



**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 the 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.

**4. DESIGNATED VENDING SITES:**

- 4.1. The following are the six (6) River Walk Stationary Designated Public Space Vending Sites (Sites) as approved by the City Council:

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- 4.1.1. Site 1 described as the 200 Block North East corner of St. Mary's street, north river bank
  - 4.1.2. Site 2 described as the 600 Block River Walk west river bank, North West corner under Market St. Bridge
  - 4.1.3. Site 3 described as the East Channel South bank across from Peaks Park, east of waterfall next to ADA ramp
  - 4.1.4. Site 4 described as the East Channel South bank of river at Market Street by Marriott River Walk Foot Bridge
  - 4.1.5. Site 5 described as the 800 Block River Walk South bank of river adjacent to CPS between Presa and Navarro Street
  - 4.1.6. Site 6 described as the East Channel North bank of river South west corner adjacent to Chamber of Commerce Building
- 4.2. Each Site will be sixty (60) square feet with retention of a minimum of 8 feet of adjacent public walkway, and at least 15 feet from private property/leased patio space, public seating, and barge loading station. Each Site shall be a minimum of 225 feet from other designated public spaces. Each space will be marked in a manner deemed appropriate by the City.
  - 4.3. City may adjust these sites in cases of construction, special events, change in use or other special circumstances approved by the Director.

### 5. APPLICATION PROCESS:

- 5.1. Prospective vendors (Petitioner) wishing to vend as part of this program may obtain applications from the City's website ([www.sanantonio.gov](http://www.sanantonio.gov)) or at the City of San Antonio's Center City Development & Operations Department Offices, located at 400 N. St. Mary's St., suite 100 from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for City Holidays.
- 5.2. Applications will only be accepted from **October 12, 2015 until a deadline of 4:00 p.m. on, November 9, 2015**. Applications should be delivered to the Center City Development & Operations Department Offices at 400 N. St. Mary's St., suite 100 during normal office hours. No application for the River Walk Stationary Designated Public Space Vending Program will be accepted after the deadline. This application process will be held once a year, with dates to be scheduled annually by the Director of Center City Development & Operations Department by October 1<sup>st</sup>.
- 5.3. Staff will be available to review applications for completion, and no application will be accepted unless deemed complete.
- 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.

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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. Petitioner is required to submit a completed criminal background investigation as part of the application process.

5.7.2. This criminal background investigation shall include local, state, and federal records.

5.7.3. Petitioner must request completion of the criminal background check in person at the San Antonio Police Department records division located at 315 S. Santa Rosa, Monday through Friday from 9:00 a.m. to 4:00 p.m., except for City Holidays.

5.7.3.1. Petitioner must complete and provide a consent form to San Antonio Police Department (SAPD) records division at time of request.

5.7.3.2. Petitioner shall be responsible for all cost or fees associated with this criminal background investigation. All fees are non-refundable.

5.7.3.2.1. Government codes 411.087 and 411.22 for licensing purposes identifies fees for State and Federal background checks fees to be. All fees will be payable by cash, check or money. Payable to The City of San Antonio.

Fast Finger Printing      \$10.00

DPS Fee                      \$15.00

FBI Fee                      \$14.75

\$39.75

5.7.3.2.2. \$25 fee for local background payable to the City of San Antonio for processing fees. Cash or money orders only will be accepted.

5.7.4. Petitioner is advised that a criminal background investigation may take up to 45 days for completion of the federal records check, and it is the petitioner's responsibility to provide said completed criminal background check for the application to be complete.

5.7.5. The Center City Development & Operations Department will consider Petitioner's Application complete with the submission of Local criminal background check. Petitioner's Local criminal background check will be complete with submission of a Clearance Letter provided by SAPD and allow said Petitioners who meet all other documentation standards and requirements under this permit process to be considered Qualified Vendors, and participate in the Lottery as outlined in Section 6.1 below.

