



SAN JOSE POLICE DEPARTMENT PERMITS UNIT PROCEDURES GUIDE

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A. INTRODUCTION

The SJPD Permits Unit is primarily an administrative unit which conducts regulatory oversight over various businesses operating within the city. Regulatory oversight includes enforcement of various sections of the San Jose Municipal Code (SJMC) and conducting criminal investigations that may develop through the normal course of business. The Permits Unit issues business permits and ensures compliance with laws through inspections of the various businesses that it regulates including taxi companies, tow companies, massage parlors, entertainment venues, bingo parlors, and peddlers.

The Permits Unit works closely with the City Attorney’s Office (CAO) to implement Municipal Code changes that impact these businesses in addition to initiating legal sanctions against violators. The Permits Unit provides direction to the uniformed Patrol Division regarding the enforcement of the Municipal Code sections applicable to the businesses regulated by the unit.

B. UNIT STAFFING

The Permits Unit consists of:

- One Lieutenant (shared with SEU)
- One Sergeant
- Two sworn officers (One Article 39 position)
- 4 full-time Staff Specialists (SPII)
- 1 full-time Office Specialist II (OSII)

Lieutenant duties and responsibilities:

- Manage the Permits Unit
- See that staffing needs are fulfilled
- Ensure audits and inspections are completed
- Advise upper management on issues of concern
- Resolve issues with permitting procedures and policies
- Complete Management Reports and Program Plans
- Address any issues related to Permits Unit
- Conduct presentations before City Council
- Work directly with the City Attorney's Office

Sergeant duties and responsibilities:

- Supervise the staff assigned to the Permit Unit
- Ensure staff is following policy and procedures regarding permits (state, local and departmental procedures)
- Attend meetings with other City Departments as necessary
- Write policy memorandums for Permits Unit Procedure Manual
- Assist Permits staff with any in field situations, when necessary
- Work and coordinate projects that are specific to Permits
- Assign submitted permits to staff
- Manage SimpliGov assignments
- Conduct in-field facility compliance inspections of firearm dealers

- Review CCW applications

Officer duties and responsibilities:

- Assist Permits staff with onsite inspections of various permits
- Inspect firearm dealers
- Interview, test, and conduct background investigations of applicants for concealed weapons permits and temporary employees
- Issue Carry Concealed Weapons (CCW) license
- Conduct field work with permits staff to address non-compliance issues
- Assist with any enforcement issues regarding permits
- Attend permit related meetings at the direction of the Permit Sergeant
- Assist SEU with overflow work
- Develop expertise and administrative skills necessary for the efficient operation of a specific area of permits and to assist other unit members with their programs
- Educate the public concerning permit laws and procedures to be followed in obtaining a permit
- Interface with members of other agencies
- Take compliance action and testify in court hearings
- Utilize computer systems to conduct backgrounds, confirm information, issue ID cards and for other related law enforcement needs
- Perform inspections of taxi cabs, tow capable vehicles, and business sites
- Conduct investigations into the compliance of a business or permitted event
- Assist in answering law enforcement-related questions

** An officer working in the Permits Unit cannot own, operate, or be a partner in an investigative or security business.

** An officer working in the Permits Unit cannot be a coordinator for any secondary employment in which SJPd officers are hired.

Staff Specialists duties and responsibilities:

- Conduct research and compile data solely for departmental use
- Conduct criminal background investigations
- Conduct onsite and offsite inspections for Title 6 compliance
- Process payments and deny, approve, and revoke permits
- Create and issue photo ID's and/or certificates upon permit approval
- Attend appeals hearing board for denials and revocations
- Investigate permit complaints and follow-up with resolutions
- Respond to inquiries and explain policies and procedures to others
- Respond to routine records/information requests within City guidelines
- Maintain files - automated recordkeeping systems
- Utilize computer applications and equipment
- Provide administrative support for division
- Respond to phone and email inquiries/complaints
- Supervisor clerical personnel
- Participate in analyzing the organization, administration, and functions in a department or large program
- Procure supplies and equipment for assigned organizational unit
- Schedule meetings
- Participate in budget preparation

