

HEALTH COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 117-88

**RESOLUTION APPROVING A REVISED FEE SCHEDULE FOR 1988-89
OF THE BUREAU OF ENVIRONMENTAL HEALTH, CONSUMER PROTECTION**

RESOLVED, that the Health Commission approve the proposed amendments to the San Francisco Municipal Code increasing or creating fees for inspectional services rendered by the Bureau of Environmental Health Services (hotel fees are excluded).

The following is an itemized history of the proposed amendments:

- Article 8, Part II, Chapter IV, Sections 451 and 450 - creates a "Special Events" permit category to include food sales and preparation at street fair type events.
- Article 8, Part III, Chapter V, Sections 35 and 249.11 - establishes a license fee for these events as well as an increase in fees charged for Applications for Permits to Operate.
- Part III, Article 1, Sections 41, 120, 248 and 249.1 allows for the following:

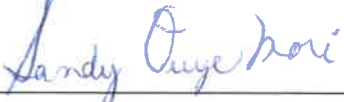
Section 41 allows the Department to reserve costs for restaurant permits from April 1, 1988 rather than wait for the next billing cycle in 1989.

Section 120 increases automatic laundry permit fees

Section 248 increases food market license fees.

Section 249.1 increases restaurant license fees.

I hereby certify that the foregoing resolution was adopted by the Health Commission at its meeting of May 17, 1988.



Sandy Ouye Mori
Secretary to the Health Commission

1 AMENDING PART III, ARTICLE 2 OF THE SAN FRANCISCO MUNICIPAL CODE BY AMENDING
2 SECTIONS 120, 248 AND 249.1 THERETO RELATING TO LICENSE FEES FOR LAUNDERIES
3 AND CLEANING AND DYEING WORKS, FOOD PRODUCT AND MARKETING ESTABLISHMENTS AND
4 FOOD PREPARATION AND SERVICE ESTABLISHMENTS.

5 NOTE: Additions or substitutions are underlined;
6 deletions are indicated by ((double parenthesis)).
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8 Be it ordained by the people of the City & County of San Francisco:
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10 Section 1. Part III, Article 2, Section 120, 248 and 249.1 of the San
11 Francisco Municipal Code is hereby amended to read as follows:
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13 SEC. 120. LAUNDERIES AND CLEANING AND DYEING WORKS.

- 14 (a) Every owner, manager or lessee of a hand laundry will pay the
15 following license fee annually in advance to the Tax Collector: \$47.
- 16 (b) Every owner, manager or lessee of a wash laundry will pay the
17 following license fee annually in advance to the Tax Collector: \$100.
- 18 (c) Every owner, manager or lessee of a cleaning, dyeing or cleaning and
19 dyeing works will pay the following fee annually in advance: \$15.
- 20 (d) Every owner, manager or lessee of an automatic laundry (mechanical,
21 pay-to-operate, washing or dyeing machine) will pay the following
22 license fee annually in advance to the Tax Collector: ((\$14 plus \$2
23 per machine.)) \$15 plus \$4 per machine.
- 24 (e) Every owner, manager or lessee of a laundry delivery service will pay
25 the following license fee annually in advance to the Tax Collector:
26 \$15 per delivery vehicle per year.

27 The license fees prescribed by the Section are due and payable on a
28 calendar basis starting January 1, 1978. Fees for new licenses issued prior
29 to January 1, 1978, or after the first day of January in that calendar year or
30 in any subsequent calendar year, shall be prorated to the end of such calendar
year on a monthly basis.

1 SEC. 248 FOOD PRODUCT AND MARKETING ESTABLISHMENT.

2 The following fee for licenses is established for persons, firms or
3 corporations engaged in the conduct or operation of the handling,
4 manufacture or sale of foodstuffs, annually payable in advance to the
5 Tax Collector. Fees in Classes A and B shall be based on inventory
6 of food at cost basis in stock as of the first day of April.

7 CLASS A. Inventory of \$300.00 or more—Fee ((~~\$286~~)) \$306

8 CLASS B. Inventory of under \$300.00—Fee \$46

9 CLASS C. Food Product and Marketing Establishment in stadiums,
10 arenas, or auditoriums with a seating capacity of
11 25,000 or more—Fee ((~~\$270.00~~)) \$357 each.

12 The license fees prescribed in this section are due and payable on an
13 annual basis, starting September 1, 1983.

14 Fees for new licenses issued prior to September 1st, shall be
15 prorated to September 1st, on a monthly basis.

16 SEC. 249.1 FOOD PREPARATION AND SERVICE ESTABLISHMENTS. Every person,

17 firm or corporation engaged in the business of operating food
18 preparation and service establishments that require permits from the
19 Health Department shall pay an annual license fee to the Tax
20 Collector as follows:

21 (a) Food preparation and service establishments in boarding houses: \$118.

