

FILE NO. 991545

ORDINANCE NO. 276-99

1 [Administrative Code Revision – Chapter 9A]

2 ORDINANCE AMENDING CHAPTER 9A OF PART I OF THE SAN FRANCISCO MUNICIPAL  
3 CODE (ADMINISTRATIVE CODE), BY AMENDING SECTIONS 9A.1 THROUGH 9A.15 AND  
4 9A.17 THOUGH 9A.20, AND BY REPEALING SECTION 9A.16, REGARDING THE  
5 FARMERS' MARKET, TO UPDATE LANGUAGE AND TO ESTABLISH A NEW FEE  
6 SCHEDULE.

7  
8 Note: Additions and substitutions are underlined;  
9 deletions are in ((double parentheses)).

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

11  
12 Section 1. Chapter 9A of the San Francisco Administrative Code is hereby amended  
13 by amending Section 9A.1, to read as follows:

14 **SEC. 9A.1. ESTABLISHMENT AUTHORIZED; APPROVED SALES.** The Agricultural  
15 Commissioner ((Director of Administrative Services)) is hereby authorized to establish,  
16 maintain and direct in the City and County one or more farmers' markets ((a Farmers' Market  
17 and to maintain the same to direct the operations of the market)) for the sale of food,  
18 agricultural and horticultural products, fresh and dried, and for the sale of fish by the growers,  
19 producers or fishers thereof in the State.

20 (a) The sale of fish shall be limited to the sale of whole fish or fish filleted on the  
21 premises with properly sanitized utensils. All fish shall be stored at a temperature of 45°  
22 Fahrenheit or lower. All fish shall be sold from self-contained vehicles. There shall be proper  
23 waste disposal of any unsold fish and all fish cuttings, trimmings, wrappings and containers.

24 / / /

25  
SUPERVISOR KAUFMAN  
BOARD OF SUPERVISORS

1 Section 2. Chapter 9A of the San Francisco Administrative Code is hereby amended  
2 by amending Section 9A.2, to read as follows:

3 **SEC. 9A.2. ((HOW KNOWN; ))FINANCES FOR MAINTENANCE AND OPERATION.**

4 Maintenance and operation of each market established under the provisions of this Chapter  
5 ((The market created under the provisions of the preceding Section shall be known as the  
6 Farmers' Market and its maintenance and operation)) shall be financed by fees charged to  
7 producers who utilize the facilities of the market and by such other funds as may be  
8 appropriated therefor in accordance with the budgetary procedure of the Charter.

9  
10 Section 3. Chapter 9A of the San Francisco Administrative Code is hereby amended  
11 by amending Section 9A.3, to read as follows:

12 **SEC. 9A.3. LOCATION.** A market established under the provisions of this Chapter

13 ((The Farmers' Market)) may be located at any suitable site selected by the Agricultural  
14 Commissioner ((Director of Administrative Services)) and owned or leased by the City and  
15 County.

16  
17 Section 4. Chapter 9A of the San Francisco Administrative Code is hereby amended  
18 by amending Section 9A.4, to read as follows:

19 **SEC. 9A.4. ADMINISTRATION.** The Agricultural Commissioner shall administer the  
20 operation of each market established under the provisions of this Chapter. ((The operation of  
21 the Farmer's Market, when established, shall be administered by the Director of  
22 Administrative Services or shall be placed by him or her under such department under his or  
23 her jurisdiction as he or she shall deem proper.))

1 Section 5. Chapter 9A of the San Francisco Administrative Code is hereby amended  
2 by amending Section 9A.5, to read as follows:

3 **SEC. 9A.5. ADVISORY COMMITTEE.** For each market established under the  
4 provisions of this Chapter, the Agricultural Commissioner ((The Director of Administrative  
5 Services)) shall appoint a committee ((of two)) consisting of at least 3 persons with valid  
6 permission to sell at the market. ((a member selected from the fruit, vegetable and fish  
7 industries in the City and County and a member who shall represent the producers of fruits,  
8 vegetables and fish disposed of at the market.)) Each committee member ((Both such  
9 members)) shall hold office only at the pleasure of the Agricultural Commissioner ((Director of  
10 Administrative Services)). Each committee ((The Committee)) shall advise the Agricultural  
11 Commissioner ((Director of Administrative Services or the department head in charge of the  
12 market)) as to the general policies under which that committee's ((the)) market shall be  
13 conducted and generally as to the character and nature of the products to be sold ((disposed  
14 of)) therein. The Agricultural Commissioner ((Director of Administrative Services)) shall  
15 investigate all recommendations made by each committee ((the Committee)) and, if he or she  
16 deems them proper, shall implement said recommendations ((order the policies carried out in  
17 the market)).

