Department of Public Works

Bureau of Street-Use and Mapping
1155 Market Street, 3rd Floor
San Francisco, CA 94103
(415) 554-5810 ▪ www.sfdpw.org
mobilefood@sfdpw.org

MOBILE FOOD FACILITY (MFF) FEE SCHEDULE

Department of Public Works: Half of the total fees will be required at the time of submittal. An additional fee will apply if a public hearing is required (fee will vary). The applicant is responsible for contacting and hiring a third party notification service to obtain a 300' radius notification packet and provide postage.

For A Single Location:	
Filing/Processing Fee	$135.00
Notification Fee	$216.00
Inspection Fee	$413.00
Each Additional Location:	
Notification Fee (per location)	$207.00
Inspection Fee (1st additional location)	$413.00
Inspection Fee (each additional location)	$207.00
Permit Renewal Fee:	
No Violations within previous year	$135.00
Permit Modification:	
Filing/Processing Fee	$90.00
Notification Fee (per location)	$216.00
Inspection Fee (per location)	$207.00
Single Day Event: See 'Temporary Occupancy Permit' application. Parking only. Cash transactions and sales to the general public are not allowed under this permit.	$62.00/day
SFMTA Parking Meter Fee (if applicable)	$8/25ft/day
Board of Appeals Surcharge:	$6.27

Department of Public Health:

Plan Check Fees:	
MFF1	$382.00
MFF2 & MFF3	$490.00
MFF4 & MFF5	$701.50

SF Fire Department:

New Application		$330.00
Tax License Fee	(no changes to MFF or locations, for use of LP-gas)	$344.00

Treasurer & Tax Collector:

Business Registration	Fees Vary

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APPLICATION FOR A REVOCABLE MOBILE FOOD FACILITY (MFF) PERMIT

Name : _____ **BSM Permit #** _____

(If applicant is a corporation, list names and addresses of each officer, director and each stockholder owning more than 10% of stock of the corporation on a separate attachment.)

Name of Business / DBA : _____

SF Business Certificate _____ Driver's License _____

E-Mail Address : _____ Phone : _____ Fax : _____

Mailing Address : _____

Commissary Address : _____

Type of Facility : ☐ Push Cart ☐ Truck ☐ Truck/Trailer

Proposed Menu : _____

_____

_____

_____

_____

PROPOSED LOCATION(S) / DAY(S) / HOUR(S) OF OPERATION: Location description shall include address and physical description; e.g. north side of 'A' Street, 100 feet east of 'B' Avenue. Provide a separate site plan and photo(s) for each location(s). See 'Mobile Food Facility Sample Drawing'.

1. _____

FROM _____ TO _____ (MON, TUE, WED, THU, FRI, SAT, SUN)

2. _____

FROM _____ TO _____ (MON, TUE, WED, THU, FRI, SAT, SUN)

3. _____

FROM _____ TO _____ (MON, TUE, WED, THU, FRI, SAT, SUN)

4. _____

FROM _____ TO _____ (MON, TUE, WED, THU, FRI, SAT, SUN)

DEPARTMENT OF PUBLIC HEALTH (DPH) CLASSIFCATION: See DPH application for classifications.

Check one: ☐ MFF1 ☐ MFF2 ☐ MFF3 ☐ MFF4 ☐ MFF5

CALIFORNIA DEPARTMENT OF MOTOR VEHICLE (DMV) REGISTRATION:

Make/Model: _____ License Plate #_____

Vehicle ID# _____

SUBMITTAL CHECKLIST:

- ❑ Completed DPW Application
- ❑ Two (2) Photographs of permit applicant(s) e.g. passport photo or similar in size
- ❑ Fees: Check or Money Order made payable to SFDPW. Visa, MasterCard and AMEX. See current mobile food fee schedule
- ❑ Site Plan: Dimensioned footprint of MFF facility, property lines, sidewalk widths, existing parking alignment, adjacent building(s) including all entrances/exits, fire protection services, existing sidewalk furniture; e.g. utility poles, fire hydrants, parking meters, etc.

Truck:

- ❑ 75-Foot radius notification Packet: Map, List, Addresses, Postage, Affidavit. Envelopes will be provided by DPW. Applicant will be required to affix address labels and postage.

Pushcart:

- ❑ 300-Foot radius notification Packet: Map, List, Addresses, Postage, Affidavit. Envelopes will be provided by DPW. Applicant will be required to affix address labels and postage.

FINAL APPROVAL CHEKLIST: Prior to final DPW approval, the applicant must provide the following:

- ❑ Current DPH Certificate of Sanitation (public) and Decal
- ❑ Current SFFD Inspection Report and Decal
- ❑ Current SF Business Registration Certificate
- ❑ California Department of Motor Vehicles (DMV) Vehicle Registration

APPLICANT UNDERSTANDS AND AGREES TO COMPLY WITH ALL THE CONDITIONS NOTED ON THIS APPLICATION, THE PUBLIC WORKS, HEALTH & SAFETY AND FIRE CODES, DPW ORDER NO. 179,044 AND OTHER LOCAL; STATE AND FEDERAL LAWS GOVERNING MOBILE FOOD FACILITIES AND ACCESSIBILITY AS THEY MAY APPLY TO THIS PERMIT.