22 (b) Food Preparation and Service Establishments in stadiums, arenas, or
23 auditoriums with a seating capacity of 25,000 or more: ((~~\$270~~)) \$357
24 each.

25 (c) All other food preparation and service establishments: ((~~\$353~~)) \$465
26 each. The license fees prescribed in this Section are due and
27 payable on an annual basis commencing April 1, 1984. Fees for new
28 licenses issued prior to, or after April 1st, shall be prorated to
29 April 1st, on a monthly basis.

30 (d) Exemptions. The following establishments are exempt from paying

1 the fees required by this section;

2 1. Food preparation and service establishments used exclusively by
3 day care facilities for children are exempt from paying the fees
4 required by this action.

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

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

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26 APPROVED AS TO FORM:

27 LOUISE H. RENNE, City Attorney

28 By: Paula Jesson
29 Deputy City Attorney
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1 AMENDING PART II, CHAPTER V OF THE SAN FRANCISCO MUNICIPAL CODE BY AMENDING
 2 SECTIONS 451 AND 452 THERETO RELATING TO FOOD PREPARATION AND SERVICE
 3 ESTABLISHMENTS AND AMENDING PART III SAN FRANCISCO MUNICIPAL CODE (MISC.)
 4 SECTIONS 35 AND 249.11 THERETO RELATING TO FEE FOR INSPECTION OF SPECIAL
 5 EVENTS.

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 7 NOTE: Additions or substitutions are underlined;
 8 deletions are indicated by ((double parenthesis)).
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10 Be it ordained by the People of the City and County of San Francisco:
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12 Section 1. Sections 451 and 452 of Part II, Chapter V of the San
 13 Francisco Municipal Code (Health Code) is hereby amended to read as follows:
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15 SEC. 451. FOOD PREPARATION AND SERVICE ESTABLISHMENT

16 (a) "Food preparation and service establishment" as defined in this
 17 section shall mean and include any restaurant or itinerant restaurant.

18 (b) "Restaurant" mean any coffee shop, cafeteria, short order cafe,
 19 luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain,
 20 private and public school cafeteria or eating establishment, in-plant
 21 or employee eating establishment and any other eating establishment,
 22 organization, club, including Veterans' Club, boarding house, bed &
 23 breakfast establishments, guest house, caterer, which gives, sells or
 24 offers for sale, food to public, guests, patrons, or employees as
 25 well as kitchens or other food preparation areas in which food is
 26 prepared on the premises for serving or consumption on or off the
 27 premises, and requires no perishable food products that prepare food
 28 on the premises for sale directly to the public. The term
 29 "restaurant" shall not include itinerant restaurants, cooperative
 30 arrangements made by employees who purchase food or beverages for



1 their own consumption and where no employee is assigned full time to
2 care for or operate equipment used in such arrangement, or private
3 homes: nor shall the term "restaurant" include
4 churches, church societies, private clubs or other nonprofit
5 associations of a religious, philanthropic, civic improvement,
6 social, political, or educational nature, which purchase food, food
7 products, or beverages or which receive donations of food, food
8 products, or beverage for services without charge to their members,
9 or for service or sale at a reasonable charge to their members or to
10 general public at occasional fund-raising events, for consumption on
11 or off the premises at which the food, food products, or beverages
12 are served or sold, if the service or sale of such food, food
13 products or beverages does not constitute a primary purpose or
14 function of the club or association, and if no employee or member is
15 assigned full time to care for or operate equipment used in such
16 arrangements. "Bed and breakfast establishment" shall mean a
17 "restricted food service transient occupancy establishment" as
18 defined in Health and Safety Code Section 27535.5.

19 (c) "Itinerant restaurant" means any restaurant, operating from temporary
20 facility, cart or vehicle, except those peddler wagons used for
21 peddling as defined in Section 132(a) and (b) of Part III of the San
22 Francisco Municipal Code, serving, offering for sale, selling or
23 giving away food or beverage, and includes, but is not limited to,
24 facility or vehicle where only wrapped sandwiches or other wrapped
25 and packaged, ready-to-eat foods are served, and any mobile unit on
26 which food is prepared and served.

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

- 1 (e) "Boarding house" shall mean any building or portion thereof occupied
2 or intended, arranged or designed for occupation by six or more but
3 less than 35 guests where sleeping rooms and meals are provided to
4 the guests for compensation and includes all private institutional
5 type homes where inspection is made by the San Francisco Department
6 of Public Health.
- 7 (f) The term "owner" or "owners" as used herein, shall mean those
8 persons, partnerships, or corporations who are financially interested
9 in the operation of a food preparation and service establishment.
- 10 (g) An "operator" as used herein shall mean any person engaged in the
11 dispensing of or in assisting in the preparation of food, or a person
12 otherwise employed in a food preparation and service establishment.
- 13 (h) "Director", as used herein, shall mean the "Director of Public Health
14 of the City and County of San Francisco", and "Inspectors" shall mean
15 the "Inspectors of the Department of Public Health", administered by
16 said Director. The Director shall be responsible for the
17 administration and enforcement of Sections 451 to 454, inclusive, of
18 this Article and the rules and regulations relating thereto. The
19 Director shall, after a public hearing, prescribe the rules and
20 regulations relating thereto. Said rules and regulations shall be
21 issued in pamphlet form. All such food preparation and service
22 establishments shall be operated, conducted and maintained in
23 accordance therewith.
- 24 (i) "Special Events" means any organized collection of food purveyors
25 operating individually or as a group from within temporary facilities
26 for a maximum 21 days within a 90 day period upon private or public
27 property.

