s initial determination, including the alleged acts or failures to act that constitute a basis for the administrative penalty. The notice shall inform the \textit{firm, association, company, or corporation} Responsible Party that it has the right to request administrative review of the penalty within \textit{fifteen (15)} days of receipt of the notice. \textit{Where the Director has determined that continued operation of the Food Preparation and Service Establishment poses a threat to public health,} the notice of initial determination may also require that the establishment cease and desist from all food preparation and service activity.

If no request for review of the Director’s decision is filed with the \textit{Health Department of Public Health} within the appropriate period, the decision shall be deemed final and shall be effective \textit{fifteen (15)} days after the notice of initial determination was served on the \textit{firm, association, company, or corporation} Responsible Party. The Director shall \textit{thereafter} issue an Order imposing an administrative penalty and serve it upon the party served with the notice of initial determination. Payment of any administrative penalty is due within 30 days of service of the Director’s Order. Any administrative penalty assessed and received in an action brought under this Article \textsuperscript{g} shall be paid to the Treasurer of the City and County of San Francisco. The \textit{firm, association, company, or corporation} Responsible Party against whom an administrative penalty is imposed also shall be liable for the costs and attorney’s fees incurred by the City.
and County of San Francisco in bringing any civil action to enforce the provisions of this Section 456.4, including obtaining a court order requiring payment of the administrative penalty.

—E. (e) If the firm, association, company or corporation Responsible Party files a timely request for review of the Director's decision with the Health Department of Public Health, the Director shall conduct a hearing. Within fifteen (15) days of receipt of the request, the Director shall notify the requestor of the date, time, and place of the hearing. Such hearing shall be held no later than thirty (30) days after the Director receives the request, unless time is extended by mutual agreement of the affected parties. The Director may adopt rules and regulations regarding the hearing procedures.

—F. (f) Following the hearing, the Director shall serve written notice of the Director's decision on the firm, association, company or corporation Responsible Party. If the Director's decision is that the firm, association, company or corporation Responsible Party must pay an administrative penalty, the notice of decision shall state that the recipient has ten (10) days in which to pay the penalty. Any administrative penalty assessed and received in an action brought under this Article shall be paid to the Treasurer of the City and County of San Francisco. The firm, association, company or corporation Responsible Party against whom an administrative penalty is imposed also shall be liable for the costs and attorney's fees incurred by the City and County of San Francisco in bringing any civil action to enforce the provisions of this Section 456.4, including obtaining a court order requiring payment of the administrative penalty.

—G. (g) The Director of Health may appoint a designee to perform the Director's functions and responsibilities under this Section 456.4.

SEC. 467. FOOD VENDING MACHINES.

Supervisor Peskin
BOARD OF SUPERVISORS
(a) "Food vending machine" means any self-service device which, upon insertion or use of a credit card, mobile payment, coin, coins, or token, or by similar means, dispenses unit servings of potentially hazardous food or beverage, either in bulk or in package, without the necessity of replenishing the device between each vending operation. Food vending machines do not include self-service devices that only dispense non-potentially hazardous foods, including but not limited to those in operating has food product contact surfaces or dispenses foods of a perishable nature, including wrapped sandwiches or pastry goods, but not including devices dispensing peanuts, wrapped candy, gum, bottled beverages, or ice exclusively.

***

Section 2. The Business and Tax Regulations Code is amended by revising Sections 249.1, 249.11, and 249.12, to read as follows.

