CITY AND COUNTY OF SAN FRANCISCO

ALEMANY FLEA MARKET

RULES AND REGULATIONS

City and County of San Francisco
REAL ESTATE DIVISION

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Alemany Flea Market Rules and Regulation

1. Market Authorization

2. Market Purpose

3. Who May Sell at the Market
- A. Vendor of Goods
- B. Garage Sale
- C. Food and Beverage Vendors
- D. Flower and Plant Vendors

4. Admission to the Market
- A. Application
- B. Identification
- C. Admissions
- D. Non-Compliant Applications
- E. Appeals
- F. Seller's Information Sheet

5. General Operating Procedures
- A. Market Fees
- B. Hours of Operation
- C. Stall Size
- D. Parking
- E. Stall Assignments
- F. Covered Stall Waiting List
- G. Cancellations
- H. Permissible Goods
- I. Swap Meet Sellers Information Report
- J. Sales Tax
- K. Music
- L. Conduct
- M. Neat and Orderly Display
- N. Cleaning Selling Space
- O. Safety

6. Market Violations
- A. Violations
- B. Effect of Suspension
- C. Appeals

7. Formulation and Application

ALEMANY FLEA MARKET RULES AND REGULATIONS
Incorporating Chapter 9B of the San Francisco Administrative Code

1. MARKET AUTHORIZATION

The City and County of San Francisco owns the property at 100 Alemany Boulevard. The San Francisco Board of Supervisors has authorized the City to operate a Flea Market ("Market") on the property. This authorization may be found in Chapter 9B of the San Francisco Administrative Code. All Vendors who participate in the Market are expected to be familiar with Chapter 9B, copies of which are kept in the Market Management Staff Office ("Office") and made ready for review by the Market Management Staff ("Management").

2. MARKET PURPOSE

The purpose of this Market is to bring Vendors of high-quality antiques, collectibles, and handcrafted artisan works together in a setting that is relaxing and enjoyable for Customers and Vendors. The Market was created with a vision to promote a diversity of goods, by bringing together both Vendors and Customers from around the San Francisco Bay Area. Customers have the opportunity to buy a diversity of goods at a low price and Vendors have an opportunity sell their goods to a wide audience.

3. WHO MAY SELL AT THE MARKET

A. **VENDOR OF GOODS**: At least 50% of goods being offered for sale by each individual Vendor must be high-quality antiques, collectibles, and handcrafted artisan works. New items in original packaging and non-handcrafted items cannot be offered for sale. The only exception to this is noted below in Section B – the first Sunday of every month.

B. **GARAGE SALE**: On the first Sunday of every month, the Market shall allow Vendors who do not meet the antique and collectibles requirements to sell at the Market. Under no circumstances, are the sales of bicycles or automobile parts permissible.

C. **FOOD AND BEVERAGE VENDORS**: Food and beverages sales will be limited to six (6) Vendors per Market day. Permits shall be issued based on competitive bidding. No alcoholic beverages may be sold. The sale and consumption of alcoholic beverages is strictly prohibited on City property.

D. **FLOWER AND PLANT VENDORS**: The sale of fresh flowers and plants will be limited to two permits per Market day. These permits are issued on a first come, first served basis.

4. ADMISSION TO THE MARKET

New Vendors applying to sell at the Market must meet the following criteria:

A. **APPLICATION**: To be admitted to the Market all vendors must complete and submit the following forms:

a. Hold Harmless Agreement
b. Acknowledgement of Receipt of Agreement to Comply with Rules and Regulations
c. Seller's Information Sheet
d. Swap Meet Seller's Information Report.

Applications should be submitted no later than two days prior to the Market day to allow for review. Applications submitted on Market day may not be reviewed or accepted for sale on the same Market day.

Vendors returning after a twelve (12) month absence must complete and resubmit all forms.

Vendors are entitled to sell two (2) times in a twelve (12) month period without a California Seller's Permit. According to California State Law, after selling two (2) times in a twelve (12) month period, Vendors must have a California Seller's Permit regardless of what type of merchandise they are selling.

B. **IDENTIFICATION**: Along with each application, Vendors shall present and submit a copy of their current California Driver License / California Identification Card or Government issued Identification for identification purposes.

C. **ADMISSIONS**: The Management will review submitted applications. Applicants will be notified if they are admitted to the Market, after applications are reviewed and verified as compliant with Market Rules and Regulations and there is sufficient stall space for the applicant to sell his/her goods.

D. **NON-COMPLIANT APPLICATIONS**: If an applicant does not meet all the above requirements as specified by Management, the application will be rejected. Vendors will be notified of the Market Manager's decision.

