
CHAPTER 9A:

FARMERS' MARKET



New Ordinance Notice

Publisher's Note: This Chapter has been **REPEALED** by new legislation (Ord. [285-19](#), approved 12/20/2019, effective 1/20/2020). The text of the section will be included below until the repealing legislation is effective.

- Sec. 9A.1. Definitions.
- Sec. 9A.2. Authority of the County Agricultural Commissioner; Fees.
- Sec. 9A.3. Registration and Certification Required.
- Sec. 9A.4. Location.
- Sec. 9A.5. Operating Standards.
- Sec. 9A.6. City-Operated Farmers' Markets; Fees.
- Sec. 9A.7. Preemption.

SEC. 9A.1. DEFINITIONS.

The following definitions apply to this Chapter 9A:

“Agricultural Product” has the meaning set forth in Section 47000.5(a)(1) of the California Food and Agricultural Code, as may be amended from time to time.

“Certified Farmers' Market” has the meaning set forth in Section 1392.2(a) of Title 3 of the California Code of Regulations, as may be amended from time to time.

“Certified Producer” has the meaning set forth in Section 1392.2(e) of Title 3 of the California Code of Regulations, as may be amended from time to time.

“City” means the City and County of San Francisco.

“City-Operated Farmers' Market” means a Certified Farmers' Market established and maintained by the City under Section 9A.6 of this Chapter 9A.

“Director of Property” means the person holding the position described in Administrative Code Section 2A.110, and includes the Director's designee.

“Market Operator” means a Certified Producer, a group of Certified Producers, a nonprofit organization, or a City agency, that operates a Certified Farmers' Market and adopts rules and requirements necessary for its operation.

“Producer” has the meaning set forth in Section 47000.5(c) of the California Food and Agricultural Code, as may be amended from time to time.

“Vendor” means a person who sells only products other than Agricultural Products at a Certified Farmers' Market.

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

(Former Sec. 9A.1 amended by Ord. 408-83, App. 8/4/83; Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.2. AUTHORITY OF THE COUNTY AGRICULTURAL COMMISSIONER; FEES.

(a) As set forth in Chapter 10.5 of Division 17 of the California Food and Agricultural Code and its implementing regulations, the County Agricultural Commissioner is authorized to exercise oversight of local farmers' markets by: certifying farmers' markets and Producers, conducting inspections of Certified Farmers' Markets, and engaging in enforcement of Chapter 10.5 and its implementing regulations through the imposition of penalties and the denial, suspension, or revocation of certifications.

(b) As set forth in Section 1.10-1 of the Administrative Code, the County Agricultural Commissioner shall impose a fee for the issuance, modification, verification, and renewal of a farmers' market certificate for a Certified Farmers' Market. This fee may be waived for a City-Operated Farmers' Market administered by the Director of Property under the authority of Section 9A.6.

(c) The County Agricultural Commissioner may charge a fee in the amount of \$113 per hour to defray the costs of conducting inspections of Certified Farmers' Markets, where such inspections are unrelated to the issuance, modification, verification, and/or renewal of a farmers' market certificate. This fee may be waived for the inspection of a City-Operated Farmer's Market administered by the Director of Property under the authority of Section 9A.6.

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

(Former Sec. 9A.2; Ord. No. 4719(1939), Sec. 1; amended by Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.3. REGISTRATION AND CERTIFICATION REQUIRED.

It shall be unlawful to operate a farmers' market in which Producers sell Agricultural Products directly to customers within the City without registering with the California Department of Food and Agriculture, and obtaining and maintaining a Certified Farmers' Market certificate from the County Agricultural Commissioner.

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

(Former Sec. 9A.3 from Ord. No. 3758(1939), Sec. 2; amended by Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99; Ord. 29-07, File No. 061112, App. 2/16/2007; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.4. LOCATION.

A Market Operator may operate a Certified Farmers' Market at the following locations:

- (a) At any place that complies with the Planning Code, subject to approval by the owner of the real property;
- (b) On property under the jurisdiction of the Recreation and Park Commission, subject to approval of the Commission, as set forth in Section 7.21 of the Park Code;
- (c) On property under the jurisdiction of the Port Commission, subject to approval of the Port Commission; or
- (d) On other property owned by the City, subject to approval of the Director of Property, or in cases of property under the exclusive control of a board or commission, with the approval of the board or commission.

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

(Former Sec. 9A.4 from Ord. No. 3758(1939), Sec. 3; amended by Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.5. OPERATING STANDARDS.

(a) All Market Operators, Producers, and Vendors shall comply with all otherwise applicable State and City laws, including but not limited to state law requirements governing Certified Farmers' Markets, as set forth in Chapter 10.5 of Division 17 of the California Food and Agricultural Code, as amended from time to time, and its implementing regulations, and all State and local laws and regulations governing food handling and sanitation.

(b) As set forth in Section 1009.22 of the Health Code, smoking is prohibited in all farmers' markets, whether on public or private property.

(c) All Certified Farmers' Markets shall accept forms of payment from participants in federal, state, or City food assistance programs, including but not limited to the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the Supplemental Nutrition Assistance Program (SNAP), and the Electronic Benefits Transfer Project (EBT).

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

(Former Sec. 9A.5 amended by Ord. 408-83, App. 8/4/83; Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.6. CITY-OPERATED FARMERS' MARKETS; FEES.