_____ _____

Signature of Applicant / Authorized Representative **Date**

_____

Print Name

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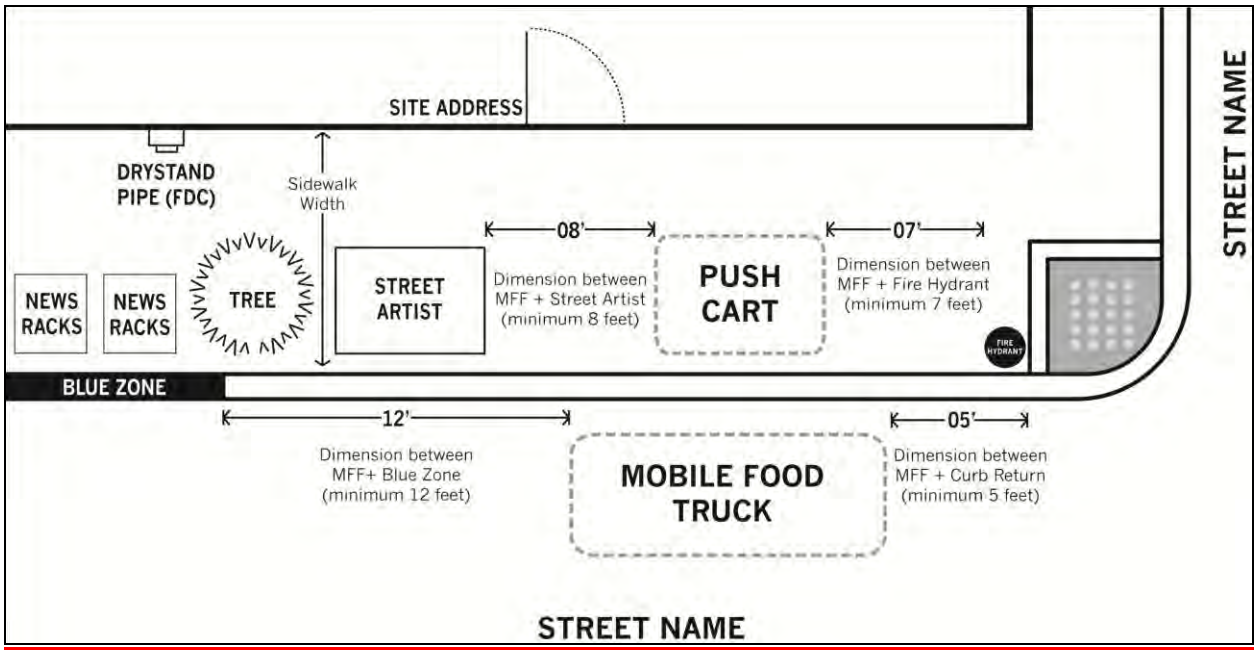
mobilefood@sfdpw.org

MOBILE FOOD FACILITY (MFF) SAMPLE DRAWING



- Dimension the length and width of the Mobile Food Facility.
- When choosing a location, please be aware that the majority of trucks provide service on the passenger side of the vehicle.
- Truck/ trailers shall be located on the street in a legal parking space.
- Pushcart: The minimum recommended width of a sidewalk shall be 15 feet.
- Represent the dimension(s) between the Mobile Food Facility and any obstructions: newspaper racks, bike racks, signs, parking meters, hydrants, payphones, lights, SFFD alarm, street trees etc.
- All Mobile Food Facilities must maintain a minimum clearance of
    - 8' from Street Artist
    - http://www.sfartscommission.org/street_artists_program/maps/index.html
    - 5' from Curb Return
    - 6' Path of Travel
    - 6' from Street Furniture
    - 7' from Fire Hydrant
    - 8' from Bus Zones
    - 12' from Blue Zone

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AFFIDAVIT OF PREPARATION OF RADIUS NOTIFICATION MAP, MAILING LIST AND DELIVERY MATERIALS FOR PUBLIC NOTIFICATION

I/We hereby declare as follows:

1. We have prepared the notification map, mailing list and delivery materials for the purpose of public notification in accordance with the requirements and instructions stipulated by San Francisco Public Works Code:

☐	Mobile Food Facility (MFF) Permit	Truck: 75' minimum radius measured from the outer boundaries of the assumed curbside and all properties across the street that directly fronts, in whole or in part.
☐	Mobile Food Facility (MFF) Permit	Push Cart: 300' minimum radius of the street address(s) in front of which the Pushcart will be located
☐	Minor Sidewalk Encroachment (MSE) Permit	150' radius **fronting** the subject property.
☐	Major Encroachment (ME) Permit	300' complete radius

2. I/We understand that we are responsible for the accuracy of this information, and that erroneous information may require remailing or lead to revocation of the permit.

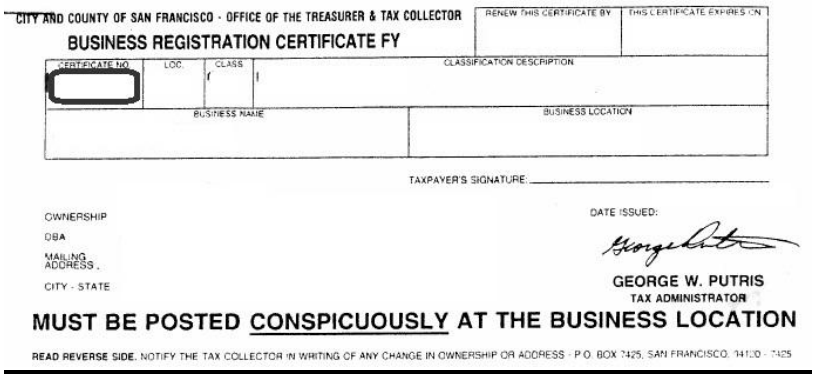
3. I/We have prepared this material in good faith and to the best of our ability.

