

1 [Flea Market]  
 2 AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING CHAPTER 9B  
 3 THERETO, AUTHORIZING THE CITY ADMINISTRATOR TO ESTABLISH AND REGULATE  
 4 A FLEA MARKET AT 100 ALEMANY BOULEVARD; CHARGING VENDORS AT THE  
 5 MARKET A FEE FOR THE PRIVILEGE OF SELLING AT THE MARKET; AND  
 6 RATIFYING AND APPROVING FEES COLLECTED BETWEEN JUNE 1996 AND THE  
 7 EFFECTIVE DATE OF THIS ORDINANCE.

8 Note: This entire section is new.

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

11 Section 1. The San Francisco Administrative Code is hereby  
12 amended by adding Chapter 9B, to read as follows:

13 CHAPTER 9B

14 FLEA MARKET

15 SEC. 9B.1. ESTABLISHMENT AUTHORIZED; APPROVED SALES. The City  
16 Administrator is hereby authorized to establish, maintain and direct  
17 in the City and County a Flea Market for the sale of collectibles,  
18 antiques, and other goods by the owners thereof.

19 SEC. 9B.2. HOW KNOWN; FINANCES FOR MAINTENANCE AND OPERATION.  
20 The Market created under the provisions of the preceding Section  
21 shall be known as the Flea Market. Its maintenance and operation  
22 shall be financed by fees charged to vendors who utilize the  
23 facilities of the Market and by such other funds as may be  
24 appropriated therefor in accordance with the budgetary procedure of  
25 the Charter.

1           SEC. 9B.3. LOCATION. The Flea Market shall be located at 100  
2 Alemany Boulevard.

3           SEC. 9B.4. ADMINISTRATION. The Department of Agriculture under  
4 the direction of the City Administrator shall administer the  
5 operation of the Market.

6           SEC. 9B.5. FEES. For Fiscal Year 1998-1999, each vendor shall  
7 pay a daily fee of \$30 per stall for each day on which he or she  
8 sells. A vendor who pays in advance for an entire month shall  
9 receive a 10% discount on the total charge for that month. After  
10 Fiscal Year 1998-1999, the City Administrator shall propose and the  
11 Board of Supervisors shall adopt a new fee schedule for the Market.

12           SEC. 9B.6. RULES AND REGULATIONS. The City Administrator is  
13 hereby authorized to make such rules and regulations as he or she  
14 shall deem necessary and proper for admission to the Market,  
15 assignment of stall space at the Market, expulsion from the Market,  
16 maintenance of sanitary conditions at the Market, and safe and  
17 orderly conduct of the Market, which rules shall not be in conflict  
18 with the provisions of this Chapter but shall be in furtherance  
19 thereof. Such rules shall be posted in a conspicuous place or places  
20 in the Market.

21           SEC. 9B.7. PERMISSION TO SELL. Every person has the right to  
22 apply for the privilege to sell at the Market provided that he or she  
23 meets the following terms and conditions:  
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1 (a) Files and completes an application, which may include a  
2 hold harmless agreement and an agreement to abide by the Market rules  
3 and regulations;

4 (b) Agrees to comply with the requirements of all ordinances  
5 relating to the operation, use and enjoyment of the facilities or the  
6 Market premises;

7 (c) Agrees to comply with all rules and regulations of the City  
8 Administrator regarding use of the Market facilities.

9 SEC. 9B.8. EXPULSION. The head of the Department of  
10 Agriculture or his or her duly authorized representative may expel a  
11 vendor from the Market for up to eighteen months for violating any  
12 provision of this Chapter or any rule or regulation promulgated under  
13 the authority of this Chapter. The expulsion must be in writing and  
14 must provide the grounds for the expulsion and inform the affected  
15 party of the appeal process allowed in Section 9B.9 of this Code. A  
16 vendor who has been expelled from the Market shall be ineligible to  
17 apply for permission to sell at the Market for the duration of the  
18 expulsion. Any vendor who has been expelled from the Market more  
19 than twice in a five-year period may, upon the occasion giving  
20 grounds for a third expulsion, be indefinitely expelled from the  
21 Market.

22 SEC. 9B.9. APPEALS. Within 10 days of the date of the written  
23 decree of expulsion, any vendor expelled from the Market for any  
24 period of time may file an appeal in writing with the Director of  
25 Administrative Services. The Director of Administrative Services

1 shall set a time for hearing the appeal which shall be within thirty  
2 days of the date of filing thereof and the Director of Administrative  
3 Services or his or her designee shall conduct the hearing. The  
4 vendor shall be notified of the time and place of the hearing in  
5 advance thereof and shall be entitled to appear at the hearing and be  
6 heard. After such hearing, the Director of Administrative Services  
7 may by written order and findings concur in, modify or overrule the  
8 expulsion. The timely filing of an appeal shall stay the expulsion  
9 until the conclusion of the appeal.

10 Section 2. The Board of Supervisors hereby ratifies and  
11 approves the \$20 fee per stall per day of selling charged by the  
12 Department of Agriculture to vendors who sold at the Flea Market  
13 between June 1996 and the effective date of this ordinance.

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15 APPROVED AS TO FORM:

16 LOUISE H. RENNE, City Attorney

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19 By: Mario Kashou  
20 MARIO KASHOU  
21 Deputy City Attorney  
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