Office Specialists duties and responsibilities:

- Provide customer service, including acting as a receptionist
- Answer telephone calls, take messages, and refer telephone calls to appropriate person
- Operate and utilize a variety of standard office equipment
- Distribute mail
- Process and submit meeting requests
- Perform data entry and type documents - MS Outlook, MS Word, MS PowerPoint, MS Access, and MS Excel
- Assemble and verify data and information in reports, records, and databases

- Process gun letters for active-duty officers
- Issue keycard/ID's for PD personnel, Retirees, City employees and contractors
- Order, maintain, and issue supplies

C. PERMITS ISSUED BY THE SAN JOSE POLICE DEPARTMENT

1. Amusement devices
2. Bingo
3. Close out sale
4. Concealable firearms – CCWs
5. Dance hall
6. Entertainment
7. Event promoter
8. Firearms dealer
9. Ice cream vendor
10. Massage (business & therapist)
11. Peddler (mobile and fixed)
12. Periodical canvasser
13. Pool/Billiard room
14. Press pass
15. Protest, Rally, Demonstration
16. Secondhand dealers/Pawn brokers
17. Street closure/Block Party
18. Taxicab (company, driver, inspections)
19. Tow (company, driver, private property)

D. PERMIT DEFINITION AND APPEAL PROCEDURES

1. Amusement devices defined (SJMC 6.08 – Amusement Devices)

An amusement device is any electrical or mechanical apparatus or device, or amusement ride machine which, upon insertion of a coin, slug or token in any slot or receptacle attached to or connected with said device or machine, operates or may be operated for use as a game, contest, or amusement, including but not limited to "amusement game devices."

Application received from: City Treasurer

Review time: 30 days from receipt

Inspections completed by: SJPD Permits Unit

Denial reasons and appeals procedures:

- Refer to section 6.08.110 for suspension and revocation conditions
- Refer to section 6.08.120 for hearing and appeal procedures

2. Bingo defined (SJMC 6.16)

"Bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random; and the game of bingo shall also include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes. The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game (All such preprinted cards shall bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance.").

Application received from: Applicant to the SJPD Permits Unit

Review time: from 5 – 30 days

Inspections completed by: SJPD Permits Unit

Denial reasons and appeals procedures:

- Refer to section 6.16.120 for Denial or conditional approval
- Refer to section 6.16.130 for Appeal from denial, conditional issuance, suspension, or revocation

3. Closeout sale defined (SJMC 6.18 – Business Sale)

Any sale of, or any offer to sell, to the public, or any group thereof, goods, wares or merchandise on order, in transit or in stock, in connection with a declared purpose as set forth by advertising that such sale is anticipatory to the termination, liquidation, revision, windup, discontinuance, removal, dissolution or abandonment of the business or that portion of the business conducted at any location.

Application received from: Applicant to the SJPD Permits Unit

Inspections completed by: SJPD Permits Unit

Denial reason(s):

- Refer to SJMC 6.18.040 (D) for grounds for denial

4. Concealable Firearms - CCWs

Carrying a Concealed Weapon License

Accessing Law Enforcement CCW DOJ Forms

- DOJ does not post CCW forms on a public website
- Law Enforcement must create a free CLEW (California Law Enforcement Web) account at:
 - [REDACTED]
- On CLEW, forms can be found under DLE Programs - Bureau of Firearms section

CCW Civilian Application Process:

Initial Application

1. Review application
 - a. Ensure applicant meets requirements:
 - i. Age, residency, and not a prohibited person
2. Collect initial payment
3. Review prior CCW application
4. Schedule interview with applicant
 - i. Interview applicant – have application **sign with blue ink**
 - ii. Verify ID and residency documents
 - iii. Provide Live Scan document / instructions
 - iv. Background check
 1. Send form to Records [REDACTED] for history check
 2. Request records, restraining orders, and additional information from outside agencies or courts where applicant lives/previously lived/works/previously worked/currently holds or previously held a CCW (include disclosure agreement form)
 3. Request records from any additional states or jurisdictions which are revealed during the background process (include disclosure agreement form)
 4. Search TLO for any records / Internet Search
 5. AFIS Firearms check – registered to applicant
5. Reference Checks: Call, Video conference or in person interview with the references

