

## City of San Jose Tobacco Retail License Inspection Guide



All businesses within the City of San Jose’s jurisdiction that sell tobacco products and paraphernalia will be inspected. 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. If you have any questions or need further assistance, please contact Code Enforcement’s Tobacco Retail License Program at (408) 535-7770 or by e-mail at [TRL@sanjoseca.gov](mailto:TRL@sanjoseca.gov)

### Interior Conditions – Performance Standards

<b>SJMC</b>	<b>Description</b>	<b>Common Violations</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.
6.87.200	Tobacco Retail License Required.	It shall be unlawful for any tobacco retailer to engage in tobacco retailing in the city without first obtaining and maintaining a valid tobacco retail license from the director pursuant to the provisions of this chapter for each location at which tobacco retailing is to occur.
6.87.305	Lawful Business Operation	In the course of tobacco retailing or in the operation of the business or maintenance of the premises for which a tobacco retail license is issued, it shall be a violation of this chapter for any tobacco retailer to violate any federal, state, or local law applicable to tobacco products, tobacco paraphernalia or tobacco retailing.
6.87.310	Tobacco Retail License (TRL) Permit Posting Required	Unless exempted from obtaining a tobacco retail license under this chapter, each tobacco retailer shall post the tobacco license issued to the tobacco retailer pursuant to this chapter in compliance with Section 6.02.100 of this code. License shall be posted in a conspicuous location from where it can be viewed by the public.
6.87.330	Positive Identification Required	No tobacco retailer shall sell or transfer a tobacco product or tobacco paraphernalia to any person without first examining the identification of that person to confirm that person is at least the minimum age under state law to purchase and possess the tobacco product or tobacco paraphernalia.
6.87.340	Minimum age for persons selling tobacco products and paraphernalia	No person who is younger than the minimum age established by state law for the purchase or possession of tobacco products or tobacco paraphernalia shall engage in tobacco retailing.
6.87.350	Self-Service Displays Prohibited.	No tobacco retailer shall engage in tobacco retailing by means of a self-service display unless the tobacco retailer is granted an exemption from obtaining a tobacco retail license pursuant to Section 6.87.210.
6.87.360	False and misleading advertising prohibited	Advertisement of tobacco products and paraphernalia without a required tobacco retailer’s license is prohibited.
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.
CA Business & Professions Code 22950-22963	STAKE Act signage required	Properly post required STAKE Act signage that specifies: “The Sale of Tobacco Products to Persons Under 21 Years of Age is Prohibited by Law and Subject to Penalties. Valid Identification may be required. To Report an Unlawful Tobacco Sale Call: 1-800-5 ASK-4-ID”
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	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.
17.20.900 D, E	Water Heater Strapping and Safety	Hazardous plumbing or hazardous mechanical equipment is prohibited. Water Heaters must be properly strapped and secured for seismic safety.
17.20.900 C	Electrical-Wiring and covers	All electrical outlets and junction boxes shall be covered with appropriate covers.
6.72.020	Sexually Explicit Materials	Sexually explicit materials must be covered or concealed from public view. Improperly displayed sexually explicit materials are prohibited.

## **Exterior Conditions**

<b>SJMC</b>	<b>Description</b>	<b>Common Violations</b>
6.86.230(A)(B)	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)	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)	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	Graffiti 6.86.230 (C)	Any graffiti placed upon the premises of any business must be removed within forty-eight hours.
9.10.530	Requirement for more frequent removal of solid waste.	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	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	Waste containers.	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)	State of Disrepair	Building exterior walls, fences, retaining walls, driveways and walkways must be properly maintained in good operational order and in aesthetically pleasing condition.
23.02.820(A)	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 and the date(s) it will be displayed. No larger than 20 square feet. May not be attached to or covering windows.