



# CITY OF SAN ANTONIO

## River Walk Stationary Designated Public Space Vending Program Permit Policies and Procedures

### 1. INTRODUCTION:

- 1.1. The City of San Antonio (COSA), through the Center City Development & Operations Department, shall administer a program to receive, review, and approve permit applications for individuals that desire to vend under the River Walk Stationary Designated Public Space Vending Program as authorized by Ordinance No. 2006-11-02-1256 passed and approved by City Council on November 2, 2006 amending Section 35-679(e) of the Unified Development Code.
- 1.2. This policy sets out guidelines for the permitting process for vending on the six (6) River Walk Stationary Designated Public Spaces.

### 2. PURPOSE:

- 2.1. To establish administrative policies and procedures for the application, lottery, and permitting process in order to monitor and control the quantity and quality of vendors who desire to vend and/or entertain along the San Antonio River Walk.
- 2.2. This policy is not applicable for permits for the River Walk Area and Downtown Business District Public Leased Space and Privately Controlled Property Vending Program, or any other vending program authorized by the City of San Antonio.

### 3. DEFINITIONS:

- 3.1. "City" means the City of San Antonio.
- 3.2. "Department" means the Center City Development & Operations Department.
- 3.3. "Director" means the Director of Center City Development & Operations Department.
- 3.4. "Petitioner" means any prospective vendor submitting an application for vending permit under this program.
- 3.5. "Qualified Petitioner" means a petitioner whose application has been approved and is in compliance with the stated requirements and is eligible to participate in the River Walk Stationary Designated Public Space Vending Program Lottery (Lottery).
- 3.6. "Selected Vendor" means the qualified petitioner who is selected through the Lottery.
- 3.7. "Associate Vendor" means a vendor who has been designated by the Selected Vendor to vend on the Designated Public Space and who has completed the application process and been issued a permit to vend in this program.

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- 5.4. A Petitioner must submit a completed application for a permit to vend in River Walk Stationary Designated Public Space Vending Program (Section 35-689 (e) of the Unified Development Code) on the approved form. Petitioner shall be required to provide a copy of a valid State of Texas photo I.D. at the time of submission of completed application.
- 5.5. Petitioner must be eighteen (18) years of age or older at the time of application.
- 5.6. Petitioner shall be limited to natural persons, no corporate entities shall be allowed.
- 5.7. Petitioner acknowledges and agrees that criminal convictions for any felony offense, any sexual offense including misdemeanors, offense to a child including misdemeanors, any offense requiring registration as a sexual offender will result in denial of Petitioner's Application, without limitation.
  - 5.7.1. City of San Antonio is requiring petitioner to submit finger prints as part of the application process pursuant to government codes 411.087 and 411.122.
  - 5.7.2. This criminal background investigation shall include local, state, and federal records.
  - 5.7.3. Petitioner must request completion of local criminal background check in person at the San Antonio Police Department Records Office located at 315 S. Santa Rosa, Monday through Friday from 9:00 a.m. to 4:00 p.m., except for City Holidays.
  - 5.7.4. Petitioner must request completion of State background check at (844)321-2124 and Federal background checks at (877)783-4187 from Identogo. Appointments need to be scheduled prior to going for state and federal background checks.
    - 5.7.4.1. Petitioner must complete and provide a consent form to San Antonio Police Department (SAPD) Records Office at time of request.
    - 5.7.4.2. Petitioner shall be responsible for all cost or fees associated with this criminal background investigation. All fees are non-refundable.
      - 5.7.4.2.1. A fee of \$25.00 will be made payable to Identogo for State background check. Method of payment to perform State background check will be determined by Identogo.
      - 5.7.4.2.2. Federal background check will be made payable to Identogo. Method of payment to perform Federal background check will be determined by Identogo.
      - 5.7.4.2.3. A fee of \$25 for a local background check will be made payable to the City of San Antonio in form of cash, money orders, checks or credit cards.

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for a cart will require the approval of the Historic and Design Review Commission subject to Section 35-679 (b) prior to commencement of operation.

- 5.12. All petitioners in compliance with the stated requirements (Qualified Petitioners) will be notified in writing of their compliance. Qualified Petitioners shall be limited as follows:
  - 5.12.1. Only one qualified petitioner per State Tax I.D. Number will be allowed to participate in the Lottery, as detailed below in Section 6.
  - 5.12.2. Only one qualified petitioner per group of vendors affiliated in any manner, whether as employer and employees, partners, members of a joint venture, contractors, associates, or any other business relationship will be allowed to participate in the Lottery.
  - 5.12.3. Only one qualified vendor per physical address. Address will be verified by utilizing TX state driver's license or identification card and TX sales tax permit.
  - 5.12.4. No City of San Antonio Employee will be allowed to participate as a vendor or association vendor at any time.

### **6. RIVER WALK STATIONARY DESIGNATED PUBLIC SPACE VENDING PROGRAM LOTTERY:**

- 6.1. Each petitioner shall be notified if they are eligible as a Qualified Petitioners at the time they submit their application and shall be provided with a number to participate in the "River Walk Stationary Designated Public Space Vending Program Lottery" (Lottery). The Lottery shall be held on, **November 19, 2018** at a designated location.
- 6.2. At the designated time, each qualified petitioner's number will be placed into a lottery container. The Center City Development & Operations Department shall draw six numbers from the lottery container. The first six numbers drawn from the lottery container will be the Selected Vendors for the six River Walk Stationary Designated Public Space Vending Program sites. The first number picked from the lottery container will be the Selected Vendor for River Walk Stationary Designated Public Space Vending Program Site 1; the second number picked from the lottery container will be the Selected Vendor for River Walk Stationary Designated Public Space Vending Program Site 2; until six numbers are picked as Selected Vendors for all six (6) River Walk Stationary Designated Public Space Vending Program sites.
- 6.3. After the Six Selected Vendors are drawn, the Center City Development & Operations Department shall draw eighteen (18) additional numbers. These eighteen numbers, in order of draw, shall act as alternates in the case that Selected Vendors are not able to meet the requirements of the River Walk Stationary Designated Public Space Vending Program.

