

REGULATIONS FOR APPROVED LOCATION PEDDLERS
IN THE DOWNTOWN STREET VENDORS PROGRAM AREA

PART I - GENERAL PROVISIONS

SECTION 1-1. PURPOSE AND AUTHORITY.

Chapter 6.54 of the San Jose Municipal Code (“Code”) sets forth the permitting requirements and procedures for persons peddling in the City of San Jose. These regulations supplement the provisions of Chapter 6.54 as they pertain to approved location peddlers operating in the Downtown Street Vendors Program Area and are issued by the City Manager pursuant to Section 6.54.265 of the Code. These regulations will be referred to as the “Regulations for Approved Location Peddlers in the Downtown Street Vendors Program Area.” A copy of Chapter 6.54 of the Code and these regulations are available on the City of San Jose website at www.sanjoseca.gov.

SECTION 1-2. APPLICATION PROCESS.

- A. Any person applying for an Approved Location Peddler (“ALP”) Permit in the Downtown Street Vendors Program Area must complete an application for an ALP Permit pursuant to the procedures set forth in Section 6.54.250 of the Code. Applications are available at the Permits Unit of the Police Department, the San Jose Redevelopment Agency (“Agency”) or online at the following websites: <http://www.sjredevelopment.org/>, <http://www.sjpd.org/> or www.sanjoseca.gov.
- B. ALP Permits for the Downtown Street Vendors Program Area will be coordinated through the Agency for processing by the Police Department.
- C. Any person applying for an ALP Permit in the Downtown Street Vendors Program Area shall pay the fee to process the application and the ALP Permit set forth in the City’s Schedule of Fees and Charges posted at the City Clerk’s website at www.sanjoseca.gov.

SECTION 1-3. SPACE RESTRICTIONS AND USE OF APPROVED LOCATION.

- A. Unless otherwise stated, persons peddling under an ALP permit in the Downtown Street Vendors Program Area are exempt from the peddler cart size restrictions set forth in Section 6.54.260(L) of the Code.
- B. The Chief of Police may issue an ALP Permit to any person to peddle in the Downtown Street Vendors Program Area which authorizes that person to peddle from and utilize a footprint of up to no more than one hundred (100) square feet (“peddler footprint”) on the sidewalk portion of the public street.

REGULATIONS FOR APPROVED LOCATION PEDDLERS
IN THE DOWNTOWN STREET VENDORS PROGRAM AREA

- C. No person peddling in the Downtown Street Vendors Program Area shall peddle from a mobile unit or temporary structure that exceeds ten (10) feet in height, as measured from the ground to the highest point of the cart.
- D. Stand-alone umbrellas anchored by an umbrella stand are permitted within the peddler footprint but shall not exceed nine (9) feet in diameter.
- E. No canopies are permitted within the peddler footprint.
- F. Persons peddling pursuant to an ALP permit in the Downtown Street Vendors Program Area are required to maintain the layout of their peddler footprint as described in the site plan submitted pursuant to Section 6.54.260 of the Code and approved by the Chief of Police.
- G. The boundaries of one peddler footprint shall not come within ten (10) feet of the boundaries of another peddler footprint.
- H. A minimum clearance of eighteen (18) inches shall be maintained between the edge of any peddler footprint and the edge of the street curb which is closest to the public street and which is not designated by the City as a red, blue, white or yellow zone.
- I. A minimum clearance of five (5) feet shall be maintained between the edge of any peddler footprint and any street curb which is designated by the City as a red or blue zone, as measured from the closest edge of such designated section of the street curb.
- J. A minimum clearance of fifteen (15) feet shall be maintained between the edge of any peddler footprint and any fire hydrant.
- K. In no event shall a peddler footprint, or anything contained therein, block direct access to Fire Department Connections (“FDCs”).
- L. A minimum clearance of four (4) feet shall be maintained between the edge of any peddler footprint and any street curb which is designated by the City as a white or yellow zone, as measured from the closest edge of such designated section of the street curb,
- M. A minimum clearance of eight (8) feet shall be maintained between the edge of any peddler footprint and any curb ramp, curb cut or driveway, as measured from the closest edge of such curb ramp, curb cut or driveway.
- N. A minimum of four (4) feet shall be maintained between the edge of any peddler footprint and any other structure not otherwise specified herein, including but not limited to street light poles, parking meters, trees, etc.

REGULATIONS FOR APPROVED LOCATION PEDDLERS
IN THE DOWNTOWN STREET VENDORS PROGRAM AREA

- O. Notwithstanding the minimum distances required in subsections “G.” through “N.” above, the Chief of Police may require a greater distance to be maintained between the edge of any peddler footprint and any street curb, curb ramp, curb cut or driveway if reasonably necessary to prevent interference with public safety or with the safe or free passage of pedestrian or vehicular traffic.
- P. The weight, material or design of the peddler cart, equipment or merchandise shall not be such that it is likely to damage any part of the surface of the approved location.
- Q. Fluids, liquids or other material generated by the peddler cart, equipment or merchandise shall not leak from the peddler cart, equipment or merchandise onto the ground surface or flow into storm drains.
- R. All peddler carts shall be self-contained. No utility wires shall be exposed on the sidewalk or run from the peddler cart to another location outside the peddler cart.