I/We declare under penalty of perjury under the laws of the City and County of San Francisco that the foregoing is true and correct.

_____ _____
Signature of Applicant / Authorized Representative **Date**

_____
Print Name

Sample Business Registration Certificate



CITY AND COUNTY OF SAN FRANCISCO - OFFICE OF THE TREASURER & TAX COLLECTOR

BUSINESS REGISTRATION CERTIFICATE FY

RENEW THIS CERTIFICATE BY | THIS CERTIFICATE EXPIRES ON

CERTIFICATE NO. | LOC. | CLASS | CLASSIFICATION DESCRIPTION

BUSINESS NAME | BUSINESS LOCATION

TAXPAYER'S SIGNATURE:

OWNERSHIP

DBA

MAILING ADDRESS

CITY - STATE

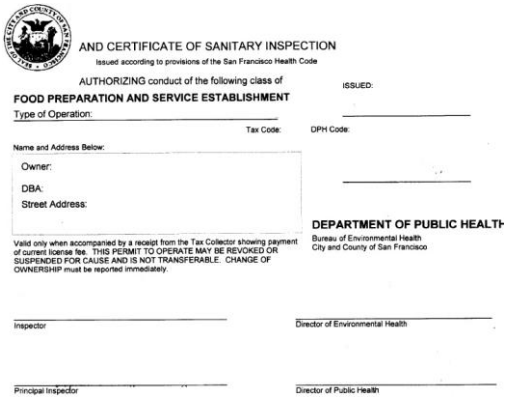
DATE ISSUED:

GEORGE W. PUTRIS
TAX ADMINISTRATOR

MUST BE POSTED CONSPICUOUSLY AT THE BUSINESS LOCATION

READ REVERSE SIDE. NOTIFY THE TAX COLLECTOR IN WRITING OF ANY CHANGE IN OWNERSHIP OR ADDRESS - P.O. BOX 7425, SAN FRANCISCO, 94120 - 7425

Sample Department of Public Health Decal Sticker



AND CERTIFICATE OF SANITARY INSPECTION

Issued according to provisions of the San Francisco Health Code

AUTHORIZING conduct of the following class of

FOOD PREPARATION AND SERVICE ESTABLISHMENT

Type of Operation:

ISSUED:

Tax Code: DPH Code:

Name and Address Below:

Owner:

DBA:

Street Address:

Valid only when accompanied by a receipt from the Tax Collector showing payment of current license fee. THIS PERMIT TO OPERATE MAY BE REVOKED OR SUSPENDED FOR CAUSE AND IS NOT TRANSFERABLE. CHANGE OF OWNERSHIP must be reported immediately.

DEPARTMENT OF PUBLIC HEALTH
Bureau of Environmental Health
City and County of San Francisco

Inspector

Director of Environmental Health

Principal Inspector

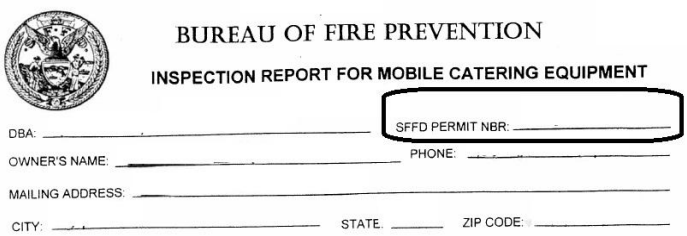
Director of Public Health

Sample Fire Department Inspection Report & Decal

San Francisco Fire Department
698 – 2nd St., S. F. CA 94107

SFFD ANNUAL INSPECTION

DBA:
Permit No.:
Vehicle Lic.:
Inspected By: Date:



BUREAU OF FIRE PREVENTION

INSPECTION REPORT FOR MOBILE CATERING EQUIPMENT

DBA: SFFD PERMIT NBR:

OWNER'S NAME: PHONE:

MAILING ADDRESS:

CITY: STATE: ZIP CODE:

City and County of San Francisco

(415) 554-5810
FAX (415) 554-5843
http://sfdpw.org

Department of Public Works
BUREAU OF STREET-USE & MAPPING
875 Stevenson Street, Room 460, S.F., CA 94103
Jerry Sanguinetti, Bureau Manager

Edwin M. Lee, Mayor
Edward D. Reiskin, Director

DPW Order No: 179,044

ADOPTING GUIDELINES FOR THE ISSUANCE OF PERMITS, INSPECTION OF MOBILE FOOD FACILITIES OPERATING WITHIN PUBLIC RIGHTS-OF-WAY, AND ENFORCEMENT OF SUCH USES, EFFECTIVE MARCH 7, 2011.

I. **PURPOSE**. Ordinance No. 298-10, effective January 3, 2011 created Article 5.8 of the Public Works Code (PWC) and took various actions related to the Police, Health, and Business and Tax Regulations Codes, to establish rules and regulations governing a Mobile Food Facility (MFF) operating within the public right-of-way. This Department of Public Works (DPW) Order provides detailed implementation guidelines.