28 SEC. 452. APPLICATIONS FOR PERMITS, ETC.

- 29 (a) Any person, partnership or corporation shall, before opening or
30 operating a food preparation and service establishment in the City
and County of San Francisco, make an application in the manner and

1 upon a form provided by the Director, giving the information and
2 particular required by the Director.

3 If the applicant for any permit under this Section be a corporation,
4 the application shall contain the names of its principal officers and
5 such other particulars as the Director may require.

6 The permit shall set forth the commercial uses permitted and shall be
7 valid until suspended or revoked. Said permit shall not be
8 transferable and shall be deemed revoked upon sale, transfer or
9 assignment of the commercial uses for which the permit was issued.
10 The permit may at any time be suspended or revoked for cause after a
11 hearing by the Department of Public Health. Upon suspension or
12 revocation the premises for which the permit was issued shall be
13 posted with the order of the Department.

14 If it be determined from said investigation and examination of the
15 premises aforesaid that the applicant has not complied with any or
16 all of the laws, rules and regulations pertaining thereto, and
17 particularly the Health and Sanitary Laws and Regulations of the City
18 and County of San Francisco, he shall be allowed a reasonable time
19 within which to so comply therewith and his refusal or neglect to so
20 comply shall be sufficient cause for denying the application.

21 Any denial of any such application or suspension or revocation of any
22 permit shall be subject to an appeal to the Board of Permit Appeals.
23 Said permit shall at all times be displayed on the premises. It
24 shall be unlawful to maintain or operate a food preparation and
25 service establishment within the City and County of San Francisco
26 without having first obtained a permit issued and signed by the
27 Department of Public Health to do so.

28 (b) Applications for special events shall be submitted at least 2 weeks
29 prior to the commencement of the event and the filing fees listed in
30 Section 249.11, of Part III, San Francisco Municipal Code shall be
collected not later than one week prior to the commencement of the

1 event.

2 Section 2. Sections 35 and 249.11 of Part III of the San Francisco Municipal
3 Code (Misc.) is hereby amended to read as follows:

4 SEC. 35. FEE FOR INSPECTION BY THE HEALTH DEPARTMENT.

5 (a) Unless otherwise specifically provided, all fixed fees for inspection
6 or permits which involve the Health Department shall be payable in
7 advance annually.

8 A filing fee of (~~(\$50)~~) \$159.00 payable in advance to the Health
9 Department for each inspection for a permit is required for a
10 first-time inspection of a premises or thing if such inspection is
11 requested or required as a condition of the issuance of a first
12 permit or of a first license, except applications for permits for
13 ambulances, refuse trucks, swill trucks, fumigation site
14 surveillance, soft-serve ice cream machines and hazardous material
15 storage.

16 (b) When two or more food produce and marketing establishments and food
17 preparation and service establishments, or any combination thereof,
18 subject to inspection are located on the same premises and not
19 contiguous to each other and are conducted by one owner whether
20 person, firm or corporation, a permit shall be required for each such
21 establishment.

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

27 (d) When an application for a special event referred to in Section 452(b)
28 of the San Francisco Health Code is submitted to the Department of
29 Health for further evaluation and approval.

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

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

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

6 SEC. 249.11. TEMPORARY PERMITS. Temporary permits will be granted to operate
7 establishments under Section 248 - Food Product and Marketing
8 Establishments and Section 249.1 - Food Preparation and Service
9 Establishments for a fee of \$50, which will be effective for a period
10 of one to 45 days.

11 Business concerns whose regular sales activities concern products or
12 commodities other than food, but sell or give away food periodically
13 for sales promotion purposes shall obtain a temporary permit
14 prescribed by this Section.

15 Temporary permits will be granted to operate special events referred
16 to Section 452(b) of the San Francisco Health Code upon payment of
17 \$25 per individual purveyor and/or operation for the first day, and
18 \$10 each day per individual purveyor and/or operation thereafter. A
19 \$50 filing fee will be charged to the organizer of the special event
20 or to each food vendor when no special event organizer exists.

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24 APPROVED AS TO FORM:

25 LOUISE H. RENNE, City Attorney

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27 By: Parla Jesson

28 Deputy City Attorney
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