18  
19 Section 6. Chapter 9A of the San Francisco Administrative Code is hereby amended  
20 by amending Section 9A.6, to read as follows:

21 **SEC. 9A.6. INSPECTION OF PRODUCTS; COMPLIANCE WITH APPLICABLE**  
22 **LAWS.** Each market and all ((The Farmers' Market and all)) products sold or disposed of or  
23 offered for sale in a ((the)) market shall be subject to inspection under and shall comply with  
24 and be subject to all local ordinances and regulations and all State laws governing the  
25 marketing of such products or governing the inspection, quality, standardization, weights,

1 measures, quarantine, sanitation, marketing and sale of such products offered for sale by  
2 private individuals, firms and corporations.

3  
4 Section 7. Chapter 9A of the San Francisco Administrative Code is hereby amended  
5 by amending Section 9A.7, to read as follows:

6 **SEC. 9A.7. FEES.** Fees currently estimated sufficient to pay the operating and  
7 maintenance costs of each market ((the Farmers' Market)) and within a reasonable time to  
8 liquidate all capital expenditures made thereof, recommended by the Agricultural  
9 Commissioner ((Director of Administrative Services and approved by the Controller)), shall be  
10 charged to sellers at each market, effective December 1, 1999, ((the seller of all products  
11 offered for sale at the Farmers' Market effective April 1, 1992,)) as follows:

12 (a) **Certified Producers ((April 1, through November 30))**

13 (((a))) Daily stall fee:

14 Summer (June 1 through November 30) \$40.00

15 Winter (December 1 through May 31) \$30.00

16 ((Tuesday through Thursday \$ 5.50))

17 ((Friday 11.00))

18 ((Saturday 19.00))

19 **((December 1, through March 31))**

20 ((Tuesday through Thursday 4.50))

21 ((Friday 8.50))

22 ((Saturday 14.00))

23 (b) **Non-Certified Producers**

24 Daily stall fee:

25 Summer (June 1 through November 30) \$50.00

1                    Winter (December 1 through May 31)                    \$40.00

2                    ((Entrance tonnage fee (to be charged only once against a given load).))

3                    ((\$4.00 for the first 1,000 pounds or fraction thereof.))

4                    ((\$3.00 for the second 1,000 pounds or fraction thereof.))

5                    ((\$5.00 for each additional 2,000 pounds or fraction thereof.))

6  
7                    Section 8. Chapter 9A of the San Francisco Administrative Code is hereby amended  
8 by amending Section 9A.8, to read as follows:

9                    **SEC. 9A.8. DISTRIBUTION OF SURPLUS COMMODITIES TO NEEDY PERSONS.**

10 Whenever there exists a surplus of farm commodities available for distribution to needy  
11 persons and families in the City and County, the Agricultural Commissioner ((Director of  
12 Administrative Services)) may authorize the allocation of space at any market ((the Farmers'  
13 Market)) for distribution of such surplus to needy persons and families; provided:

14                    (a) That such distribution will not interfere with the normal operations of the market;

15                    (b) That the distribution shall entail no expense to the City and County other than  
16 use of space at the market;

17                    (c) That such distribution shall be for a limited period, in no case to exceed 90 days  
18 in any one calendar year;

19                    (d) That recipients of the surplus commodities are certified as needy and eligible for  
20 receipt of the commodities by the Welfare Department of the City and County; and

21                    (e) That the commodities are distributed free without any charges whatsoever to  
22 recipients.

23                    No market or other fees shall be charged in connection with distribution of surplus  
24 commodities as provided in this Section.