II. **PERMIT APPLICATION AND APPROVAL PROCESS**.

A. **Application**. Requests to operate MFF within the public right-of-way shall include the following on a form that DPW shall provide:

1. The name, business and residence address of the applicant and the address where the mobile catering vehicle will be stored during non-operating hours. The address to which notice, when required, is to be sent or mailed, and the name and address of a person authorized to accept service or process, if not otherwise set forth herein.
2. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation; the names and residence addresses of each of the officers, directors and each stockholder owning more than 10 percent of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant apply. A natural person shall not acquire a stock interest in more than one corporate Permittee. The application shall specify whether the applicant intends to operate a MFF under a fictitious name.
3. A photograph of the permit applicant, e.g., passport photo or similar.
4. A description of the food product(s), and/or services the applicant intends to sell.
5. The specific location(s) of the activity, including a detailed description of where the applicant intends to place his or her MFF. Locations for the purposes of this permit shall be defined as a fixed point or a defined route including approximate duration at specific fixed points and approximate time of day at specific fixed points along the route.
6. The proposed hours and days of operation for each location that the MFF proposes to serve.
7. A description of the Mobile Catering Vehicle, including the following data: The make, model and type of body; the number of cylinders; the vehicle identification number or any other identifying number as may be required by the Director. *(If this information is not known at the time of permit application, this requirement can be satisfied as a condition of obtaining a final and effective permit).*
8. Information pertinent to the operation of the proposed activity, including information as to management and authority control, as the Director, Director of Health, or Fire Marshal may require of an applicant in addition to the other requirements of this Order.
9. A statement as to whether the application is for a new permit, renewal of an existing permit, a change to the location that the MFF serves, a change in hours of operation, or the addition of a location(s).

B. **Hours of Operation**. Subject to the notice requirements described in this Order, hours of operations shall be

limited to 6 A.M. to 3 A.M. the following day. No MFF or MFF Vendor shall peddle goods, wares, or merchandise between the hours of 3:00 A.M. and 6:00 A.M., unless the Director has approved such sales after consulting with the Planning Department and the Chief of Police

C. **Maximum Number of Permits for a Single Permittee**. In no case shall a single Permittee obtain more than seven (7) separate MFF permits; except if a Pushcart Peddler Permittee has 7 or more valid permits dated prior to July 19, 1995, then the previously issued permits shall not count towards the new threshold of 7 permits per Permittee. DPW shall issue a separate permit for each MFF; provided, however, that the DPW Director may issue a written waiver to this requirement if multiple vendors share a MFF. If such a waiver is granted, the DPW Director may impose additional conditions and additional fees pursuant to Public Works Code Section 2.1.3.

D. **Single Day Special Permits**. A MFF that otherwise meets all of the location requirements, has a San Francisco Business Registration Certificate, an active Certificate of Sanitation by the Department of Health and necessary approvals from the Fire Marshal, shall be eligible to obtain single day non-construction permits for a location under Section 724 of the PWC.

E. **Single Permit for a Location with Multiple MFFs**. The Director may issue a single permit or permits to an assigned location(s) for multiple MFFs. The fees for such permit shall be the same as filing, notification, and inspection fees for a single location. Under such circumstances, the Director of Public Works (Director) may also charge additional permit fees as set forth in Section 2.1.3 of the PWC for any additional time and materials costs that the City incurs in processing such permits. All MFFs operating under a single location permit shall comply with all other provisions of this Article.

F. **Multiple MFF Permits for a Single Location During the Same Time Period.** The Director, in his or her discretion, may issue two or more MFF permits for a single location during the same time period; provided, however, that in no case shall an additional permit be issued unless the Director determines that the location site conditions can accommodate the associated activity without adversely impacting pedestrian passage or other locational requirements. Applicants applying for a MFF permit where an existing MFF permit is currently in place must note on their application the size of the unit, its location, owner, menu, and operational hours. The mailing list for notification should include the existing MFF owner as part of the notification process.

G. **Application Processing**. In accordance with San Francisco Campaign and Governmental Conduct Sections 3.400 et seq., DPW shall process all complete permit applications strictly in accordance with the order in which they are submitted to DPW. If an application is incomplete, DPW shall contact the applicant in a reasonable time period to indicate what materials or information are missing from the application. Once the applicant submits all outstanding materials and information, DPW shall consider the application complete. On the day that DPW receives all the outstanding materials and information required for a complete application , DPW shall start to process said application in the order received that day. If the applicant fails to submit the outstanding materials and information, DPW shall continue to deem the application incomplete and may disapprove the application. A complete permit application shall include all required materials specified in this Order and in PWC Article 5.8, the law governing the permit process for MFFs on the public right-of-way. Note that in accordance with PWC Section 184.89(c), a Certification of Sanitation from DPH and all required approvals from the SFFD are not required for a complete application, but rather for a final and effective DPW permit to operate the MFF on the public right-of-way.

