

## City of San Jose Off-Sale Alcohol (OSA) Inspection Program Inspection Guide



All businesses within the City of San Jose's jurisdiction that sell OSA are required to be inspected on a yearly basis. This does not in any way restrict additional inspections to be conducted within the course of any given year. The following listed SJMC and other regulatory codes are intended as an educational tool for business and property owners for the purpose of providing assistance in maintaining businesses and properties within code requirements. Any legal or administrative actions taken as the result of failure to bring or maintain the business or property into code compliance will be directed to the property owner. It is therefore imperative that property owners mandate code compliance from businesses on their property.

### Exterior Conditions:

SJMC	Description	What will we be looking for:
6.86.230(A)(B) 25612.5(5) B&P	Inadequate removal & disposal of trash, litter debris, etc	Proper maintenance and management of solid waste areas must be maintained to ensure proper sanitation and containment of trash, litter, rubbish and debris. Trash, litter, rubbish and debris must be properly removed and disposed of at the end of each business day. Cardboard boxes must be broken down and placed in an approved cardboard recycling bin.
6.86.230(D) 25612.5(5) B&P	Deteriorated parking lot, sidewalks, roads	Driveways, sidewalks, park-strips, fire access roads and streets on or adjacent to the premises must be clear and clean of any debris and trash.
6.86.230(E) 25612.5(4) B&P	Inadequate Lighting	Lighting on the premises should be adequate enough to ensure the public's safety as well as that of employees of the business.
9.57.300 6.86.230 (C)	Graffiti 25612.5(6) B&P 25601 B&P	Any graffiti placed upon the premises of any business must be removed within forty-eight hours..
9.10.530 25612.5(5) B&P 25601 B&P	Requirement for more frequent removal of solid waste. Inadequate solid waste and/or recycling	Waste and recycling containers and area(s) must be properly maintained to promote proper sanitation, prevent overflowing of waste from containers and to ensure that the containers are maintained in such a manner as to facilitate the removal of the waste.
9.10.540 25612.5(5) B&P 25601 B&P	Dangerous accumulation of Solid waste prohibited	Waste and recycling materials must be properly contained and conditions that are likely to create a fire hazard, attract vector or creates any other unhealthy condition(s), or is offensive to the public is prohibited.
9.10.1390 25612.5(5) B&P 25601 B&P	Waste containers must meet code specifications	Waste containers must meet the requirements specified in Section 9.10.1390 of the SJMC. Only those containers meeting the requirements are considered to be adequate.
13.18.10	News racks	News racks located on the property of any business shall not interfere with or create obstructions to the public's use of right-of-ways and they must be maintained in good working condition. News racks may not be used for display of or to exhibit sexually explicit material(s).
17.72.525(B)	Landscaping	The property on which the business is located must comply with applicable development permit requirements. Overgrown dead vegetation that is that poses a fire hazard, invites rats, vermin, vector or other similar nuisances or detracts from the aesthetic and property values, or intervenes onto public right-of-ways at least twelve inches are prohibited.
17.72.520(C)	Broken or deteriorated exterior building walls, fences, retaining walls, driveways, or walkways	Building exterior walls, fences, retaining walls, driveways and walkways must be properly maintained in good operational order and in aesthetically pleasing condition.
20.10.030	Un-permitted alterations/modifications	Modifications to the interior or exterior of buildings are to be completed with the proper approved Planning and Building Permits.
20.150.300 25612.5(8) B&P	Non-permitted Payphones	Public payphones must be located inside a building or attached to the exterior wall, free-standing and within 1' of the exterior wall and no greater than 25' from the primary entrance to the building and on no other wall other than that containing the primary entrance. All exterior phones shall allow for a minimum of 5' pedestrian access between the payphone and the edge of the sidewalk or private property line, which ever is closer. No more that 2 exterior pay phones per building are allowed. Lighting shall be limited to the payphone fixture. Signage shall be limited to the payphone fixture and not to exceed one square foot.