6. Review Live Scan results
7. Follow up interview if needed (review any hits with the applicant)
8. Conduct Final Review of background against department standard qualifications (see CCW policy)
9. Write up initial background summary (include order of contents) and provide to the Permits Sergeant and Lieutenant
 - a. If there are issues, provide to XO / Chief for review
10. Issue notice to applicant that Phase 1 is completed, and they are moving to Phase 2 OR issue a denial letter with the reason for denial.
11. Provide information for psychological exam – applicant is responsible for scheduling the test.
 - i. Review results
 1. Suitable – Issue notification of movement to Phase 3
 2. Unsuitable – Issue Denial Notice
12. If suitable, send list of approved trainers and the range qualification document (16 hours of CCW training required)
13. Receive firearms training completion certificate from a department approved instructor
14. Complete Background Summary (include order of contents) and provide to Permits Sergeant and Lieutenant.
15. Final Approval - CCW application review by XO Chief and Chief
16. Receive final payment and Issue CCW License and ID card w/conditions – **sign with blue ink**
17. Send a copy of the CCW License to the DOJ
18. Upload all documents, **except** criminal history [REDACTED]
19. Log CCW info into Versadex

Renewal Application

1. Review application
 - a. Ensure applicant meets requirements:
 - i. Age, residency, and not a prohibited person
2. Collect initial payment
3. Review prior CCW application
4. Schedule interview with applicant
 - i. Interview applicant – have application **sign with blue ink**
 - ii. Verify ID and residency documents
 - iii. Background check
 1. Send form to Records and Intel for history check
 2. Request records, restraining orders, and additional information from outside agencies or courts where applicant lives/previously lived/works/previously

- worked/currently holds or previously held a CCW (include disclosure agreement form)
- 3. Request records from any additional states or jurisdictions which are revealed during the background process (include disclosure agreement form)
- 4. Search TLO for any records / Internet Search
- 5. AFIS Firearms check – registered to applicant
- 6. No fingerprints required if they were taken previously (26185 PC)
- 5. Follow up interview if needed (review any hits with the applicant)
- 6. Conduct Final Review of background against department standard qualifications (see CCW policy).
- 7. Write up initial background summary (include order of contents) and provide to the Permits Sergeant and Lieutenant
 - a. If there are issues, provide to XO / Chief for review
 - b. A new psychological exam **cannot** be required unless: “there is compelling evidence to indicate that a test is necessary” (26190 PC)
 - c. If renewal is denied, issue a denial notice otherwise proceed to training.
- 8. Send list of approved trainers and the range qualification document (4-hours of CCW training required)
- 9. Receive Firearms training completion certificate from a department approved instructor
- 10. Complete Background Summary (include order of contents) and provide to Permits Sergeant and Lieutenant.
- 11. Final Approval - CCW application review by XO Chief and Chief
- 12. Receive final payment and Issue CCW License and ID card w/conditions – **sign with blue ink**
- 13. Send a copy of the CCW License to the DOJ
- 14. Upload all documents, **except** criminal history 
- 15. Log CCW info into Versadex

Amendment Application

- 1. Review application
- 2. Collect payment
- 3. Review prior CCW application
- 4. Review Amendment Request
- 5. Collect current CCW License and issue amended CCW License (expiration date stays the same)
- 6. Send a copy of the CCW License to the DOJ
- 7. Upload all documents, **except** criminal history 
- 8. Log CCW info into Versadex

Cancellations, Denials, Revocations, and Expirations

1. If a license is revoked, issue a letter of revocation to the licensee and notify the DOJ. [REDACTED]
2. When a license is denied **BEFORE** Livescan, no DOJ notifications need to be submitted
 - a. If a Livescan has been completed, for anything other than an expiration, the DOJ must be notified using:
 - i. BOF 1032 – Notice of Cancellation, Denial or Revocation
 1. Include agency ORI number, county code, department address, CII#, and the applicant's name
 - ii. BCIA 8302 – No Longer Interested (NLI) notification
 - b. If a Livescan has expired, then only a NLI should be sent
 - i. No BOF 1032 is needed
3. Log CCW info into Versadex