H. **Fees**. Fees shall be charged based on the following criteria:

1. Every person desiring a MFF Permit pursuant to this Article shall file an application with the Director upon a form provided by the Director accompanied by a filing fee of $125.00, a notification fee of $200.00, and an inspection fee of $383.00 for a single MFF location.
2. Each additional location shall require additional payment to DPW, consisting of an additional notification fee of $200.00 per location, an inspection fee of $383.00 for the first additional location and an inspection fee of $191.50 per each additional location.
3. Separate fees shall be paid to the Department of Public Health (DPH) and the San Francisco Fire Department (SFFD) for plan check and annual inspections/approvals, as required by each Department in order to obtain a valid permit under this Article. Proof of these payments in the form of written authorizations or decals is requested, but not required at the time of applying for a MFF Permit. However, in no case shall DPW's Permit be deemed final and effective until the applicant obtains such authorizations or decals. The applicant has up to 3 months after DPW conditionally approves the Permit to obtain such authorizations or decals. The applicant's failure to obtain such authorizations or

decals by the end of this 3-month term shall result in Permit being deemed disapproved. The fees for DPH are set forth in the Business and Tax Regulations Code.

4. Half of the required fees for a single location and half of the fees for any additional location(s) shall be paid at the time of submittal of the application, with the balance of the remaining fee paid at the time of the Director's decision on the permit. No refunds are available if DPW disapproves a permit or a permit location.
5. Every Permittee desiring to change the location of an already approved MFF, modify the hours of operation to allow service after 8 P.M., or add a new location(s) during the term of the annual permit, shall file an application with the Director upon a form provided by the Director, shall pay an additional filing fee of $85.00 for each alternate location or new location(s), a notification fee of $200.00 per location, and an inspection fee of $191.50 per location. Such requests shall be processed in the same manner as a new application request.
6. **Permit Renewal and Annual Renewal Fee**.

    a. Every MFF Permit is subject to an annual renewal DPW filing fee of $125.00 per permit.

    b. In addition, if during the course of the preceding year, if DPW received one (1) or more substantiated complaints against the permittee and/or permit location(s), or if DPW issued one (1) or more Notices of Violation against the Permit, DPW shall assess an additional processing fee of $159.50 per permit.

    c. Where substantiated complaints were received and/or Notices of Violation were issued, DPW shall assess inspection fees as follows: $576.00 the first two (2) locations and $288.00 per each additional location where substantiated complaints were received and/or Notices of Violation issued.

7. **DPH and SFFD Fees**. Separate plan check and annual inspection fees shall be paid to DPH and SFFD for approvals as required by each Department in order to obtain a valid renewal permit under this Article. For the convenience of the applicant, DPW can collect these fees and will forward them to the respective City department. The plan check fees for DPH shall be as follows: $271.50 for MFF1, $452.50 for MFF2 & MFF3, $633.50 for MFF4 & MFF5. Annual renewal fees for DPH shall be $181 for MFF1 & MFF3, $271 for MFF2, and $724 for MFF4 and MFF5 as set forth in the Business and Tax Regulations Code. (MFF1 through MFF5 are defined in California and Health Safety Code 110005 and the attached DPH Plan Check for MFF) This fee is due and payable to DPH at the time the applicant requests said renewal from the DPH. DPH may also withhold plan check approval until payment of the plan check fees has been received. DPW's MFF Permit shall not be final and effective until the DPH issues a decal signifying plan check approval. The Controller may adjust this fee annually as set forth in Section 249.1(c) of the Business and Tax Regulations Code. The application fee for a new permit from SFFD shall be $330 as set forth in Section 113 of the current San Francisco Fire Code. The Tax License fee for a SFFD Permit, provided that there are no proposed changes in the MFF or location (s), shall be $344 for use of LP-gas and shall be renewed annually through the Tax Collector's Office. Separate fire permits shall be required for utilizing other types of fuel sources, e.g., sterno or solid fuel, and shall be renewed annually through the SFFD.
8. **Annual Permit Fee Amount**. All DPW, DPH, and SFFD fees listed herein may be subject to annual adjustment or may be modified through action of the Board of Supervisors. At the beginning of the City's fiscal year (July 1) or at any other time that fee amounts are modified, the DPW will post an updated fee schedule with current fee amounts.

9. **When Permit Renewal Requires Notice**. Renewal of the permit will not require public notice, unless the Permittee is changing the location that the MFF serves, adding a new location(s), requesting the hours of operation to serve a location later than 8 P.M., or making other changes to the MFF that the Director determines requires public notice.
10. **Permit Transfer**. No permit shall be transferable except with the written consent of the Director, with the approval of the Director of Public Health and Fire Marshal. Such consent and approval shall not be unreasonably withheld. The application for such transfer shall contain the same information as requested herein for an initial application for such a permit with the exception of the requirements

related to public notice and shall be accompanied by the same filing and inspection fees as for an initial application. Upon approval of said transfer, the transferee shall retain the original permit approval date and all of the transferor's rights and conditions of approval under this Article. SFFD Permits also are non-transferable. A prerequisite to obtain approval of the SFFD for the transfer of a MFF permit shall be the filing of a new SFFD permit application and fee and issuance of a new SFFD permit.