E. **APPEALS**: Within ten (10) days of receiving notification of a non-compliant application, the applicant may appeal the decision by sending a copy of the application along with a written explanation as to why their application should not have been deemed non-complaint to:

Director of Real Estate Division
25 Van Ness Avenue, Ste. 400
San Francisco, CA. 94102

The Director of Real Estate or his/her designee, within thirty (30) days, review and investigate the appeal and issue a decision. The decision of the Director or his/her designee is final.

F. **UPDATING SELLER INFORMATION SHEET**: Each participating Vendor is responsible for keeping their application current. Vendors must notify Management when any information on their Seller's Information Sheet changes, including the type of goods being sold.

G. SWAP MEET SELLERS INFORMATION REPORT: Vendors who sell at the Market for four (4) consecutive weeks must complete a Swap Meet Sellers Information Report once every six (6) months and submit a copy to the Office. Vendors selling at the Market less than four (4) consecutive weeks must complete a Swap Meet Sellers Information Report on a weekly basis and submit a copy to the Office at the beginning of each Market day. It is the Vendor's responsibility to make sure that reports are accurate and copies are given to the Office. Failure to submit the reports on a timely basis may result in suspension from the Market.

H. SALES TAX: Vendors are responsible for conforming to local, state and federal taxes. Vendors who sell at the Market more than two (2) times in a twelve (12) month period must obtain a Board of Equalization certification and provide a copy to the Management. Failure to submit the certificate on a timely basis may result in suspension from the Market

5. GENERAL OPERATING PROCEDURES

A. **MARKET FEES**: Each stall fee at the Market is $45.00 per day. Fees are paid in the Office between 6:00 am and 10:00 am on day of the Market. Once fees are paid, no refunds or rain checks will be given. On the first Sunday of each month, Vendors may choose to pay in advance the total charge for the month. Vendors will not be refunded any money if they miss any of the days for which they prepaid.

B. **HOURS OF OPERATION**: Market hours are from 7:00 am to 3:00 pm each Sunday. Vendors may bring vehicles into the center selling area before 6:00 am to set up and after 3:00 pm to clean up. Vehicles are prohibited in the center selling area from 7:00 am to 3:00 pm. All Vendors must vacate the Market premises by 4:00 pm.

   Vendors must be setup and be ready to sell by 7:00 am. If a Vendor is not set up and not ready to sell by 7:00 am or has not notified Management that he or she will be late, Management may assign the Vendor's stall to another Vendor for the day.

C. **STALL SIZE**: All stalls are 10 feet by 12 feet, whether marked or not. If a Vendor takes more than the allotted space, the Vendor must either move his or her display to conform to the allotted space or pay the full price for an additional stall. A Vendor who is uncertain about the boundaries of his or her stall shall ask Management for assistance before setting up.

D. **STALL ASSIGNMENTS**: Management shall assign to each Vendor admitted to the Market a stall. If possible, Management shall assign a regular Vendor a stall in the area requested. Otherwise, a temporary stall shall be assigned and a Vendor may place their name on a waiting list for a stall assignment that does not vary from week to week. Under no circumstances may Vendors set up in a stall without an assignment from the Market Management. Vendors may not transfer, sublet, or inherit stalls.

   While stall coverage may be limited to one person, being away from an assigned stall for any extended period might create unnecessary problems for other Vendors and Management. Continuous absences from an assigned stall on a regular basis, during the Market hours are not acceptable.

E. **COVERED STALL WAITING LIST**: Vendors assigned an uncovered stall on a regular basis, may request to be placed on a waiting list for a covered stall. Management shall organize the covered stall list by the date and time in which each Vendor's request was received. This list will be used to assign covered stalls to Vendors, who attend on a regular basis, as these stalls become available.

F. **PARKING**: Vendors are entitled to one parking space on Market property for each stall rented. Vendors must make sure that their vehicles fit into the parking spaces completely. Failure to do so is a violation of Market rules. The parking spaces are not large enough to accommodate trailers or mobile homes.

G. **CANCELLATIONS**: Vendors who will not be attending the Market must notify Management by telephone by 3:00 pm on the Thursday before the Market day, unless prior arrangements are made with the Management. Vendors who cannot attend the Market due to an emergency must contact Management by 5:00 pm on the Market day to explain the nature of the circumstance that prevented them from canceling on time. Failure to do so is a violation of Market rules. Management has the duty to keep all stalls occupied each week and will assign unused stalls to Vendors.

Vendors with permanent stall(s) spaces who are away from the Market more than six (6) weeks in a row or more than twelve (12) weeks in a one-year period will lose their permanent stalls(s) and may be reassigned to a new stall(s), if available, upon their return.