False Statements - 26180 PC

- (a) Any person who files an application required by Section 26175 knowing that any statement contained therein is false is guilty of a misdemeanor.
- (b) Any person who knowingly makes a false statement on the application regarding any of the following is guilty of a felony:
1. The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to this article.
 2. A criminal conviction.
 3. A finding of not guilty by reason of insanity.
 4. The use of a controlled substance.
 5. A dishonorable discharge from military service.
 6. A commitment to a mental institution.
 7. A renunciation of United States citizenship.

Retired Reserves

Refer to the following San Jose Police Department's Duty Manual sections for retired reserves:

- C 1447.1 Carry Concealed Weapon (CCW) Eligibility
- C 1447.2 Retired Officers Not Eligible to Carry Concealed Weapon
- C 1447.3 Denial or Revocation of Carry Concealed Weapon Endorsement for Retirees

5. Dance Hall defined (SJMC 6.58 – Public Dancehalls)

As used in this chapter, "public dance" means any dance to which members of the general public, or members of schools, educational, social, fraternal, religious, charitable or nonprofit organizations are admitted under any of the following circumstances:

- Payment of any type of fee, dues, or charge for admission whatever, whether collected in advance of the event at which dancing is conducted or whether collected during said event; or
- Payment for entrance or attendance at an event at which dancing is conducted by purchase of tickets, dues, fees, or other admission devices; or
- Dances conducted or given in connection with the sale of food or beverages in restaurants, bars, cafés, or hotel dining rooms to which the general public is admitted; or
- Dances conducted in connection with the provision of other amusement or entertainment for profit.

Application received from: Applicant to the SJPD Permits Unit

Review time: Please refer to SJMC 6.02.110 - Investigation and determination

Inspections completed by: SJPD Permits Unit

Denial reasons:

- Refer to SJMC 6.58.070 for Grounds for denial
- Refer to SJMC 6.58.075 for Grounds for revocation

6. Public entertainment business defined (SJMC 6.60 – Public Entertainment Permit)

"Public entertainment business" means a business open to the public where alcohol is sold on the premises, the premises has a maximum occupant load that exceeds one hundred persons, as determined by the fire marshal of the San José fire department, and where one or more public entertainment activities are also provided or allowed.

"Public entertainment business" shall not include taverns, bars, lounges, cocktail lounges and other drinking establishments where electronically reproduced music emanating from a loudspeaker system is provided for the listening pleasure of patrons, so long as no other public entertainment is provided or allowed.

Application received from: Applicant to the SJPD Permits Unit

Permit length: 4 years

Inspections completed by: SJPD Intel Unit

Denial reasons and appeals process:

- Refer to section 6.60.370 and 6.60.383 for Denial, suspension, or revocation
- Refer to section 6.60.5 Part 5 for appeal from denial, conditional issuance, suspension, or revocation

7. Event Promoter defined (SJMC 6.62)

“Event Promoter” means any person who:

1. Is directly or indirectly responsible for the promotion of an event as evidenced by activities such as, but not limited to contracting with the principals, selecting entertainment, advertising or otherwise holding out the event to members of the general public, inviting participants to the event, renting or controlling the event site, or serving as a designated on-site representative while the event is occurring as provided in Section 6.62.350 of this chapter; and
2. In exchange for engaging in the promotion of the event, as described in Section 6.62.040A.1., directly or indirectly receives or shares in any of the following:
 - a. Admission or entrance fees paid by participants or spectators;
 - b. Compensation, consideration or other revenue from sponsors, private donors or managers and/or owners of the event site; or
 - c. Revenues from concessions or other sales at the event.