I. **Guidelines for Approval and Appeal Process**.

1. **Notice of Intent, Contents of Notice**.

a. Following the filing of an application for a new MFF Permit, change of location of an existing permit, change in hours of operation, additional hours of operation after 8 P.M., or addition of a location(s), DPW shall mail a Notice of Intent to operate the proposed MFF business at the location(s) identified in the application. The form for the Notice of Intent shall be provided to each applicant by DPW. Said Notice shall include the location(s) the MFF intends to serve, the days of the week, times for service at each location, a description of the goods to be sold under the permit, the procedure for obtaining any additional information, and the procedure for filing an appeal or objection to the proposed permit. The applicant also shall provide DPW with a list of all required recipients of the mailed notice and stamped envelopes with the addresses of all such individuals for the purpose of mailing said Notice. Notice of Intent shall be provided as follows:

b. If the MFF is a Mobile Caterer, as defined in Public Works Code Section 184.80(f), notice shall be given within a 300 foot radius from the mid-point of the block face for the location (s) to be served, or all of the block face of the location(s) to be served and the block face on the opposite side of the street, whichever area is larger.

c. If the MFF is a Pushcart, as defined in Public Works Code Section 184.80(j), notice shall be given within a 300 foot radius of the boundaries fronting the address where the pushcart will be located. If there is no street address, the notice shall be given within a 300 foot radius of the boundaries fronting the Assessor's Block(s) and Lot(s) where the pushcart will be located.

d. If the hours of operation for the MFF at a particular location are anytime between 6 A.M. and 8 P.M., recipients of mailed notice for that location shall be all businesses in the area specified above.

e. If the hours of operation for the MFF at a particular location are anytime between 8 P.M. and 6 A.M. the following day, recipients of mailed notice for that location shall be all property owners, businesses, and residential tenants in the area specified above.

2. **Protest or Denial of Permit; DPW Administrative Hearing; Permit Appeals**.

a. Any person or persons who feel that their interests or property or that of the general public will be adversely affected by the issuance, denial, or conditioning of the MFF Permit at its intended location may protest the proposed issuance or denial of said permit or permit conditions by writing to the Director within thirty (30) calendar days from the date listed on the Notice of Intent. Upon receipt of any such written protest during the term of the appeal period, the Director will schedule a public hearing to hear all persons interested in the tentative permit decision. If there are multiple protests for a single location or protests for multiple locations, then the Director shall strive to consolidate all protests at a single hearing.

i. Not less than ten (10) days prior to the date of a Departmental hearing, the Director shall cause to be published a notice of such hearing in the official newspaper of the City and County of San Francisco. The Director shall maintain a file of the names and addresses of all persons wishing to receive notice by mail of any

application filed pursuant to this Article and of all persons previously notified of the proposed application. The cost of publishing said notice and any additional mailed notice shall be borne by the MFF Permit applicant if the cost exceeds the notification fee set forth in Section F.1 of this Order. The Notice shall contain the following information: the name and business address of the applicant, the product or products to be sold, the location(s) of the proposed sales activity(ies), the days and hours of operation, and whether the application is for a new permit, for a change of an existing permit, or for an addition of a new location(s).

b. At the hearing, the Director, or his or her designee acting as an Administrative Hearing Officer, may consider the following:

i. Whether the applicant's proposed operation is located within 300 feet of an established business which sells the same type of food product, merchandise or similar service as proposed by said applicant, or of any location previously established and currently being operated by a MFF selling the same type of food product, or other merchandise or similar service as proposed by said applicant.

ii. For the purposes of determining a proposed MFF impact upon existing businesses, the Hearing Officer may consider the type of food offered by the existing business and the type of food proposed to be offered by the MFF applicant. If the foods are "like" then the Hearing Officer may recommend disapproval or conditional approval of the MFF permit application. Such conditions may include, but are not limited to, relocation of the proposed MFF a sufficient distance from the existing business or existing MFF to avoid conflict arising from sale of "like food".

iii. "Like Food" shall take into consideration the ethnicity of the food and the composition of each menu, as well as other issues the Hearing Officer deems appropriate to determine whether a conflict of "like food" exists . As an example, a coffee cart should not significantly affect a traditional diner just because it also offers coffee on its menu, while a hot dog cart could adversely affect a restaurant that specializes in sausage sandwiches.

iv. The number of MFF on the same block or adjacent blocks.

v. Other information deemed relevant to the determination of whether the proposed location is appropriate.

3. Upon conducting the hearing, an Administrative Hearing Officer shall make a recommendation concerning the proposed permit to the Director, who in his or her discretion, may disapprove, approve, or conditionally approve the proposed permit.
4. The Director's decision is appealable to the Board of Appeals within fifteen (15) days of the Director's decision.
5. The Director may issue a MFF Permit within 14 days of the date of the Notice of Intent if no hearing is requested pursuant to this Article, if he or she finds:

a. That the operation, as proposed by the applicant, would comply with all applicable laws, including but not limited to, the provisions of this Article and the San Francisco Municipal Code.

b. That the applicant has not made any false, misleading or fraudulent statements of facts in the permit application or any other document required by the Director, Director of Public Health or Fire Marshal in conjunction therewith.

c. The Director may issue a MFF Permit within 14 days following a Departmental hearing as provided herein, based on his investigation and the investigation of the Director of Public Health and Fire Marshal, if he or she makes the findings specified above in Subsection.

d. Any MFF permit that the Director issues is not final and effective unless and until the MFF Vendor has obtained a Certificate of Sanitation from DPH and approval from SFFD. If the Certificate of Sanitation and SFFD approval are not obtained within three (3) months of the date the Director issues his or her permit decision, the permit shall be automatically deemed disapproved.