SECTION 1-4. MINIMUM HOURS OF OPERATION.

- A. Any person peddling under an ALP Permit in the Downtown Street Vendors Program Area shall operate for no less than fifteen (15) hours per week and for not less than three (3) days per week.
- B. The minimum hours of operation provided in Section A above can be met with the approved location peddler peddling from either the original approved location, a location within a Downtown Special Event, or from the alternate approved location approved by the Chief of Police.

SECTION 1-5. PERMITTED HOURS OF OPERATION.

Notwithstanding Sections 6.54.205 and 6.54.260 of the Code, any person peddling under an ALP Permit in the Downtown Street Vendor Program Area may operate on a daily basis between the hours of 6:00 a.m. and 12:00 a.m. (midnight).

SECTION 1-6. MINIMUM REQUIREMENTS FOR PEDDLER OPERATIONS.

- A. All peddlers shall provide for public use at least one durable 10-23 gallon trash can.

REGULATIONS FOR APPROVED LOCATION PEDDLERS
IN THE DOWNTOWN STREET VENDORS PROGRAM AREA

- B. All food and beverage peddlers shall also provide for public use at least one durable 10-23 gallon recycling can, displaying the internationally recognized recycling symbol shown below, adjacent to their peddler cart within their approved location.



- C. All peddler carts shall have signage that identifies the type of goods, wares, merchandise, food, products or any other thing or representation of value being sold from the cart which complies with the following:
1. One (1) square foot of signage shall be allowed for every two (2) linear feet of peddler cart frontage.
- D. All furnishings or fixtures which are in addition to the peddler cart and used for storage may be contained within the peddler footprint and shall be screened from public view.
- E. No furnishings or fixtures shall be installed in such a manner as to become permanently affixed to or a part of the ground.

SECTION 1-7. OTHER LEGAL REQUIREMENTS.

All peddlers shall be responsible for ensuring that they and their agents and employees conduct their peddler business and maintain their peddler cart and footprint in a manner that complies with all laws, including, but not limited to the following: the Americans With Disabilities Act (ADA), and all federal, state and local building and fire codes.

SECTION 1-8. CLEAN-UP AND REPAIR PROCEDURES.

- A. Immediately following the conclusion of operations on any given day, all approved location peddlers shall remove from the approved location all peddler carts, equipment, goods, wares, food or other products (“merchandise”) related to the peddling.
- B. Immediately following the conclusion of operations on any given day, all approved location peddlers shall remove from the approved location all trash and recyclables generated by the approved location peddler, related to the peddling,

**REGULATIONS FOR APPROVED LOCATION PEDDLERS
IN THE DOWNTOWN STREET VENDORS PROGRAM AREA**

or placed in the trash and recycle containers provided by the approved location peddler. All trash shall be delivered to a permitted waste facility or stored for collection by one of the City's Solid Waste and Recycling Franchisees as provided in Chapter 9.10 of the Code, except that the approved location peddler may separate cans, bottles, newspapers, and other recyclables from the trash for recycling. Recyclable materials, including cans and bottles, newspapers and magazines, or any other recyclables placed in the recycling or trash containers, shall be delivered to a recycling center or stored for separate collection by a recycling collector as provided in Chapter 9.10 of the Code.

- C. Immediately following the conclusion of operations on any given day, all approved location peddlers shall restore the surface of the approved location to its condition as it existed prior to the approved location peddler engaging in any peddling activities at the approved location.

SECTION 1-9. FIRE EXTINGUISHER

Every person peddling under an ALP Permit in the Downtown Street Vendors Program Area shall, at all times, carry or maintain on his or her cart a fire extinguisher of the type and size approved by the San Jose Fire Department.

SECTION 1-10. VEHICLE ACCESS.

- A. Unless otherwise allowed by these Regulations, no Motor Vehicle, as defined in Section 6.54.040 of the Code, shall be permitted onto a sidewalk in conjunction with any peddling activity.
- B. A Motor Vehicle may be granted access onto a sidewalk to deliver a peddling cart, peddling equipment and/or the peddler's merchandise if the Director of the Department of Transportation and the Chief of Police determine that:
1. The weight and size of the Motor Vehicle including its load will not cause damage to the approved location;
 2. The presence of the Motor Vehicle will not unduly interfere with pedestrian passage.
- C. Following delivery of the peddling cart, equipment or merchandise, the Motor Vehicle shall be parked in a manner that complies with all state and local laws regarding on and off-street parking.

SECTION 1-11. GENERAL NOISE REQUIREMENTS.

REGULATIONS FOR APPROVED LOCATION PEDDLERS
IN THE DOWNTOWN STREET VENDORS PROGRAM AREA

- A. No person peddling in the Downtown Street Vendors Program Area under an ALP shall use, play or caused to be used or played any amplifier, loudspeaker, or any other instrument or device used for the production of sound between the hours of 12:00 a.m. and 6:00 a.m. of the following day.
- B. Between the hours of 6:00 a.m. and 12:00 a.m., no person peddling in the Downtown Street Vendors Program Area under an ALP shall use, play or cause to be used or played any amplifier, loudspeaker, or any other instrument or device used for the production of sound in such a manner as to create a disturbance of the peace as that term is used in Chapter 10.16 of the San Jose Municipal Code.