Application received from: Applicant to the SJPd Permits Unit

Permit Length: 2 years

Inspections completed by: SJPd Permits Unit

Denial reason(s):

- Refer to section 6.60.370 and 6.60.383 for Denial, suspension or revocation
- Refer to section 6.60.5 Part 5 for appeal from denial, conditional issuance, suspension or revocation

8. Firearms dealer defined (SJMC 6.90 – Retail Firearms and Ammunitions Dealers Regulation)

“Firearm” means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion. Firearm does not include antique firearms as defined by 18 U.S.C. Section 921(a).

Please see section 6.90.050 for the definition for Firearm Ammunition.

For the new gun ordinance, effective June 2021, please see sections 6.90.330 – 6.90.370.

Application received from: Applicant to the SJPd Permits Unit

Permit length: 1 year

Inspections completed by: SJPd Permits Unit, Code Enforcement, Fire Department

Denial reasons and appeals process:

- Refer to section 6.90.250 for Denial, suspension, or revocation of Firearms Business License
- Refer to section 6.16.130 for appeal from denial, conditional issuance, suspension, or revocation

Inspection of firearm dealers – SJMC 6.90.220

- 1) All firearms dealer inspections require a sworn officer and a supervisor from the Permits Unit
 - a) Both officers' names and badge numbers shall be placed on the bottom of the "Firearms Dealer Facility Inspection Checklist" form
- 2) Log on with your call sign with Dispatch
- 3) Activate your BWC during inspections
 - a) Advise the business you are recording (for documentation)
 - b) Dock the BWC at the end of the inspection process to upload the footage
- 4) Use the **"Firearm Dealer Facility Inspection Checklist"**
 - a) Note if it's the first inspection or a random inspection by circling "Yes / No" for "Reinspection"
 - i) If it's an annual inspection, then circle "No" for the reinspection
(1) If it's a random inspection, then circle "Yes" for the reinspection
 - ii) Note: Firearms dealer shall have a yearly initial inspection followed by a minimum of two additional random inspections.
(1) During the random inspections, use the inspection checklist to ensure 100% compliance.
 - b) Verify that the firearms dealer business trained their employees to question customers to determine whether they intend to buy or lease the firearms for themselves
 - c) Use your city-issued cell phone to photograph and document your observations
 - i) All photos must be uploaded into the Permits Unit G: drive for each firearms dealer
 - d) Inspect items line-by-line and then circle "Pass / Fail"
 - i) For failed items, document the reason(s) why in the "Notes" section at the bottom of the inspection form
 - ii) Advise the firearms dealer of corrective actions to take
- 5) Make sure every firearms dealer is compliant with SJMC 6.90.360, which includes:
 - a) Audio/video surveillance of all areas
 - b) Audio recording of sale/transfer area
 - c) Review the recording of transaction
 - d) 30-day transaction recording history reviewal
 - e) Audio/video sign requirement
 - f) Domestic violence/suicide prevention/Municipal Code literature/brochure
 - g) All of the above requirement is an effort to eliminate any "straw" purchases of firearms
 - h) Document ALL your observations in the "Notes" section of the inspection form
- 6) Items to request from the firearms dealer during the inspection
 - a) Inventory checklist
 - i) This is collected within the first five days in October
 - b) Annual roster of employees at the business

- i) Each employee must have a “Certificate of Eligibility” (COE) associated to them
- 7) Collection of DOJ form 3310.4 “Multiple Sales Form” must be destroyed within 20 days, pursuant to 18 USC 923(g)(3)(b).
 - a) Folders will be maintained in the Permits Unit and a regular inspection of the folder is required to ensure the 20-day rule
 - b) Method of destruction will be a DOJ-compliant shredder
 - i) Mail out a letter from the San Jose Police Department’s Permits Unit and addressed to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
 - (1) In the letter, indicate that all ATF Form 3310.4 have been destroyed within the past 6-months.
- 8) The officer shall note the total time that it takes to conduct each firearms dealer inspection
 - a) The time taken will be noted at the bottom next to their signature
 - i) The total time taken will be used for the total cost analysis of the time it takes to complete the permitting process from start to finish
 - (1) The information shall be provided to Fiscal for more accurate cost analysis
- 9) 26820 PC – No handgun or imitation handgun, or placard advertising the sale of other transfer thereof, shall be displayed in any part of the premise where it can readily be seen from the outside.
- 1) 26835 – See definition A licensee shall conspicuously post within the licensed premise the following warnings in block letters no less than one inch in height
 - a) These warnings are listed at <https://codes.findlaw.com/ca/penal-code/pen-sect-26835.html>