J. Site Criteria.

1. The Permittee shall provide a minimum clear path of travel for pedestrian use of not less than six (6) feet wide.
2. The Permittee shall comply with the current Fire Code and guidelines including minimum distances required for building access, exit egress, and access to SFFD protection services.
3. The Permittee shall not obstruct the usage of any City facilities of street furniture such as parking meters, fire hydrants, pay phones, pedestrian signal crossing buttons, fire alarms, etc.
4. The Permittee may not conduct their operations within the angular return of any sidewalk, or obstruct the use of any corner accessible ramps.
   The Permittee may not conduct their operations within 12' of any delineated Bus Zone, or within a Blue Zone.
5. All applicable parking regulations shall be observed.
6. No MFF or MFF Vendor shall peddle goods, wares, or non-food merchandise. No MFF or MFF Vendor shall be located in any residential ("R") district other than a residential-commercial combined ("RC") district as defined in the Planning Code; in the "P" districts, as defined in Section 234 of the Planning Code, that are located on Twin Peaks or in any areas in or adjacent to Open Space Districts located on Twin Peaks; on the north side of Jefferson Street between Jones and Taylor; and within 1,500 feet of the property line of any public middle school, junior high school, or high school between the hours of 7:00 A.M. and 5:00 P.M. Monday through Friday.
7. Notwithstanding the above location requirements, if a Pushcart Peddler has a valid permit for a specific location dated of July 19, 1995 or prior thereto, said peddler is exempt from this Section's location requirements other than Section J.1 above; provided, however, that the Director may issue an exception to this requirement as long as the permitted path of travel satisfies minimum applicable Federal and State accessibility requirements.
8. Two sections of the approved legislation (Section 184.85(c) and 184.86 (b)) provide specific guidance with respect to MFF pushcart peddlers that hold permits that were in effect as of July 19, 1995. The Department has determined in light of the intent and language of the MFF law that for purposes of implementing these sections of the Code, it shall rely on the definition of pushcart applicable as of July 19, 1995 as found in former Police Code 1330 instead of the new definition of pushcart as contained in Section 184.80(j). Any changes to the terms of existing permits that require new public notice or issuance of new permits to permittees holding these permits will be handled under the new definition of pushcart. Any other pushcarts with existing permits issued after July 19, 1995 shall be subject to the requirements applicable to pushcarts as defined in Section 184.80(j).

K. **Operational Requirements**.

1. The Director shall issue to each Permittee an identification card which shall contain the permit in figures plainly discernible and legible.
2. The Permittee shall affix a DPH Certification of Sanitation Decal to a pushcart to be displayed in a prominent location and shall affix the Certification of Sanitation to the lower right-hand corner of the windshield for any Mobile Catering vehicle.
3. Permittees operating MFF shall have the following documentation visible to the public during their operation hours: MFF Permit, a valid San Francisco Business Registration Certificate, a valid DPH Certification of Sanitation Decal, an identification card, a current SFFD inspection decal, a description of the approved locations, and approved hours of operation.
4. **Good Neighbor Policies.** The Permittee shall manage their MFF with the following good neighbor policies:
   a. The Permittee shall maintain the quiet, safety and cleanliness of the approved MFF location(s);
   b. The Permittee shall provide adequate storage and disposal of debris and garbage;
   c. Noise and odors shall be contained within immediate area of the MFF location so as not to be a nuisance to neighbors;
   d. The Permittee shall prominently post and/or display a notice urging patrons to leave the MFF premises and neighborhood in a quiet, peaceful and orderly fashion and to please not litter or block driveways in the neighborhood;
   e. Employees of the MFF shall walk a 100-foot radius from the approved MFF location within 30

minutes after closing and shall pick up and dispose of any discarded beverage containers or other trash left by patrons.

5. **Conflicts with Farmers' Markets and Special Events**.
   a. The Director of Public Works may temporarily suspend an approved permit if any City Department issues a permit for occupancy of the approved location for street fairs, farmers' markets, temporary use, street or building construction, or other permitted activities;
   b. At the Permittee's request, the Director of Public Works may, but is not required, to authorize a temporary relocation of the MFF;
   c. The Director's authorization for the temporary relocation shall be in writing and available at the MFF for review by City officials;
   d. No additional permit shall be required for said temporary relocation provided that the MFF has a current and approved Certificate of Sanitation from DPH and approval from the Fire Marshal.