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 of Public Health shall pay an annual license fee to the Tax Collector as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Class A. Food preparation and service establishments with a total square footage of:</td>
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<tr>
<td>Less than 1,000 square feet</td>
<td>$879</td>
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<tr>
<td>1,000 square feet to 2,000 square feet:</td>
<td>$1,158</td>
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<tr>
<td>Class</td>
<td>Description</td>
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<tr>
<td>Greater than 2,000 square feet</td>
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<tr>
<td>Class B. Bar or tavern</td>
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<tr>
<td>Without food preparation</td>
<td></td>
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<tr>
<td>With food preparation</td>
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<tr>
<td>Class C. Take-out establishment</td>
<td></td>
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<tr>
<td>Class D. Fast food establishment</td>
<td></td>
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<tr>
<td>Class E. Catering facility</td>
<td></td>
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<tr>
<td>Catering facility – No Cooking</td>
<td></td>
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<tr>
<td>Catering facility – Cooking</td>
<td></td>
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<tr>
<td>Class F. Temporary facility</td>
<td></td>
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<tr>
<td>Class G. Commissary</td>
<td></td>
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<tr>
<td>Commissary for Mobile Food Facility servicing</td>
<td></td>
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<tr>
<td>Commissary for cooking</td>
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<tr>
<td>Cooking school</td>
<td></td>
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<tr>
<td>Limited service charitable feeding operation</td>
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<tr>
<td>Class H. Mobile Food Facilities</td>
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<tr>
<td>Class H-1. Mobile Food Facility 1</td>
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<tr>
<td>Class H-2. Mobile Food Facility 2</td>
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<tr>
<td>Class</td>
<td>Description</td>
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<td>H-3.</td>
<td>Mobile Food Facility 3</td>
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<td>H-4.</td>
<td>Mobile Food Facility 4</td>
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<tr>
<td>H-5.</td>
<td>Mobile Food Facility 5</td>
</tr>
<tr>
<td>I.</td>
<td>Stadium concession</td>
</tr>
<tr>
<td>J.</td>
<td>Food Vending machines</td>
</tr>
<tr>
<td>K.</td>
<td>Bed and breakfast establishment</td>
</tr>
<tr>
<td>L.</td>
<td>Boarding house</td>
</tr>
<tr>
<td>M.</td>
<td>Private school cafeteria.</td>
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<tr>
<td></td>
<td>Without food preparation</td>
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<td></td>
<td>With food preparation</td>
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<tr>
<td>N.</td>
<td>Hospital kitchen, with food service to the general public and staff only</td>
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<tr>
<td>O.</td>
<td>Licensed Health Care Facility</td>
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<tr>
<td>P.</td>
<td>Caterer</td>
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<td>Q.</td>
<td>Employee Cafeteria</td>
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<td>Without only Limited food preparation</td>
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<td></td>
<td>With food preparation</td>
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</table>

The license fees set forth above shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.*
(b) Exemptions. The following establishments are exempt from paying the fees required by this Section 249.1:

(1) 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 (b)(1), 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 and Adult Services Commission for nutrition projects for older individuals.

(3) Food preparation and service establishments owned and operated by a non-profit organization for the purpose of charitable feeding.

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SEC. 249.11. TEMPORARY PERMITS AND SPECIAL EVENT PERMITS; FEES.

(a) Temporary permits will be granted by the Department of Public Health to operate establishments under Section 248 – Food Product and Marketing Establishments and Section 249.1 – Food Preparation and Service Establishments for a fee of $63 equivalent to the hourly rate of an Environmental Health Inspector, which will be effective for a period of one to 45 days.

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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 $1772.27 for each food vending machine operated. For purposes of this Section 249.12, “food vending machine” has the meaning set forth in Section 467 of Article 8 of the Health Code. The license fee set forth above shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.*

(b) In addition to the fee prescribed in Subsection (a) of this Section every permittee shall pay an annual fee of $5 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 3. Effective Date. 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.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment.

/ / /
additions, and Board amendment deletions in accordance with the "Note" that appears under
the official title of the ordinance.

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

By: [Signature]
ANNE PEARSON
Deputy City Attorney
File Number: 190710  Date Passed: November 05, 2019

Ordinance amending the Health Code and Business and Tax Regulations Code to replace the requirement that food preparation and service establishments ("food facilities") post a symbol issued by the Department of Public Health with a requirement to post a color-coded placard indicating whether the establishment has passed (green), conditionally passed (yellow), or failed (red) a health inspection; clarifying some of the terminology pertaining to violations and remedies and penalties for same; defining new categories of food facilities; establishing annual permit fees for new categories of food facilities; and increasing permit fees for temporary permits and food vending machines.

October 18, 2019 Public Safety and Neighborhood Services Committee - RECOMMENDED

October 29, 2019 Board of Supervisors - PASSED ON FIRST READING
  Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani and Yee
  Excused: 1 - Walton

November 05, 2019 Board of Supervisors - FINALLY PASSED
  Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee
  Excused: 1 - Brown

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/5/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor