

CITY AND COUNTY OF SAN FRANCISCO

FULTON PLAZA GIFT GALLERY

RULES AND REGULATIONS



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Fulton Plaza Gift Gallery Rules and Regulation

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FULTON PLAZA GIFT GALLERY RULES AND REGULATIONS

1. MARKET AUTHORIZATION

The City and County of San Francisco owns the property at Fulton Plaza. The Board of Supervisors of San Francisco has authorized the City of San Francisco to operate a Gift Gallery 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 Gift Gallery is to bring Vendors of high-quality merchandise, collectibles and handcrafted artisan works together in a setting that is relaxing and enjoyable for Customers and Vendors. The Gift Gallery 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:** High-quality merchandise, antique collectibles, and handcrafted artisan works may sell regularly at the Market.
- B. **FOOD AND BEVERAGE VENDORS:** Permits for Food and Beverages shall be issued based on competitive bidding. The sale and consumption of alcoholic beverages is strictly prohibited on City property.

4. ADMISSION TO THE MARKET

Vendors wishing to sell at the Fulton Plaza Gift Gallery Market must meet the following criteria:

- A. **APPLICATION:** To be admitted to the Market, all vendors must complete and submit the following forms /license (s) /permit (s):
 - 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 Certification BOE-410-D

- e. California Sellers Permit
- f. San Francisco Business Registration Certificate
- g. Emergency Contact Information

- B. **IDENTIFICATION:** Along with each application, Vendors shall present and submit a copy of their current California Driver License / California Identification Card or Government Identification of themselves and their agents / employees for identification purposes.
- C. **ADMISSIONS:** The Market Management Staff 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 canopy 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-compliant 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 shall, within thirty (30) days, review, investigate the appeal, and issue a decision. The decision of the Director or his/her designee is final.

- F. **SELLER INFORMATION:** Each participating Vendor is responsible for keeping their application information current. Vendors must notify Management when any information changes, including Emergency Contacts, Swap Meets Certification BOE-410-D, and types of goods being sold.
- G. **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 from the Board of Equalization a valid California Sellers Permit with the business address shown on this permit as "**Fulton Plaza**" and provide a copy to the Management. Failure to submit the certificate on a timely basis may result in suspension from the Market
- H. **BUSINESS REGISTRATION:** Vendors must obtain a valid Business Registration Certificate from the City and County of San Francisco Office of the Treasurer and Tax Collector as stated in the San Francisco Business and Tax Regulations Code – Article 12A

5. GENERAL OPERATING PROCEDURES

A. **MARKET FEES:** Each stall fee at the Market is based on stall size:

10x10	=	\$45.00 per day
10x20	=	\$60.00 per day
10x30	=	\$75.00 per day

Effective July 1, 2013, vendors are required to pay in advance for the days s/he plans to sell at the market. Payment is due on or before the 28th day of the prior month. Vendors will not be refunded any money if they miss any of the days for which they prepaid, unless the Market Management is notified in advance regarding the nature of absence. In the event of inclement weather, there will be no pro-rating of fees. If the Market Management cancels any Market day(s), in the event of inclement weather, Vendors will be given credit for that particular day. The rental credit will be applied to the next month.

B. **HOURS OF OPERATION:** Market hours are from 8:00 am to 6:00 pm each Market day during the Summer and from 8:00 am to 5:00 pm each Market day during the Winter (based on Daylight Saving time change). Vendors may bring vehicles into their adjacent selling area at 8:00 am and must have their vehicles in place before 9:00 am to set up. All Vendors must vacate the Market premises by 6:30 pm during the Summer and by 5:30 pm during the Winter.

Vendors must be setup and ready to sell by 9:00 am. If a Vendor is not set up and not ready to sell by 9:00 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. **CANOPY STALL SIZE:** 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 canopy stall. A Vendor who is uncertain about the boundaries of his or her canopy stall shall ask Management for assistance before setting up.

D. **CANOPY STALL ASSIGNMENTS:** Management shall assign to each Vendor admitted to the Market a canopy stall. If possible, Management shall assign a regular Vendor a canopy stall in the area requested. Otherwise, a temporary canopy stall shall be assigned and a Vendor may place their name on a waiting list for a canopy stall assignment that does not vary from week to week. Under no circumstances may Vendors transfer, sublet, or inherit stalls. Management has the right to move Vendors to different canopy stall locations based on operational needs.

E. **CANOPY HANDLING:** Vendors may not move or breakdown any canopy without the consent of the Market Management Staff. Vendors may not use any fixture(s) that would cause any harm or damage to the structure of the canopy. If

a Vendor harms or damages a canopy, that Vendor shall be held liable for the cost of replacement or repair of the canopy.

- F. **DISPLAY of PERMITS:** During Market hours, Vendors must display their California Seller's Permit, San Francisco Business Registration Certificate, and all other required postings in a conspicuous place.
- G. **PARKING:** Vendors are permitted one parking space behind their canopy space or on Market property, unless notified otherwise by the Department of Parks and Recreation. Vendors must make sure that their vehicles fit into their 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.
- If a Vendor arrives after 9:00 am, the Vendor will not be allowed to park behind their canopy.
 - Due to late arrival, Market Management will assign alternate parking on Market grounds if space and time permits.
- H. **DRIVING ON MARKET PROPERTY:** Vendors shall not drive more than five (5) miles per hour in the Market. Vendors may not drive through or onto the center walkway after 9:00 am, unless authorized by Market Management Staff. When leaving the Market, Vendors must summon a member of the Security Staff to escort them and their vehicles off Market grounds.
- I. **CANCELLATIONS:** Vendors who will not be attending the Market must notify Management by telephone by 1:00 pm **one (1) day** prior to the Market day, unless previous arrangements are made with the Market Management. Vendors who cannot attend the Market due to an emergency must contact Management by 2:30 pm on the Market day to explain the nature of the circumstance that prevented them from canceling in a timely manner. Failure to do so is a violation of Market rules. **A \$25.00 cancellation fee will be charged for non-compliance of cancellation deadline.** Market Management has the responsibility to keep all stalls occupied each day and will assign unused canopy stalls to Vendors.
- Vendors with assigned canopy stall spaces that 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 assigned canopy stall spaces and may be reassigned to a new canopy stall space, if available, upon their return.

J. **NON-PERMISSIBLE GOODS:** Vendors may sell those goods listed on the Swap Meets Certification Form BOE-410-D. Under no circumstances may a Vendor sell the following item(s):

- Weapons (incl. toy weapons)
- Guns or Ammunition
- Counterfeit Merchandise
- Pornography
- Drug Paraphernalia
- Fireworks
- Tobacco Products
- Alcoholic Products
- Self Defense Products
- Live Animals
- Bicycles
- Household Appliances
- Televisions
- CD Players
- DVD Players
- Electronic Equipment
- Electronic Tools
- Power Tools
- Non-Vintage Tools
- Stolen Property

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

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

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

M. **RECEIPTS:** Upon request, by a Purchaser, a Vendor shall provide a written receipt disclosing the Vendor's name and address for any item(s) purchased which has a selling price in excess of fifteen dollars (\$15). *Refer to Business and Professional Code 21666(a)*

N. **NEAT AND ORDERLY DISPLAY:** Each Vendor is responsible for keeping their canopy stall space neat and clean. Whether displayed on tables, on the ground, or otherwise, goods should be arranged in an appealing and orderly manner. Displays, tables, and merchandise shall not extend into the walkway.

O. **CLEANING SELLING SPACE:** All vendors are responsible for keeping their canopy 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 must ensure that all litter and product debris is removed from their canopy space before leaving the Market. Vendors who fail to comply with

cleaning their canopy space(s) shall be issued a written warning and thereafter subject to a **\$50.00 fine**, and may lose their selling privileges.

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

- Display tables must not be filled over capacity.
- Goods must be arranged in a stable manner.
- Legs of tables must be secure to protect against collapses.
- All connecting rods of shade set-ups must be secured in their fittings.
- Trap poles must not obstruct the flow of traffic.
- Vehicles and displays must not extend into the fire lane or driving lanes.
- No pets are allowed.
- No use of alcohol and/or illegal drugs.
- No smoking within 25 feet of canopy stalls selling area.
- No cooking, lighting of grills or fire.

By determination of Management, 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 one (1) week.
3. Third Violation - Suspension for four (4) weeks.
4. Fourth Violation - Suspension for three (3) months.
5. Fifth Violation – Suspension for eighteen (18) months.
6. Sixth 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.

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 Division
25 Van Ness Avenue, Ste. 400
San Francisco, CA. 94102

The Director of Real Estate or his/her designee shall, within thirty (30) days, review, 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.

Andrico Penick, Director of Real Estate

Date