L. **Permit Revocation, Penalties, Seizures**.

1. **Permit Suspension or Revocation**. The Director may suspend or revoke for good cause any permit or any permit location which has been issued pursuant to this Article, if he or she finds, after a noticed public hearing, that the Permittee has engaged in or been found guilty of any of the following acts:
   a. Fraud, misrepresentation, or false statement contained in the application for permit.
   b. Violation of provisions of State law regarding MFF, the State Vehicle Code, Article 5.8 of the Public Works Code or any of the regulations or rules adopted pursuant to the San Francisco Municipal Code, or a determination of violation by the Director of Public Health and/or Fire Marshal or designee related to the operation of this MFF or any other MFF operated by this Permittee.
   c. Any violations occurring as specified herein for another MFF Permit issued to the same permittee.
   d. The MFF Vendor is operating in a manner that negatively impacts the public's health, safety, convenience, or welfare.
   e. The MFF Vendor habitually violates the Good Neighbor Policies set forth in Section 184.94 of the PWC.
   f. The MFF Vendor substantially modifies the food product, products, or services the applicant proposes to sell so that it duplicates the same type of food product or other merchandise or similar service of a previously established business or MFF located within 200 feet of said MFF.
   g. The MFF has not operated in the permitted location for a period of six (6) months or more.
   h. The Director of Public Health or his or her designee may also revoke a Certificate of Sanitation if he or she finds the Permittee has violated the Public Health Code or State law regarding MFF uses. The Fire Marshal or his or her designee may also revoke a SFFD Fire Permit and Inspection Decal if he or she finds the Permittee has violated the Fire Code or State law regarding MFF uses. These revocations may be in addition to or separate from any action enforced by the Director.
2. **Additional Permit Revocation Procedures**. If the Director determines that the Permittee has exceeded the scope of the permit, either in terms of duration or area, or violates any other of the permit terms or conditions, the Director shall order the Permittee to correct the violation within a specified time period. If any person occupies the public right-of-way without a permit, the Director shall immediately order the violator to vacate the occupied area.
3. Failure to pay any fee assessed under these provisions shall constitute good cause for immediate revocation of the permit and/or removal of unpermitted obstructions.
4. **Infractions**. Any person who violates any of the provisions of Article 5.8 of the PWC shall be guilty of an infraction at each location where such violation occurs. Each violation determined to be an infraction is punishable by:
   a. a fine not exceeding $100 for the first violation within one year;
   b. a fine not exceeding $200 for a second violation within one year from the date of the first violation;
   c. a fine not exceeding $500 for the third and each additional violation within one year from the date of the first violation, as stipulated in Article 5.8 Section 184.98 of the PWC.

5. When a government official authorized to enforce this Section has reasonable cause to believe that any person has committed an infraction in the official's presence that is a violation of this Section, the official may issue a citation to that person pursuant to California Penal Code, Part II, Title 3, Chapters 5, 5C, and 5D.
6. **Civil Penalties**. The Director may call upon the City Attorney to maintain an action for injunction to restrain or summary abatement to cause the correction or abatement of the violation of this Article, and for assessment and recovery of a civil penalty and reasonable attorney's fees for such violation.
7. **Administrative Penalties**. The Permittee may be subject to administrative citations if they are found to be in violation of any of the provisions and/or guidelines of Article 5.8 of the Public Works Code and/or this DPW Order.
    a. The administrative citation shall not exceed $300 per day for each violation;
    b. If the violation is not corrected as ordered by City officials, the Permittee shall be subject to a penalty fee of up to $1,000 per day for each violation;
    c. If the violation is occupancy without a valid permit, the penalty fee shall be $1,000 per day'
    d. The above penalties shall be assessed, enforced and collected in accordance with Section 39-1 of the Police Code.
8. **Seizure/Removal of MFF**. The Director is authorized to order the immediate removal of a MFF when, in his or her opinion, the MFF has no permit, constitutes a safety hazard or public nuisance, or when the presence of an emergency requires immediate removal of the MFF. After notification by the Director to remove the MFF, the Permittee shall immediately remove or cause to be removed the MFF from the street area by its owner. If the owner does not remove the MFF immediately, the Director may order DPW to remove the MFF. The owner shall pay to the City the costs of removal. No MFF shall be placed at that location until the conditions which have caused the removal order shall have been abated to the satisfaction of the Director. The Director is authorized to remove, or cause to be removed, any MFF placed in a street or sidewalk area in violation of any other provision of this Article. Removal shall take place no earlier than 48 hours after notice is given describing the violation (s). The notice shall be both mailed to the pushcart owner and posted in a conspicuous manner on the MFF, and shall contain the following:
    a. The condition(s) violated,
    b. The date and time of posting,
    c. The location of the MFF,
    d. The identity of the person giving the notice,
    e. A statement giving notice of 48 hours to remedy the violation(s).
9. MFF that have been removed may be recovered within ninety (90) days from the date of seizure and upon payment of a sum equal to the cost of removing said MFF including a 20 percent charge for administrative costs as determined by DPW, and any costs incurred by DPW in disposing of any materials or merchandise contained in the MFF. Costs incurred as a result of removal under this Section are in addition to any fines or penalties incurred under Section 184.96 of the PWC.

III. **HOLD HARMLESS CLAUSE**. The following language is hereby incorporated into all MFF Permits:

A. In consideration of this Permit being issued for the work described herein, the Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.

B. The Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including without limitation, attorneys' fees and costs (collectively "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by or negligence of, Permittee or its subcontractors, or the officers, agents, or employees of either while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting

directly or indirectly from the maintenance or installation of any equipment, facilities, or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, goodwill, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and (iv) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee in, under, on or about the property subject to this Permit or into the environment. As used herein, "hazardous material" means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristics is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety to the environment.

C. The Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the City. The Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. The Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.

D. The Permittee shall obtain and maintain through the terms of this Permit general liability, automobile liability or workers' compensation insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any operations under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.

E. The Permittee and any permitted successor or assign recognize and understand that this Permit may create a possessory interest.

Click here to sign this section

2/25/2011

X Fuad Sweiss, City Engineer

Signed by Sweiss, Fuad View details
on Friday, February 25, 2011 3:04 PM (Pacific Standard Time)

2/25/2011

X Edward D. Reiskin

Signed by Reiskin, Ed View details
on Friday, February 25, 2011 3:11 PM (Pacific Standard Time)