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

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

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

(a) The sale of fish shall be limited to the sale of whole fish or fish filleted on the premises with properly sanitized utensils. All fish shall be stored at a temperature of 45° Fahrenheit or lower. All fish shall be sold from self-contained vehicles. There shall be proper waste disposal of any unsold fish and all fish cuttings, trimmings, wrappings and containers.
Section 2. Chapter 9A of the San Francisco Administrative Code is hereby amended by amending Section 9A.2, to read as follows:

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

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

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

SEC. 9A.3. LOCATION. A market established under the provisions of this Chapter ((The Farmers' Market)) may be located at any suitable site selected by the Agricultural Commissioner ((Director of Administrative Services)) and owned or leased by the City and County.

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

SEC. 9A.4. ADMINISTRATION. The Agricultural Commissioner shall administer the operation of each market established under the provisions of this Chapter. ((The operation of the Farmer's Market, when established, shall be administered by the Director of Administrative Services or shall be placed by him or her under such department under his or her jurisdiction as he or she shall deem proper.))
Section 5. Chapter 9A of the San Francisco Administrative Code is hereby amended by amending Section 9A.5, to read as follows:

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

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

**SEC. 9A.6. INSPECTION OF PRODUCTS; COMPLIANCE WITH APPLICABLE LAWS.** Each market and all (The Farmers' Market and all) products sold or disposed of or offered for sale in (the) market shall be subject to inspection under and shall comply with and be subject to all local ordinances and regulations and all State laws governing the marketing of such products or governing the inspection, quality, standardization, weights,
measures, quarantine, sanitation, marketing and sale of such products offered for sale by
private individuals, firms and corporations.

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

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

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

(((a))) Daily stall fee:

- **Summer (June 1 through November 30)**: $40.00
- **Winter (December 1 through May 31)**: $30.00
- ((Tuesday through Thursday)): $5.50
- ((Friday)): $11.00
- ((Saturday)): $19.00
- ((December 1, through March 31))
- ((Tuesday through Thursday)): $4.50
- ((Friday)): $8.50
- ((Saturday)): $14.00

(b) **Non-Certified Producers**

Daily stall fee:

- **Summer (June 1 through November 30)**: $50.00
Section 8. Chapter 9A of the San Francisco Administrative Code is hereby amended by amending Section 9A.8, to read as follows:

SEC. 9A.8. DISTRIBUTION OF SURPLUS COMMODITIES TO NEEDY PERSONS.
Whenever there exists a surplus of farm commodities available for distribution to needy persons and families in the City and County, the Agricultural Commissioner (Director of Administrative Services) may authorize the allocation of space at any market (the Farmers' Market) for distribution of such surplus to needy persons and families; provided:

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

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

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

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

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

No market or other fees shall be charged in connection with distribution of surplus commodities as provided in this Section.
Section 9. Chapter 9A of the San Francisco Administrative Code is hereby amended by amending Section 9A.9, to read as follows:

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

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

SEC. 9A.10. PERSONS WHO MAY SELL AT MARKET; COMMISSION; RESALES. Farm products may be sold or offered for sale at a market ((the Farmers' Market)) only by the grower, producer or fisher thereof or by members of his or her immediate family or by salespeople. No commission shall be paid by the growers or received by other persons involved in the transactions occurring at a ((the)) market, except such ((commissions or)) fees as are paid at the market for the privilege of selling the products there. There shall be no resales made at a ((the)) market.
Section 11. Chapter 9A of the San Francisco Administrative Code is hereby amended by amending Section 9A.11, to read as follows:

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

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

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

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

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

**SEC. 9A.13. DESIGNATION OF PERSONS AUTHORIZED TO ENTER PREMISES.** All persons are hereby prohibited from entering or remaining on any ((the)) market premises unless any such person is a person entering or remaining on the market premises with the consent of a duly authorized representative of the Agricultural Commissioner ((department head)); a person making use of the market facilities with valid permission from a duly authorized representative of the Agricultural Commissioner ((under a validly issued and

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

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

SEC. 9A.14. PERMISSION TO SELL ((PERMIT)) — REQUIRED; SCOPE. No person shall sell, keep for sale or offer to sell market or farm produce, edible merchandise, or any other merchandise or product at any market established under the provisions of this Chapter except upon receipt of permission to sell at the market from the Agricultural Commissioner or his or her duly authorized representative ((under the authority of a duly issued and validly subsisting permit and pursuant to the terms and conditions thereof)). No person with valid permission to sell at a market ((permittee)) nor any of his or her agents or employees shall bring onto the market premises, keep in his or her possession, offer to sell or sell any market or farm produce or any edible merchandise which has not been produced on land owned or possessed by, or, in the case of fish, caught or bred by the person ((permittee)). Persons with valid permission to sell at a market ((acting under a duly issued, valid and subsisting permit)) may bring onto the market premises, keep in their possession, offer to sell or sell only such market or farm produce and edible merchandise which has been produced on land owned or possessed by, or, in the case of fish, caught or bred by the person ((permittee)). Whenever a person with valid permission to sell at a market violates the provisions of this Section, the Agricultural Commissioner ((permittee, either by himself or herself or through his or her agents and employees, brings onto the market premises, or has in his or her possession on the premises, or sells or offers to sell market or farm produce or edible merchandise which produce or merchandise has not been produced on land belonging to or, in the case of fish, has not been caught or bred by the permittee, the department head))
may immediately suspend the person's permission to sell at ((permittee's permit to use)) the
market premises for a period of no less than 30 days and no more than 90 days thereafter, as
in the discretion of the Agricultural Commissioner ((department head)) shall seem proper.

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

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

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

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

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

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Compliance with all rules and regulations of the Agricultural Commissioner regarding use of the market facilities.

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: THOMAS J. OWEN
Deputy City Attorney

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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.

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
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.

Gloria L. Young
Clerk of the Board

Mayor Willie L. Brown Jr.