9. Ice cream business defined (SJMC 6.39 – Ice Cream Truck Permits)

"Ice cream truck business" means the business of peddling, selling or vending at retail, from a truck that travels from place to place on the streets within the city:

- Prepackaged frozen dairy or water-based food products; or
- Soft-serve or hand-dipped frozen dairy or water-based products; irrespective of whether or not the truck carries other prepackaged food products.

Application received from: Applicant to the SJPD Permits Unit

Inspections completed by: SJPD Permits Unit

Denial reasons: 6.02.130 - denial procedures for most permits

10. Massage business and therapist defined (SJMC 6.44 – Massage)

“Massage business” means the business of providing massage to a client.

"Massage therapist" means any person who is certified as a certified massage practitioner or certified massage therapist pursuant to California Business and Profession Code Section 4600 et seq.

Application received from: Applicant to the SJPD Permits Unit

Permit Length: 2 years

Inspections completed by: SJPD Intel Unit

Denial reason(s): 6.02.130 - Denial, Suspension or Revocation

The City of San José is authorized to regulate massage establishments pursuant to Government Code Section 51030 et seq., Business and Professions Code Sections 460 and 4600 et seq., Section 7 of Article XI of the California Constitution, and its Charter and general police powers under the California Constitution.

For more details regarding the massage detail, please review the following sections:

- SJMC 6.44.010 – Purpose
- SJMC 6.44.120 – Business permit requirement
- SJMC 6.44.130 – Ownership/management license requirement
- SJMC 6.44.210 – Hours of operation
- SJMC 6.44.220 – Listings of services
- SJMC 6.44.230 – Records of massage services
- SJMC 6.44.320 – Locks prohibited
- SJMC 6.44.370 – Presence of massage therapist

The penalty for operating without a permit and or owners license is
Maximum of \$1,000

The penalty for failure to correct structural violations by the due date
Maximum of \$2,500 per day until violation is corrected

Appeals Process

If there is a disagreement with any action or violation regarding the massage business a hearing may be requested before the Deputy Chief of the Bureau of Administration. If there is a disagreement with any action or violation regarding any structural issues one can request a review to the Appeals Hearing Board.

Refer to section 6.60.5 Part 5 – Hearing and Appeal Procedures

11. Peddler defined (SJMC 6.54 – Peddler Permit Ordinance)

"Peddling" means:

- Traveling by foot, motor vehicle, mobile unit or any other type of vehicle, from place to place, and selling or vending any goods, wares, merchandise, food, products, or any other thing or representation of value on any street, sidewalk, right-of-way, park or other public place; or
- Selling or vending any goods, wares, merchandise, food, products or any other thing or representation of value from a fixed location approved by the city on any street, sidewalk, right-of-way, park or other public place.

"Peddler business" means any of the following:

- A business engaged in peddling; or
- A business engaged in supplying, providing, selling goods, wares, merchandise, food, products, or any other thing or representation of value on consignment to be peddled by another person; or
- A business engaged in supplying, providing, or renting mobile units or motor vehicles for use by another person in peddling.

Application received from: Applicant to the SJPD Permits Unit

Permit Length: 2 years

Inspections completed by: SJPD Permits Unit

Denial reasons:

- Refer to section 6.60.370 and 6.60.383 – Denial, Suspension, and Revocation
- Refer to section 1.08.010 – Violations and Remedies
- Refer to section 6.60.5 part 5 – Hearing and Appeal Procedures

12. Periodical Canvasser (SJMC 6.20 – Canvassers of Periodicals)

"Canvasser" means any person not having an established place of business in the city who, for himself or as agent for another, goes upon any public street, or from house to house, in the city, soliciting orders or subscriptions for, or selling newspapers, magazines, periodicals, books and other publications, whether or not collecting advance payments on such subscription or sales.