1 Section 9. Chapter 9A of the San Francisco Administrative Code is hereby amended  
2 by amending Section 9A.9, to read as follows:

3 **SEC. 9A.9. RULES AND REGULATIONS.** For each market established under the  
4 provisions of this Chapter, the Agricultural Commissioner ((The Director of Administrative  
5 Services)) is hereby authorized to make such rules and regulations as he or she shall deem  
6 proper for the conduct of the market and for the maintenance of sanitary conditions therein  
7 and for the identification of persons offering products for sale in the market, which rules shall  
8 not be in conflict with the provisions of this Chapter but shall be in furtherance thereof. Such  
9 rules shall be posted in a conspicuous place in the market and when so posted shall be  
10 deemed to be promulgated by the Agricultural Commissioner ((Director of Administrative  
11 Services)) and shall thereafter have the same force and effect as though included in this  
12 Chapter.

13  
14 Section 10. Chapter 9A of the San Francisco Administrative Code is hereby amended  
15 by amending Section 9A.10, to read as follows:

16 **SEC. 9A.10. PERSONS WHO MAY SELL AT MARKET; COMMISSION; REALES.**  
17 Farm products may be sold or offered for sale at a market ((the Farmers' Market)) only by the  
18 grower, producer or fisher thereof or by members of his or her immediate family or by  
19 salespeople. No commission shall be paid by the growers or received by other persons  
20 involved in the transactions occurring at a ((the)) market, except such ((commissions or)) fees  
21 as are paid at the market for the privilege of selling the products there. There shall be no  
22 resales made at a ((the)) market.

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24 / / /

25 / / /

SUPERVISOR KAUFMAN  
BOARD OF SUPERVISORS

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1 Section 11. Chapter 9A of the San Francisco Administrative Code is hereby amended  
2 by amending Section 9A.11, to read as follows:

3 **SEC. 9A.11. OBSERVANCE OF REGULATIONS; PRODUCTS TO BE KEPT**

4 **SANITARY.** All federal and State laws and regulations, as well as all local ordinances and  
5 regulations, applicable to each market ((the Farmers' Market)) and the products offered for  
6 sale therein shall be complied with by sellers at the market ((the seller)), and growers,  
7 producers or fishers utilizing the facilities of the market shall keep the premises used by them  
8 in a clean and sanitary condition and shall remove all fruit, vegetable and fish cuttings,  
9 trimmings, wrappings and containers at the close of each day.

10  
11 Section 12. Chapter 9A of the San Francisco Administrative Code is hereby amended  
12 by amending Section 9A.12, to read as follows:

13 **SEC. 9A.12. HOURS OF OPERATION.** The days and hours during which each  
14 market ((the Farmers' Market)) shall operate shall be fixed by the rules and regulations  
15 adopted and promulgated by the Agricultural Commissioner ((Director of Administrative  
16 Services)).

17  
18 Section 13. Chapter 9A of the San Francisco Administrative Code is hereby amended  
19 by amending Section 9A.13, to read as follows:

20 **SEC. 9A.13. DESIGNATION OF PERSONS AUTHORIZED TO ENTER PREMISES.**

21 All persons are hereby prohibited from entering or remaining on any ((the)) market premises  
22 unless any such person is a person entering or remaining on the market premises with the  
23 consent of a duly authorized representative of the Agricultural Commissioner ((department  
24 head)); a person making use of the market facilities with valid permission from a duly  
25 authorized representative of the Agricultural Commissioner ((under a validly issued and

1 subsisting permit in full force and effect)); an actual or prospective customer; or a person  
2 accompanying any such actual or prospective customer.

3  
4 Section 14. Chapter 9A of the San Francisco Administrative Code is hereby amended  
5 by amending Section 9A.14, to read as follows:

6 **SEC. 9A.14. PERMISSION TO SELL ((PERMIT)) — REQUIRED; SCOPE.** No  
7 person shall sell, keep for sale or offer to sell market or farm produce, edible merchandise, or  
8 any other merchandise or product at any market established under the provisions of this  
9 Chapter except upon receipt of permission to sell at the market from the Agricultural  
10 Commissioner or his or her duly authorized representative ((under the authority of a duly  
11 issued and validly subsisting permit and pursuant to the terms and conditions thereof)). No  
12 person with valid permission to sell at a market ((permittee)) nor any of his or her agents or  
13 employees shall bring onto the market premises, keep in his or her possession, offer to sell or  
14 sell any market or farm produce or any edible merchandise which has not been produced on  
15 land owned or possessed by, or, in the case of fish, caught or bred by the person  
16 ((permittee)). Persons with valid permission to sell at a market ((acting under a duly issued,  
17 valid and subsisting permit)) may bring onto the market premises, keep in their possession,  
18 offer to sell or sell only such market or farm produce and edible merchandise which has been  
19 produced on land owned or possessed by, or, in the case of fish, caught or bred by the person  
20 ((permittee)). Whenever a person with valid permission to sell at a market violates the  
21 provisions of this Section, the Agricultural Commissioner ((permittee, either by himself or  
22 herself or through his or her agents and employees, brings onto the market premises, or has  
23 in his or her possession on the premises, or sells or offers to sell market or farm produce or  
24 edible merchandise which produce or merchandise has not been produced on land belonging  
25 to or, in the case of fish, has not been caught or bred by the permittee, the department head))