5.7.6. The requirement to submit completed State and Federal criminal background checks shall continue for each Qualified Petitioner and vendor. In those cases, where an individual has been issued a permit under this vending program, and

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who's State and Federal records check returns non-compliant with the requirements set out in Section 5.7 above, said vendor shall immediately lose their vending permit, as well as forfeit any and all fees paid to the City.

- 5.7.7. In the event that a criminal conviction as stated in Section 5.7 above is discovered during a vendor's valid permit period, said vendor shall immediately lose their vending permit, as well as forfeit any and all fees paid to the City.
- 5.8. Each Petitioner shall submit a State of Texas Sales and Use Tax Permit I.D. Number issued by the State Comptroller's Office. Said Sales Tax and Use Permit must be compliance and in good standing. If not confirmed to be valid, the petitioner will not be eligible to participate as a Qualified Petitioner.
- 5.9. Each petitioner will submit a list of products or services that he or she will be selling, including an exact description of each of the items with the application. This submittal shall include pictures of actual products, method and/or manner of display, representations of containers/carts and/or any other information requested. No third party advertising will be allowed in method or manner of display. A list of prohibited items can be found below under Rules and Regulations, Section 9.
- 5.10. Each petitioner shall submit a letter from an agent authorized to bind the petitioner and their company to the required coverage, limits, and termination provisions provided in Section 6.11 below verifying that Petitioner is qualified for said coverage and that Insurance Agent agrees to provide coverage to Petitioner if Petitioner is selected as a Vendor under this program.
- 5.11. The Center City Development & Operations Department shall review the completed applications for compliance with the stated requirements. Any request 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

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“River Walk Stationary Designated Public Space Vending Program Lottery” (Lottery). The Lottery shall be held on, **November 20, 2015** 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.
- 6.4. Selected Vendors and alternates will be notified in writing. Selected Vendors must notify the City in writing within ten (10) business days of their acceptance of the respective site. Vending must commence no later than forty-five (45) days from the effective date of the permit (January 1, 2016).
- 6.5. The Selected Vendor is defined as the qualified petitioner who is selected through the Lottery. The Selected Vendor shall only be authorized to vend on the one (1) designated public space as indicated through the Lottery.
  - 6.5.1. Selected Vendor shall not be allowed to vend in any of the other remaining five (5) designated public spaces.
- 6.6. The Selected Vendor can designate other associate vendors for their respective River Walk Stationary Designated Public Space Vending Program site. The Selected Vendor must provide in writing to the Center City Development & Operations Department the names of associated vendors, which shall be limited to family members, business partners, or employees of the Selected Vendor.
- 6.7. All vendors must submit a completed criminal background check, a permit application, and pay a permit fee of \$750.00. Associate vendors are required to vend only those products sold by the Selected Vendor as authorized through their respective application and permit. There is no limit on the number of associate vendors, but no more than one vendor shall be allowed to operate in each River Walk Stationary Designated Public Space Vending Program site at any one time.
- 6.8. In no event shall the Selected Vendor be allowed to sell, assign, subcontract, or sublease their permit rights and any attempt to do so shall result in the immediate revocation of the Selected Vendor’s permit rights and all associated additional vendors’ permit rights.
- 6.9. The Selected Vendor shall:
  - 6.9.1. Be responsible for all vending activities taking place on their designated site, including any infractions of these policies and procedures.

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- 6.9.2. Have an emergency contact number on file with the Center City Development & Operations Department for any times in which they are not present at their authorized vending site.
- 6.10. Prior to issuance of a permit, the Selected Vendor must provide to the City an original completed **Certificate of Insurance**, which shall be completed by an agent authorized to bind the Selected Vendor and their company to the required coverage, limits, and termination provisions.
  - 6.10.1. The original certificate must have the agent's original or facsimile signature, including the signer's company affiliation, title, and telephone number, and be mailed directly from the agent to the City.
- 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, 2016 through December 31, 2016**.
- 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.