Application received from: Applicant to the SJPD Permits Unit

Review time: 2 weeks to review and lasts 6 months

Inspections completed by: SJPD Permits Unit

Denial reason(s):

- Refer to section 6.20.040 (B) for Grounds for denial
- Refer to section 6.20.070 for Suspension and revocation conditions

13. Public Pool and Billiard Room (SJMC 6.56 – Pool and Billiards)

As used in this chapter, a "public pool or billiard room" shall mean and include any public place, resort or establishment having within its premises three or more pool tables or billiard tables, or combination thereof, regardless of size, and whether activated manually or by the insertion of a coin, token, or other mechanical device.

Application received from: Applicant to the SJPD Permits Unit

Review time: did not specify

Inspections completed by: SJPD Permits Unit and Planning Department

Denial reason(s):

- Refer to SJMC 6.56 and SJMC 6.02.130 - Denial, suspension or revocation

Any application for a permit or license may be denied and a permit or license issued may be suspended or revoked by the department head if the licensee or permittee fails to comply with a final court order or administrative action of an investigatory agency finding a violation of applicable federal, state and local wage and hour laws, including but not limited to, the Federal Fair Labor Standards Act, the California Labor Code, and any local minimum wage ordinance or living and prevailing wage requirements. For purposes of this subsection, a final court order or administrative action is one as to which there is either no pending appeal or the time for filing an appeal has passed and no appeal was filed.

14. Press Pass (SJMC 11.36.230 - Exemption of news vehicles from certain provisions of this chapter

"Press Pass" limits press placards to news photographers with heavy camera equipment.

Application received from: Applicant to SJPD Permits Unit

Permit Length: 1 calendar year (January 1 to December 31)

Inspections completed by: SJPD Permits Unit

Denial reasons and revocation procedures:

- Refer to section 6.60.370 and 6.60.383 - Denial, Suspension or Revocation
- Refer to section 6.60.5 Part 5 – Hearing and Appeal Procedures

15. Protest, Rally, Demonstration

The Protest, Rally, Demonstration form is used by event organizers to inform the police department about an upcoming event.

The form is online and can be found at the following link:

<https://www.sjpd.org/about-us/organization/chief-executive-officer/permits-unit/demonstration-form>

The Permits Sergeant is responsible to check every six (6) months to make updates to personnel

Information from this form is distributed to the following:

- Traffic Enforcement Unit (TEU)
- BFO Division/Special Operations Captains
- BFO DC
- A/C
- 
- Secondary Employment Unit (SEU) Sgt
- Permits Unit
- Communications

16. Secondhand Dealer defined

(SJMC 6.52 – Pawnbrokers and Secondhand Dealers)

"Pawnbroker" means every person who keeps a place of business where personal property is received, and for which money is advanced, with the right or privilege granted to the person to whom said money is advanced to reclaim such property upon the repayment of said money, together with all legal charges incident thereto. This chapter does not regulate banks, savings and loan institutions, credit unions or other banking organizations regulated by state or federal law.

"Secondhand dealer" means every person who engages in the business of buying, selling or exchanging, whether as a separate business or in connection with other business, any secondhand property with a serial number, personalized initial or inscription, or which at the time of acquisition bears evidence of having had a serial number, or personalized initials or inscriptions, jewelry, or sterling silver utensils, excepting however, business machine dealers, secondhand automobile dealers, automobile wrecking establishments, flea markets, garage sales and gift-exchange establishments whose business consists exclusively of the exchanging of new and unused personal property for some other type of new and unused personal property with or without payment of a reasonable fee for the exchange services rendered.