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- 6.11. The Selected Vendor is required to provide the following insurance coverage in their Certificate of Insurance covering all vending activities occurring within the designated site:
  - 6.11.1. Commercial General Liability Coverage, which will include Products and Completed Operations, Independent Contractors in the amount of \$500,000.00 per occurrence for Bodily Injury and Property Damage.
- 6.12. All insurance contracts and Certificates of Insurance shall name the City and its officers and employees as additional insured as respects operations and activities of, or on behalf of, the named insured, with the exception of the workers' compensation policies.

### 7. PERMIT PROCESS:

- 7.1. The Director of the Center City Development & Operations Department shall issue the River Walk Stationary Designated Public Space Vending Program permits (one per vendor) which will be in effect from **January 1, 2019 through December 31, 2019**.
- 7.2. Each permit shall be valid only for the River Walk Stationary Designated Public Space Vending Program. Vending permits issued through the separate Leased Space/Private Property Vending Program will not be valid for the River Walk Stationary Designated Public Space Vending Program.
- 7.3. Each permit badge shall include:
  - 7.3.1. The Permit Number as issued by the Center City Development & Operations Department;
  - 7.3.2. A photo of the approved vendor;
  - 7.3.3. Approved vendor's contact information;
    - 7.3.3.1. Phone number(s);
    - 7.3.3.2. Residence Address: Address must match permit application information;
  - 7.3.4. Identification of the approved River Walk Stationary Designated Public Space Vending Program site;
  - 7.3.5. Permit Validity Dates;
- 7.4. The Selected Vendor shall be allowed to designate additional associate vendors to vend on their site.
  - 7.4.1. Each additional associate vendor must complete an Application and follow the required policies and procedures to receive a Permit to participate in the River Walk Stationary Designated Public Space Vending Program.

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- 9.6. Prohibited Vending:
  - 9.6.1. Sexually explicit and/or drug related paraphernalia
  - 9.6.2. No Obscene Material
  - 9.6.3. Real estate transactions and vacation packages, including but not limited to: time shares, rentals, and vacations clubs or other similar arrangements
  - 9.6.4. Marketing and advertising activities, including but not limited to: soliciting for memberships or credit card applications
  - 9.6.5. Food beverages, and tobacco products
  - 9.6.6. Clothing
  - 9.6.7. Photography
  - 9.6.8. No Printed Materials, including but not limited to newspapers, books, comic books, and magazines
  - 9.6.9. Other services or products not approved by the City prior to issuance of the River Walk Stationary Designated Public Space Vending Program Permit.
- 9.7. Vendors must cover items from public view while transporting said items to and from the River Walk Stationary Designated Public Space Vending Program site.
- 9.8. All transactions, including display, sales, queuing, seating, etc. and any interactions with customers or potential customers, shall occur completely within the sixty (60) square feet of the River Walk Designated Public Space.
- 9.9. If a shade structure is used, the maximum that can be put up is an 8'x 8' pop-up. The shade structure must stay within the sixty square feet of the River Walk Designated Public Space. The shade must not block the sidewalk or impede pedestrian traffic and must permit access for handicapped persons.
- 9.10. No city utilities may be used. River walk vegetation must not be disturbed.
- 9.11. Vendors shall be allowed to utilize appropriate and approved methods of display for items they are vending, such as a carrying case, basket, or bucket. Any vendor desiring to utilize a cart will require the approval of the Historic and Design Review Commission subject to Section 35-679(b). Containers/carts used in vending of items cannot be left on the designated public space during non-operating hours (from 2:30 a.m. to 10:00 a.m., as well as during other prohibited times such as during special events) or at any time that the vendor is not actively vending.
- 9.12. **NO VENDING IS PERMITTED IN, ON, OR TO THE PUBLIC RIGHT OF WAY/PATHWAY/SIDEWALK OF THE SAN ANTONIO RIVER WALK AREA, OR IN SUCH A MANNER AS TO IMPEDE PEDESTRIAN TRAFFIC ALONG THE RIGHT OF WAY/PATHWAY/SIDEWALK.**
- 9.13. Existing special events, such as parades and craft shows, will take precedence over River Walk Stationary Designated Public Space Vending Program permits. As

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9.22. Orders of deferred adjudication and/or conviction for violations of the regulations governing vending shall result in the immediate loss of the vending permit and preclude re-application two years from the date of conviction and/or completion of deferred adjudication, as well as forfeiture of any and all fees paid to the City. The vendor shall not have a right to appeal to the City Manager or their designee a revocation based on an order of deferred adjudication and/or conviction for violations of the regulations governing vending.

**All information related to this program may be obtained from:**

City of San Antonio  
Center City Development & Operations Department  
400 N. St. Mary's, Suite 100  
San Antonio, Texas 78205  
(210) 207-3677

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Downtown River Walk Vendor

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John Jacks, Director  
Center City Development & Operations