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- 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.
- 7.4.2. Each permit issued to associate vendors shall have Contact information listed above for the Selected Vendor on said Permit. Additionally, each permit shall also have contact information (name, phone number, resident address) for the permit holder.
- 7.4.3. An associate vendor may be approved to vend at more than one designated site under this program if authorized by Selected Vendors, provided however, the associate vendor must pay a permit fee of \$750 for each site on which they shall be authorized to vend.
- 7.5. The permit badge shall be displayed prominently, professionally, and worn at all times by the approved petitioner, with no exceptions.
- 7.6. Replacement permits are available for an additional fee of \$50.

### **8. PERMIT FEES:**

- 8.1. The permit fee per year is seven hundred and fifty dollars \$750.00 for each Selected and associate vendor at each designated public space. Fees are subject to change with City Council approval.

### **9. RULES AND REGULATIONS:**

- 9.1. Each permit issued shall be for a specific River Walk Stationary Designated Public Space Vending Program Site.
- 9.2. Only one permitted vendor will be allowed to vend at each designated public space at any single time.
- 9.3. Vending at designated public spaces will be allowed from 10:00 a.m. to 2:30 a.m. daily. No vending will be allowed at designated public spaces after 2:30 a.m. or before 10:00 a.m.
- 9.4. At those time where vendor will be absent, and there will be no vending activity on site for more than two consecutive weeks, vendor must provide written notice in advance to the Center City Development & Operations Department of such absences. If vendor is absent for this time without notice, they will receive an administrative statement of violation as stated below in Section 9.19.2.
- 9.5. Allowed Vending:
  - 9.5.1. Novelty and souvenir items
  - 9.5.2. Hats and caps
  - 9.5.3. Flowers
  - 9.5.4. Jewelry
  - 9.5.5. Arts and crafts and the production of such products
  - 9.5.6. Non amplified music
- 9.6. Prohibited Vending:

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- 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 or Characters
- 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'x8' 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 such, vending on River Walk Designated Public Spaces will not be allowed during such special events.
- 9.14. Vendor shall not construct, or allow to be constructed, any improvements or structures on the River Walk Designated Public Space nor shall vendor make, or allow to be made, any alterations to the River Walk Designated Public Space.
- 9.15. Vendor shall, at all times, keep free from obstructions of any kind the sidewalks adjacent to the River Walk Designated Public Space.

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- 9.16. City shall not be responsible for any theft, damages or destruction of goods and/or property of vendor both during the term of the River Walk Stationary Designated Public Space Vending Program Permit and as so left on the designated public space after vendor vacates the designated public space. If said goods and any other property placed by vendor upon the River Walk Designated Public Space are not removed after hours of operation, then the CITY may remove same without further notice or liability therefore.
- 9.17. Vendors must adhere to all sound restrictions, solicitation, queuing, and hawking laws and regulations of the City of San Antonio.
- 9.18. Vendor shall pay, on or before their respective due dates to the appropriate collecting authority, all Federal, State and local taxes and fees which are now or may hereafter be levied upon the Vendor, or upon the business conducted on the designated public space, or upon any of Vendor's property used in connection therewith; and shall maintain in current status all Federal, State and local licenses and permits required for the operation of the business conducted by Vendor. Failure to comply with the foregoing provisions shall constitute grounds for termination of the City Public Space Vending Permit by the CITY.
- 9.19. Vendor shall not assign the designated public space, or allow same to be assigned by operation of law or otherwise, or sublet or sell the designated public space or any part thereof. Any of the previous actions shall constitute grounds for termination of the City Public Space Vending Permit by the CITY.
- 9.20. City Park Police shall enforce City Codes on the San Antonio River Walk.
- 9.21. Any violation of these policies and procedures may result in issuance of a criminal citation or an administrative statement of violation issued by the Director or designees.
  - 9.21.1. The issuance of three citations to a vendor 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. Administrative revocation of the Permit may be appealed to the City Manager's Designee.
  - 9.21.2. An administrative statement of violation issued by the Director or designees will be treated the same as a criminal citation for purposes of Administrative Revocation of the Permit.
- 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

**River Walk Stationary Designated Public Space Vending Program Policies and Procedures**

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Downtown Mobile Food Vendor

X

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Lori Houston  
Director Center City Development & Operations