

HOSPITALITY ALERT

SAN FRANCISCO'S NEW FOOD TRUCK LAW GOES INTO EFFECT PROMISING FASTER AND CHEAPER PERMITTING AND SIMPLIFIED OPERATIONAL RULES FOR ALL "MOBILE FOOD FACILITIES"

On March 7, 2011, the City & County of San Francisco begins its new Mobile Food Facilities Program (MFFP). The MFFP, which is administered by the San Francisco Department of Public Works (DPW), is designed to make it faster, easier, and far less expensive for operators of food trucks and other "mobile food facilities" to secure locations and get licensed and permitted.

The legislation which created the MFFP was sponsored by San Francisco Supervisor Bevan Dufty. It was unanimously passed by the Board of Supervisors in November 2010. The full text of the legislation can be found in Article 5.8 of the San Francisco Public Works Code and is available [here](#).

The DPW Application Process

Under San Francisco's new MFFP, the Department of Public Works (DPW) functions as a one stop shop for mobile food facility (MFF) operators. Prospective MFF operators now file one application with the DPW to initiate the permitting process. That application must: (1) describe the food products and/or services to be sold; (2) describe the proposed location(s) of operation; (3) contain a legible "site map" that depicts the location of the mobile food facility in relation to adjacent street furniture, fire hydrants, public walkways, bus zones, and blue zones; (4) describe the proposed hours of operation at each requested location; (5) describe the truck, cart, or other "mobile catering vehicle" to be used; and (6) include two passport sized photos of the applicant. The cost of the DPW application for a single MFF location is \$708, with half paid at the time of application and half paid at the

time of final approval by the DPW. The DPW renewal fee for subsequent years is \$125 per year (assuming no violations in the prior year).

In addition, as part of the DPW application process, MFF applicants are also required to submit a "notification package." This package must provide a map showing the 300-foot radius surrounding each proposed location and must also identify and provide mailing addresses for all businesses within that radius. Although the DPW handles the mailing of the notices to these businesses, the applicant must provide postage, mailing labels, and mailing envelopes with their notification package.

After notice to all businesses within the 300-foot radius, the application will be granted within 14 days unless DPW receives a written objection. If a written objection is received, the DPW will set the matter for an administrative hearing. The DPW will also publish the hearing date and application information in the City's "official newspaper." Following the hearing, the DPW will make a final decision on the application. Anyone still objecting to the application then has 15 days to appeal the DPW's decision.

The DPW's new MFF application is available [here](#).

Securing Health/Fire Permit and Business License

Once the DPW approves the application, the next step is for the MFF applicant to apply for and obtain the necessary permits and inspections from the San Francisco Fire Department (SFFD) and the Public Health Department (PHD). The MFF applicant must also obtain a business registration certificate from the San Francisco Treasurer & Tax Collector's Office. The applicant has 3 months from the DPW's approval of the application to secure these permits and licenses.

The cost to apply for and obtain the necessary SFFD inspections and permits is \$674. The renewal fee for subsequent years is \$344. The SFFD's application is available [here](#).

The cost to obtain the necessary certification from the PHD varies depending on the proposed food products and services being offered. For operators who cook and assemble food in their MFF, the PHD cost is \$633.50. The renewal fee for subsequent years is \$724. The PHD's application is available [here](#).

To facilitate and simplify the process for all applicants, the DPW will calculate the fees payable to SFFD and PHD and forward payment to those departments as part of the DPW application process. The applicant will not need to visit SFFD and PDH separately for payment.

The cost to obtain a San Francisco business registration certificate depends on the applicant's projected payroll. For operators with annual payroll under \$666,667, the registration fee is \$150. The application for a San Francisco business registration certificate is available [here](#).

Operational Requirements

Once the MFF applicant obtains these necessary permits and licenses, the DPW will issue a final permit and identification card. That identification card must be carried at all times during operation. In addition, MFF operators must display their DPH Certification of Sanitation decal on their pushcart or on the windshield of their mobile catering vehicle.

To maintain their permit, MFF operators must follow a "good neighbor policy." That policy requires, among other things, that the MFF operator: (1) maintain the quiet, safety, and cleanliness of the area; (2) provide adequate garbage disposal facilities; (3) minimize noise and odor in the area; and (4) post a "prominent" sign urging customers to leave the MFF premises and neighborhood in a quiet, peaceful, and orderly fashion.

Infractions and Penalties

Any MFF operator who "habitually violates" the mandatory good neighbor policy can have its MFF license suspended or revoked. In addition, MFF licenses can be suspended or revoked for any of the following violations: (1) committing fraud in the application process; (2) violating any provision of Article 5.8 of the Public Works Code; (3) violating any

of the terms of the permit, including location or hours of operation; (4) operating in a manner that negatively impacts the public's health, safety, convenience, or welfare; (5) substantially changing the food and/or services offered from what was stated on the application; (6) not operating at the permitted location for a period of six months or more; (7) any violation of the San Francisco Public Health Code or Fire Code; and (8) failure to pay any fees or fines issued in connection with MFF application or operation.

Any person who violates any of the provisions of Article 5.8 of the Public Works Code shall be guilty of an infraction punishable as follows:

1. For the first violation within one year, by a fine not exceeding \$100;
2. For a second violation within one year from the date of the first violation, by a fine not exceeding \$200; and
3. For the third and each additional violation within one year from the date of the first violation, by a fine of at least \$500 and other civil and criminal penalties set forth in Section 184.98 in Article 5.8 of the Public Works Code.

Still Interested?

The DPW is scheduling 40-minute appointments to assist MFF applicants through the application process. The first appointment is at 8:20am on Monday, March 7, 2011. All appointments are located at the DPW's Bureau of Street Use and Mapping located at 875 Stevenson Street in San Francisco.

Alternatively, if you have questions about MFF application, permitting, and/or operating process, or if you want assistance through the process, please consult experienced San Francisco counsel. You may also want to retain a qualified permit expediter.

This publication is for informational purposes only. It is not intended to be, and should not be construed as, legal advice on any specific facts or circumstances. If you have questions about a particular situation, please consult knowledgeable legal counsel.

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