



Businesses that sell tobacco products and paraphernalia within the City of San José will be inspected. This table shows the [San José Municipal Codes \(SJMC\)](#) and other regulations. Property owners must maintain their businesses and properties within code requirements. For questions, call (408) 535-7770 or e-mail TRL@sanjoseca.gov.

INTERIOR CONDITIONS

SJMC	Action to Take	Explanation & Common Violations
4.76.310	Post a Business Tax License	Post a current and valid City of San José Business Tax License within the business in plain view for the public.
6.87.200 6.87.310	Obtain and post a Current Tobacco Retail License	It is unlawful to engage in tobacco retailing in the City without first obtaining and maintaining a valid tobacco retail license for each location at which tobacco retailing occurs. Post the license where it can be easily viewed by the public.
6.87.305	Operate a lawful business	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 Municipal Code 6.87.305 to violate any federal, state, or local law applicable to tobacco products/paraphernalia or tobacco retailing.
6.87.330	Buyers must show a valid ID proving they are at least 21	Before selling or transferring a tobacco product or tobacco paraphernalia, you must first examine the buyer's identification to confirm that person is at least 21 years old.
6.87.340	Sellers must be at least 21 years old	Persons who engage in tobacco retailing must be the minimum age established by state law (21 years old in California).
6.87.350	Self-service displays are not allowed	Do not engage in tobacco retailing using a self-service display.
6.87.360	False and misleading advertising is Prohibited	Advertisement of tobacco products and paraphernalia without a tobacco retailer's license is prohibited.
9.45.100 (A)	Keep tobacco products out of reach from the public	Display tobacco products 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	Post signs as required by STAKE Act	Per state STAKE Act, visibly post signage that states: 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

24.01.13 0	Do not modify or alter the property without a permit	Any interior or exterior modification or alteration to the building, added or removed, must be completed with the proper Building and Planning permits.
UFC 1003.6	Do not obstruct emergency exits	Keep exits free and clear of obstructions. The width of the exit must be maintained as permitted by the Planning and Building divisions.
6.87.300	Comply with the ban on flavored tobacco sales	<p>The ban applies to any tobacco products with an artificial flavor, natural flavor, aroma, herb or spice, including — but not limited to — cherry, chocolate, cinnamon, clove, cocoa, coconut, coffee, grape, licorice, menthol, mint, orange, pineapple, strawberry, vanilla, and other flavors. This includes products where such flavors characterize the smoke or vapor produced by the tobacco product.</p> <p>Exemptions to the ban include Shisha, Hookah, and Premium Cigars.</p>

EXTERIOR CONDITIONS

SJMC	Action to Take	Explanation & Common Violations
6.86.230 (A)(B) (D) 9.10.530 9.10.1390	Properly manage waste, waste areas, and parking lots, sidewalks, and roads	<p>Solid waste areas must be properly maintained for sanitation, containment, and to prevent overflow. Properly remove and dispose of trash, litter, and debris at the end of each business day. Break down cardboard boxes and place in an approved cardboard recycling bin.</p> <p>Waste containers must meet the requirements specified in Section 9.10.1390.</p> <p>Keep driveways, sidewalks, park-strips, fire access roads and streets on or adjacent to the premises clear and clean of any debris and trash.</p>
9.10.540	Do not allow waste to accumulate to a hazardous level	Waste and recycling materials must be properly contained. Conditions that are likely to create a fire hazard, attract rodents, create any other unhealthy condition, or are offensive to the public are prohibited.
6.86.230 (E)	Ensure proper lighting for safety	Lighting on the premises should be adequate to ensure the safety of the public and employees.
9.57.300 6.86.230 (C)	Remove graffiti	Any graffiti placed upon the premises of any business must be removed within 48 hours.
13.18.10	Do not allow news racks to create an obstruction	News racks located on the property must not interfere with or create an obstruction to the public and must be maintained in good working condition. News racks may not be used for display of or to exhibit sexually explicit material.

17.72.525 (B)	Maintain landscaping	The property on which the business is located must comply with applicable development permit requirements. Overgrown or dead vegetation that poses a fire hazard, habitat for rodents or other similar nuisances, or detracts from the aesthetic and property values, or intervenes onto public rights-of-way at least twelve inches is prohibited.
17.72.520 (C)	Maintain exterior walls, fences, and retaining walls	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)	Signage complies with Title 23	<p>Signage shall be properly permitted and must meet the requirements prescribed in SJMC Title 23. This includes:</p> <ul style="list-style-type: none"> • Not more than 25% of each window space may be covered. • Flags and A-frame signs are not permitted. • Banners may be no larger than 20 square feet. • Banners may not be up longer than 30 consecutive days; no more than three banners per year. Print on the banner if it is the first, second or third banner and the dates it will be displayed. May not be attached to or covering windows.

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