
CHAPTER 9B:

FLEA MARKET

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SEC. 9B.1. ESTABLISHMENT AUTHORIZED; APPROVED SALES.

The Director of Property is hereby authorized to establish, maintain, and direct in the City and County a Flea Market for the sale of collectibles, antiques, and other goods by the owners thereof.

- (Added by Ord. 287-98, App. 9/18/98; amended by Ord. 277-99, File No. 991546, App. 10/29/99; Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9B.2. HOW KNOWN; FINANCES FOR MAINTENANCE AND OPERATION.

The Market created under Section 9B.1 shall be known as the Flea Market. Its maintenance and operation shall be financed under Section 9B.5 by fees charged to vendors who utilize the facilities of the Flea Market and by such other funds as may be appropriated therefor in accordance with the budgetary procedure of the Charter.

- (Added by Ord. 287-98, App. 9/18/98; amended by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9B.3. LOCATION.

The Flea Market shall be located at 100 Alemany Boulevard.

- (Added by Ord. 287-98, App. 9/18/98)

SEC. 9B.4. ADMINISTRATION.

The Director of Property shall administer the operation of the Flea Market.

- (Added by Ord. 287-98, App. 9/18/98; amended by Ord. 277-99, File No. 991546, App. 10/29/99; Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9B.5. FEES.

Each vendor at the Flea Market shall pay a daily fee of \$50 per stall for each day on which the vendor sells.

- (Added by Ord. 287-98, App. 9/18/98; amended by Ord. 277-99, File No. 991546, App. 10/29/99; Ord. 131-03, File No. 030625, App. 5/30/2003; Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9B.6. RULES AND REGULATIONS.

The Director of Property is hereby authorized to make such rules and regulations as the Director deems necessary and proper for admission to the Flea Market, assignment of stall space at the Flea Market, suspension or revocation of permission to vend at the Flea Market, maintenance of sanitary conditions at the Flea Market, and safe and orderly conduct of the Flea Market, which rules shall not be in conflict with the provisions of this Chapter 9B but shall be in furtherance thereof. Such rules shall be posted in a conspicuous place or places in the Flea Market.

- (Added by Ord. 287-98, App. 9/18/98; amended by Ord. 277-99, File No. 991546, App. 10/29/99; Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9B.7. PERMISSION TO SELL.

Every person has the right to apply for the privilege to sell at the Flea Market provided that the prospective seller meets the following terms and conditions:

- (a) Files and completes an application, on a form to be prescribed by the Director of Property, which may include a hold harmless agreement and an agreement to abide by the Flea Market rules and regulations;
- (b) Agrees to comply with the requirements of all ordinances relating to the operation, use, and enjoyment of the facilities or the Flea Market premises; and
- (c) Agrees to comply with all rules and regulations of the Director of Property regarding use of the Flea Market facilities.

■ (Added by Ord. 287-98, App. 9/18/98; amended by Ord. 277-99, File No. 991546, App. 10/29/99; Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9B.8. SUSPENSION OR REVOCATION OF PERMISSION TO SELL.

(a) Following notice and an opportunity to be heard, the Director of Property may suspend or revoke permission to sell at the Flea Market for a violation of this Chapter 9B, applicable Flea Market rules and regulations, and/or for lack of proper certification or licensing.

(b) No suspension shall exceed 30 days. After the end of a suspension period, the approval of the vendor shall be automatically reinstated.

(c) Upon revocation of permission to sell at the Flea Market, the Producer or Vendor shall be ineligible to reapply for a period of one year from the date of revocation.

■ (Added by Ord. 287-98, App. 9/18/98; amended by Ord. 277-99, File No. 991546, App. 10/29/99; Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9B.9. APPEALS.

(a) Any person whose permission to sell at the Flea Market has been suspended or revoked by the Director of Property may file an appeal in writing with the City Administrator, not later than 20 days after receipt of the notice of the decision.

(b) The City Administrator or the City Administrator's designee shall set a time for hearing the appeal, which shall be within seven days of the date of filing, unless there is mutual consent to a later date for hearing the appeal.

(c) The appellant shall be promptly notified of the time and place of the hearing and entitled to appear and be heard at the hearing.

(d) After the hearing, the City Administrator may concur in the action of the Director of Property, may modify the order by reducing the penalty, or may overrule the Director of Property and order that the permission be immediately granted or restored.

(e) The City Administrator shall issue a brief, written statement of the decision, including findings supporting the decision.

(f) The City Administrator may appoint a hearing officer in lieu of the City Administrator to act on such appeals, in which case the hearing officer shall have the same powers as the City Administrator and the hearing officer's decision shall be binding.

■ (Added by Ord. 287-98, App. 9/18/98; amended by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9B.10. DESIGNATION OF PERSONS AUTHORIZED TO ENTER PREMISES.

Access to and use of the Flea Market is subject to these restrictions:

(a) All persons are prohibited from entering, remaining, or parking on the premises of the Flea Market during Flea Market hours unless they are a vendor, a customer, a person engaging in work relating to the operation of the Flea Market, or are on the premises with the consent of the Director of Property or the Director's designee.

(b) All persons are hereby prohibited from entering, remaining, or parking on the premises of the Flea Market at any time other than during the Flea Market's hours without consent of the Director of Property.

(c) Any person in violation of this Section 9B.10 who remains on any Flea Market premises after being ordered to leave by the Director of Property may be charged as a trespasser and shall be punished by a fine of not more than \$500.

■ (Added by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9B.11. PREEMPTION.

Nothing in this Chapter 9B shall be interpreted or applied as to create any requirement, power, or duty in conflict with any federal or state law.

(Added by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)