1 may immediately suspend the person's permission to sell at ((permittee's permit to use)) the  
2 market premises for a period of no less than 30 days and no more than 90 days thereafter, as  
3 in the discretion of the Agricultural Commissioner ((department head)) shall seem proper.  
4

5 Section 15. Chapter 9A of the San Francisco Administrative Code is hereby amended  
6 by amending Section 9A.15, to read as follows:

7 **SEC. 9A.15. SAME — TERMS AND CONDITIONS.** Permission to sell at a market  
8 shall be offered only ((Permits to use the market facilities shall operate to vest in the permittee  
9 the privilege of entering on the market premises and making use of the market facilities only))  
10 upon the following terms and conditions:

11 (a) The proper completion and filing of ((filing on)) an application ((duly made out for a  
12 permit to use the market facilities));

13 (((b) The granting of written permission by the permittee, given concurrently with the  
14 application for a permit to use and enjoy the market facilities, for the duly authorized  
15 representative of the department head to enter on land owned or possessed, in whole or in  
16 part, and in the case of fish, on the boat or other property owned or possessed, in whole or in  
17 part, by the permittee at all reasonable times for the purpose of determining what farm or  
18 market produce or edible merchandise has been produced on such land or, in the case of fish,  
19 caught or bred, with the use of or on such premises of such properties. Such license to enter  
20 on the land or property of the permittee shall be given expressly in consideration of the  
21 granting of the permit applied for and shall be irrevocable during such period that the permit is  
22 in full force and effect and for an additional period of 10 days thereafter;))

23 (b) (((c))) Compliance with all federal, State and local laws ((the requirements of all  
24 ordinances)) relating to the operation, use and enjoyment of the facilities or the market  
25 premises;

1           (c)((d)) Compliance with all rules and regulations of the Agricultural Commissioner  
2 ((Director of Administrative Services)) regarding use of the market facilities.

3  
4           Section 16. Chapter 9A of the San Francisco Administrative Code is hereby amended  
5 by repealing Section 9A.16.

6           **((SEC. 9A.16. SAME — SUSPENSION OR REVOCATION.** Whenever a permittee  
7 refuses permission to the duly authorized representative of the department head to enter on  
8 land owned or possessed, in whole or part, and, in the case of fish, on the boat or other  
9 property owned or possessed, in whole or in part, by the permittee, in breach of the license to  
10 enter as provided in Section 9A.14 of this Code, the department head may indefinitely  
11 suspend or revoke the permit belonging to the permittee.))

12  
13           Section 17. Chapter 9A of the San Francisco Administrative Code is hereby amended  
14 by amending and renumbering Section 9A.17, to read as follows:

15           **SEC. 9A.16 ((9A.17)). SAME ((PERMIT)) — EFFECT OF SUSPENSION OR**  
16 **REVOCATION.** ((A permittee of a suspended permit shall not enter onto market premises for  
17 any purpose during such period of time as the permit is suspended.)) A person whose  
18 permission to sell at a market ((permittee whose permit)) has been suspended shall be  
19 ineligible to apply for new permission during the period of his or her suspension ((a new permit  
20 during such period as his or her permit is under suspension)). Any person whose permission  
21 to sell at a market ((permittee whose permit)) has been revoked shall be ineligible to apply for  
22 new permission ((a new permit)) for a period of two years following such revocation unless  
23 sooner allowed to qualify ((for a permit)) by the Agricultural Commissioner ((Director of  
24 Administrative Services)). Any person whose permission to sell at a market ((permittee whose  
25 permit)) has been suspended more than twice in an 18-month period may, upon the occasion

1 giving grounds for a third suspension, have such permission ((permit)) indefinitely suspended  
2 or revoked in the discretion of the Agricultural Commissioner ((department head)).