(a) Authority of Director of Property.

(1) The Director of Property is authorized to establish, maintain, administer, and manage one or more Certified Farmers' Markets for the sale of nonagricultural and Agricultural Products.

(2) The Director of Property may adopt rules, regulations, and guidelines to carry out the provisions and purposes of this Section 9A.6 and as set forth in Section 1392.6 of Title 3 of the California Code of Regulations.

(b) Financing; Fees.

(1) Maintenance and operation of each Certified Farmers' Market established by the Director of Property shall be financed by fees charged to Certified Producers and Vendors who utilize the facilities, and by funds as may be appropriated by ordinance in accordance with the budgetary procedure of the Charter.

(2) Certified Producers must pay a fee of \$50 per day to sell at a City-Operated Farmers' Market. Vendors must pay a fee of \$85 per day to sell at a City-Operated Farmers' Market.

(c) **Permission to Sell.** No person may sell products at a City-Operated Farmers' Market without completing an annual application and receiving approval from the Director of Property. Producers that do not have a valid Certified Producer certificate issued from a County agricultural commissioner in California shall not be approved to sell Agricultural Products in a City-Operated Farmers' Market.

(d) **Suspension or Revocation of Permission to Sell; Appeal Procedure.**

(1) Following notice and an opportunity to be heard, the Director of Property may suspend or revoke permission to sell at a City-Operated Market for a violation of Chapter 10.5 of Division 17 of the California Food and Agricultural Code and its implementing regulations, this Chapter 9A, or applicable market rules and regulations, and/or for lack of proper certification or licensing.

(2) No suspension may exceed 30 days. After the end of a suspension period, the approval of the Producer or Vendor shall be automatically reinstated.

(3) Upon revocation of permission to sell at a City-Operated Farmers' Market, the Producer or Vendor shall be ineligible to reapply for permission to sell at any City-Operated Farmers' Market for one year from the date of revocation.

(4) Any person whose permission to sell at a City-Operated Farmers' 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.

(A) 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.

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

(C) 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.

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

(E) 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.

(e) **Persons Authorized to Enter Premises.** Access to and use of City-Operated Farmers' Markets is subject to these restrictions:

(1) All persons are prohibited from entering, remaining, or parking on the premises of a City-Operated Farmers' Market during market hours, unless they are a Certified Producer, Vendor, customer, a person engaging in work relating to the operation of the City-Operated Farmers' Market, or a person on the premises with the consent of the Director of Property or the Director's designee.

(2) All persons are prohibited from entering, remaining, or parking on the premises of a City-Operated Farmers' Market during hours when the market is not in operation, without permission from the Director of Property.

(3) Any person in violation of this subsection (e), and any person remaining on any market premises after being ordered to leave by the Director of Property, may be charged as a trespasser and punished by a fine of not more than \$500.

(f) **Advisory Committees.** For each City-Operated Farmers' Market, the Director of Property shall appoint a committee consisting of at least three persons with permission to sell at the market. Each committee member shall serve at the pleasure of the Director of Property. Each committee shall advise the Director of Property as to the general policies under which that committee's market should be conducted and generally as to the character and nature of the products to be sold there. The Director of Property shall consider all recommendations made by each committee and may, in the exercise of discretion, accept, reject, or modify said recommendations, and implement them as the Director deems appropriate.

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

(Former Sec. 9A.6 from Ord. No. 3758(1939), Sec. 5; amended by Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.7. PREEMPTION.

Nothing in this Chapter 9A 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)

(Former Sec. 9A.7 amended by Ord. 105-82, App. 3/5/82; Ord. 404-91, App. 12/5/91; Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99; Ord. 190-04, File No. 040767, App. 7/22/2004; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.8. [REPEALED.]

(Ord. No. 5927(1939), Sec. 1; amended by Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.9. [REPEALED.]

(Ord. No. 3758(1939), Sec. 7; amended by Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.10. [REPEALED.]

(Amended by Ord. 408-83, App. 8/4/83; Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.11. [REPEALED.]

(Amended by Ord. 408-83, App. 8/4/83; Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.12. [REPEALED.]

(Ord. No. 3758(1939), Sec. 10; amended by Ord. 64-96, App. 2/9/96; Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.13. [REPEALED.]

(Ord. No. 8649(1939), Sec. 1; amended by Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.14. [REPEALED.]

(Amended by Ord. 408-83, App. 8/4/83; amended by Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.15. [REPEALED.]

(Amended by Ord. 408-83, App. 8/4/83; Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99; Ord. 29-07, File No. 061112, App. 2/16/2007; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.16. [REPEALED.]

(Ord. No. 8649(1939), Sec. 1; amended by Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.17. [REPEALED.]

(Ord. No. 8649(1939), Sec. 1; amended by Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.18. [REPEALED.]

(Ord. No. 8649(1939), Sec. 1; amended by Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.19. [REPEALED.]

(Ord. No. 8649(1939), Sec. 1; amended by Ord. 276-99, File No. 991545, App. 10/29/99; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)

SEC. 9A.20. [REPEALED.]

(Added by Ord. 29-07, File No. 061112, App. 2/16/2007; repealed by Ord. [285-19](#), File No. 190869, App. 12/20/2019, Eff. 1/20/2020)