H. **NON-PERMISSIBLE GOODS**: Vendors may sell those goods listed on the Seller's Information Sheet on their applications only. Under **no** circumstances may a Vendor sell the following item(s) and any other items as deemed by Market Management:

1. Weapons
2. Guns or Ammunition
3. Counterfeit Merchandise
4. Pornography
5. Drug Paraphernalia
6. Fireworks
7. Tobacco Products
8. Alcoholic Products
9. Self Defense Products
10. Live Animals
11. Bicycles

12. **New** Merchandise
13. Household Appliances
14. Televisions
15. CD Players
16. DVD Players
17. Electronic Equipment
18. Electronic Tools
19. Power Tools
20. Non-Vintage Tools
21. Stolen Property
22. Motor Vehicles of any type – scooters, etc.
23. Automobile Parts

Note: All knives being displayed for sale (including household, decorative, and vintage knives) must be encased.

Vendors who offer any of these listed products at the Market for sale may be suspended. Sales or the possession of some of these listed items are violations of local ordinances, state and/or federal laws.

Any Vendor who is uncertain about any item(s) that are not listed must ask Market Management for clarification and approval before setting up.

I. **MUSIC**: Loud music is not permitted. If a Vendor wishes to play music at their stall(s), the music must be audible in the Vendor's stall area only. Management urges Vendors who wish to listen to music to use headsets or earphones.

J. **CONDUCT**: Vendors and their employees or agents shall conduct themselves in a courteous and safe manner with Customers, Vendors and Management. Violent and rude behavior will not be accepted or tolerated by Management and may result in suspension/expulsion from the Market.

K. **NEAT AND ORDERLY DISPLAY**: Each Vendor is responsible for keeping their stall space neat and clean. Whether displayed on tables, on the ground, or otherwise, goods should be arranged in an appealing and orderly manner.

L. **CLEANING SELLING SPACE**: All vendors are responsible for keeping their space(s) appealing, clean and orderly during Market hours. All Vendors must remove their trash at the end of the day for disposal at their own business location. Vendors are required to sweep their space at the end of the day and must ensure, before leaving the Market, that all litter and product

debris are removed. Vendors who fail to comply with cleaning their space(s) shall be issued a written warning upon the first violation and thereafter subject to a **$50.00 fine** per violation and may lose their selling privileges.

M. **SAFETY**: Vendors must conduct their business in a safe manner, which includes but is not limited to complying with the following rules:

1. Display tables must not be filled over capacity.
2. Goods must be arranged in a stable manner.
3. Legs of tables must be secure to protect against collapses.
4. All connecting rods of shade set-ups must be secured in their fittings.
5. Canopy assemblies must be tied or weighted down.
6. Trap poles must not obstruct the flow of traffic.
7. Vehicles and displays must not extend into the fire lane or driving lanes.
8. No pets are allowed.
9. No use of alcohol and/or illegal drugs.
10. No smoking within 25 feet of a stall selling area.
11. No cooking, lighting of grills or fire.

By determination of Management, in uncovered stalls, removal of canopies may be required at any time during Market hours due to windy conditions. Public Safety shall take precedence over sales activities.

6. MARKET VIOLATIONS

A. **VIOLATIONS**: Depending on the severity of a violation(s), Management has the right to issue warnings and take action up to suspension or expulsion against any Vendor who violates Market Rules and Regulations. Violation notices and penalties may be issued as follows:

1. First Violation - Written Warning.
2. Second Violation - Suspension for four (4) weeks.
3. Third Violation - Suspension for three (3) months.
4. Fourth Violation – Suspended for eighteen (18) months.
5. Fifth Violation – Permanent Expulsion from the Market.

Any vendor who has been suspended from the Market more than twice in a five-year period may be permanently expelled from the Market.

Assessment of a fine, per **Section 5.L**, may also occur for any subsequent violation of cleaning requirements.

All Rules and Regulations are subject to change at the discretion of the Market Management.

B. **EFFECT OF SUSPENSION**: A Vendor who has been suspended / expelled from the Market may not sell at the Market while on suspension / expulsion. A Vendor who has been suspended for three months or longer may at the end of the suspension period reapply to be admitted to sell at the Market. The suspended / expelled vendor is not guaranteed re-admittance or space at the Market.

C. **APPEALS**: Within ten (10) days of the date of the written notice of suspension/expulsion, any Vendor suspended/expelled from the Market for any period of time may file an appeal with the Director of Real Estate Division. A written letter of appeal along with a copy of the suspension/expulsion notice should be sent to:

Director of Real Estate
25 Van Ness Avenue, Ste. 400
San Francisco, CA. 94102

The Director of Real Estate or his/her designee within thirty (30) days review and investigate the appeal and issue a decision. The vendor 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. The decision of the Director or his/her designee is final.

7. **FORMULATIONS AND APPLICATION**

These Rules and Regulations are formulated for the City and County of San Francisco by the Division of Real Estate and reviewed by the Office of the City Attorney, and will be applied in a fair and equitable manner.

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John Updike, Director of Real Estate Date