3  
4 Section 18. Chapter 9A of the San Francisco Administrative Code is hereby amended  
5 by amending and renumbering Section 9A.18, to read as follows:

6 **SEC. 9A.17 ((9A.18)). ((PERMIT — )) APPEALS.** Any applicant denied permission to  
7 sell at a market or any person whose permission to sell at a market ((a permit or any  
8 permittee whose permit)) has been suspended or revoked by the Agricultural Commissioner  
9 ((department head)) may immediately file an appeal in writing with the Director of  
10 Administrative Services. The Director of Administrative Services shall set a time for hearing  
11 the appeal which shall be within seven days of the date of filing thereof. The appellant  
12 ((applicant or permittee)) shall be notified of the time and place of the hearing in advance  
13 thereof and shall be entitled to appear at the hearing and be heard. After such hearing the  
14 Director of Administrative Services may concur in the action of the Agricultural Commissioner  
15 ((department head)), or he or she may overrule the (Agricultural Commissioner) ((department  
16 head)) and order that the permission ((permit)) be immediately granted or restored. The  
17 Director of Administrative Services shall appoint an officer to act on such appeals in his or her  
18 absence who shall have the same powers with respect thereto as are herein granted the  
19 Director of Administrative Services.

20  
21 Section 19. Chapter 9A of the San Francisco Administrative Code is hereby amended  
22 by amending and renumbering Section 9A.19, to read as follows:

23 **SEC. 9A.18 ((9A.19)). UNLAWFUL ENTRY UPON PREMISES.** Any person entering  
24 any ((the)) market premises in violation of Section 9A.13 of this Code((, any permittee  
25 entering the premises while his or her permit is suspended)) and any person remaining on any

1 market ((the)) premises after being ordered to leave by any ((the)) duly authorized  
2 representative of the Agricultural Commissioner ((department head,)) are hereby declared to  
3 be trespassers and guilty of a misdemeanor and upon arrest and conviction shall be punished  
4 by not more than a \$50 fine or by imprisonment in the County Jail for not more than 10 days,  
5 or by both such fine and imprisonment.


6  
7 Section 20. Chapter 9A of the San Francisco Administrative Code is hereby amended  
8 by amending and renumbering Section 9A.20, to read as follows:

9 **SEC. 9A.19 ((9A.20)). VIOLATION OF SECTION 9A.14 OF THIS CODE.** Any person  
10 ((permittee)) who either personally or through his or her agents or employees violates Section  
11 9A.14 of this Code shall be guilty of a misdemeanor and upon arrest and conviction shall be  
12 punished by a fine of not more than \$500 or by imprisonment in the County Jail for not more  
13 than 30 days, or by both such fine and imprisonment.

14  
15  
16 APPROVED AS TO FORM:

17 LOUISE H. RENNE, City Attorney

18  
19  
20 By:

  
THOMAS J. OWEN  
Deputy City Attorney

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23  
24  
25  
SUPERVISOR KAUFMAN  
BOARD OF SUPERVISORS



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

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**File Number:** 991545

**Date Passed:**

Ordinance amending Administrative Code Sections 9A.1 through 9A.15 and 9A.17 through 9A.20 and by repealing Section 9A.16, regarding Farmers' Market, to update language and to establish a new fee schedule.

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October 12, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 8 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng  
Absent: 3 - Katz, Yaki, Yee

October 18, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Teng, Yaki, Yee  
Absent: 2 - Becerril, Newsom

File No. 991545

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on October 18, 1999  
by the Board of Supervisors of the City and  
County of San Francisco.



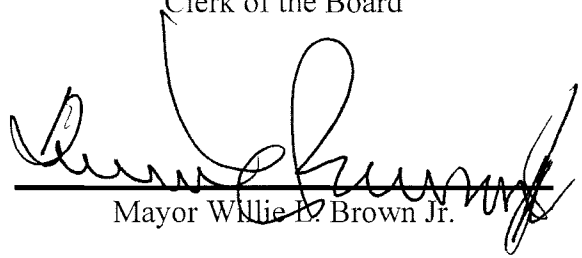
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Gloria L. Young  
Clerk of the Board

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**OCT 29 1999**

Date Approved



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Mayor Willie L. Brown Jr.