23.02.820(A) 25612.5(7) B&P	Un-permitted Signage	Signage shall be properly permitted and must meet the requirements prescribed in Title 23 of the SJMC. This includes that not more than 25% of each window space may be covered. Flags and A-frame signs are not permitted. <b>BANNERS:</b> No more than 3 per year. Up no longer than 30 consecutive days. Printed on sign if it's the first, second or third banner. No larger than 20 square feet. May not be attached to or covering windows.
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### **Interior Conditions – Performance Standards**

<b>SJMC</b>	<b>Description</b>	<b>What will we be looking for:</b>
4.76.310	City of San Jose Business Tax License Posting is Required	A current and valid City of San Jose Business Tax License shall be properly posted within the business in a conspicuous place and in plain view from the public.
B & P 24046	California ABC License Posting Required	A current and valid California ABC License shall be posted within the business in a conspicuous location from where it can be viewed by the public.
6.86.210	Off Sale Alcohol (OSA) Permit Required	A current and valid OSA Permit shall be required.
6.74.020(A)	Markers or spray paint accessible to public prohibited	Permanent markers over 4 millimeters in tip width and/or spray paint shall not be accessible to the public without employee assistance.
9.45.100(A)	Cigarettes accessible to public prohibited	Tobacco products shall be displayed in an area that is not accessible to the public. Access to tobacco products without vendor assistance is prohibited.
24.01.130	Un-permitted construction or alterations prohibited	Any modification or alteration, added or removed, to the interior or exterior of the building shall be completed only with the required proper Building and Planning permits.
UFC 1003.6 Old Code: 1203	Obstruction of Emergency Exits prohibited	Exits shall be maintained free and clear of obstructions and the width of the exit shall remain the same as permitted by the Planning and Building Departments.
UFC 1011.1 Old Code: 1212.2	Emergency Exit Identification Required	Exit identification (signs) at the interior of exit doorways easily viewable and understood by the public.
17.20.900 D, E UHC 1001.7 & 1001.6	Water Heater Strapping and Safety	Hazardous plumbing or hazardous mechanical equipment is prohibited. Water Heaters must be properly strapped and secured for seismic safety.
6.72.020 PC 313 & 313.1	Sexually Explicit Materials B&P 25612.5(c)(9)	Sexually explicit materials must be covered or concealed from public view. Improperly displayed sexually explicit materials are prohibited.
17.20.900 C UHC 701.2	Electrical-Wiring and covers	All electrical outlets and junction boxes shall be covered with appropriate covers.
6.86.240(C) 1 23790.5(d) B&P	Display of Beer or Wine	<b><u>Gas Stations Only:</u></b> Beer or wine displayed within 5ft. of cash register or front door prohibited.
6.86.240(C) 2 23790.5(d) B&P	Advertisement of alcoholic beverage displayed at the fuel island prohibited	<b><u>Gas Stations Only:</u></b> Advertisement of alcoholic beverages may not be displayed at motor fuel islands.
6.86.240(C) 3 23790.5(d) B&P	Sale of Alcoholic Beverage at a drive-through windows prohibited	<b><u>Gas Stations Only:</u></b> The sale of alcoholic beverage(s) may not be conducted from drive-through windows.
6.86.240(C) 4 23790.5(d) B&P	Display or sale of beer or wine from an ice tub	<b><u>Gas Stations Only:</u></b> The display or sale of beer or wine may not be conducted from an ice tub.
6.86.240(C) 5 23790.5(d) B&P	Self-illuminating (neon) advertisement	<b><u>Gas Stations Only:</u></b> Self-illuminated advertising of beer or wine shall not be located on building walls or windows.
6.86.240(C) 6	Employee(s) between 10:00PM and 2:00AM	<b><u>Gas Stations Only:</u></b> Employees on duty between the hours of 10 PM and 2 AM, with duties that include the sale of beer or wine must be at least 21 years of age.