Application received from: City Treasurer

Permit Length: 2 years

Inspections completed by: SJPd Permits Unit

Denial reasons and revocation procedures:

- Refer to section 6.60.370 and 6.60.383 - Denial, Suspension or Revocation
- Refer to section 6.60.5 Part 5 – Hearing and Appeal Procedures

Annually, the applicant must renew their Regulatory Permit by submitting an application to City of San Jose Finance Department. Once application and payment are received, the Permits Unit is notified by the Finance Department and issues the Regulatory Permit online at [PeopleSoft 8 Sign-in \(sjcity.net\)](https://peoplesoft8.sjcity.net)

Permits Unit accesses CAPSS (California Pawn and Secondhand Dealer System) [CAPSS Licensing](#) once the application is submitted, payment received and approved. The Permits Unit issues the State of California DOJ Pawnbroker License, valid for 2 years.

- Fraud, misrepresentation or false statement contained in the application for the permit or in the course of carrying on the business;
- The applicant has been convicted of a misdemeanor or felony within the past three years if the misdemeanor or felony is substantially related to the qualifications, functions or duties of the pawnbroker or secondhand dealer;
- Any violation of the provisions of this chapter or of any other provisions of this Code within the past five years relating to any of the business activities conducted or carried out by the pawnbroker or secondhand dealer;
- Any violation of the zoning requirements of Title 20 of the San José Municipal Code.

17. Street Closure/Block Party (SJMC 13.14 - Community Special Events)

"Special event" means an outdoor event that consists of any of the following:

A. A parade or assembly consisting of persons, animals, vehicles, or any combination thereof, which is to assemble or travel in unison on any street and which does not comply with applicable traffic regulations, laws, or controls;

B. An organized assemblage of one hundred fifty or more persons at a plaza or park or seventy-five or more persons on the paseo which is to gather for a common purpose under the direction or control of a person; or

C. An activity or event on a plaza, paseo, or park which involves:

1. The placement or erection of equipment or temporary structures other than one portable table and two chairs, including but not limited to a booth, tent, canopy, stage, barricade, fencing, generator, heating equipment, sound amplifier, vehicle or float;

2. The use of live animals, fireworks, pyrotechnics, electrical power and cabling, or equipment or materials that create a substantial risk of damage to public or private property or injury to persons;
3. Cooking or the sale, preparation for sale or commercial distribution of food or beverages;
4. The sale of commercial merchandise.

D. An activity which involves blocking off a street or other use of a street which obstructs the normal traffic thereon.

E. Examples of special events include, but are not limited to, concerts, parades, carnivals, fairs, festivals, block parties, public dances, street fairs, community events, sporting or athletic events, parties, meals, celebrations and receptions.

"Special event permit" means a permit issued pursuant to this chapter, which authorizes the holder to conduct a special event at a special event venue in accordance with its terms and conditions. A special event permit includes a parade permit, a temporary street closure permit, a paseo/plaza use permit, a park special use permit, and a permit that encompasses more than one of the aforementioned special event permits.

Application received from: Applicant to the SJPDP Permits Unit

Review time: Twenty business days

Application processed by: SJPDP Permits Unit

Denial reasons and revocation procedures:

- Refer to section 13.14.320 - Permit denial or revocation

18. Taxicab defined (SJMC 6.64 – Taxicab)

A "taxicab" is a passenger vehicle for hire, used to transport passengers on public streets. The charge for the use of a taxicab is determined either:

- By a taximeter; or
- As a prearranged fare/rate provided by app.

Application received from: Applicant to the SJPDP Permits Unit

Review time: None specified

Inspections completed by: SJPDP Permits Unit

Denial reasons and revocation procedures:

- Refer to section 6.64.500 - Grounds for denial
- Refer to section 6.64.600 - Suspension or revocation of taxicab license
- Refer to section 6.64.610 - Suspension or revocation of taxicab driver's permit

Taxicab color scheme:

8/23/2022 - Staff will not require the taxicab company to maintain a specific vehicle paint color so long as the Police Department approved trade name and vehicle markings

sufficiently contrast with the color of the taxicab body. Vehicles should continue to have Police Department approved distinct markings, insignia, colors that are permanently affixed to the vehicle. The decals must be permanently affixed to their vehicles to clearly distinguish these taxis from other non-taxis or other taxi companies.

Please see the link below for the Memorandum regulating taxicabs:

<https://sanjose.legistar.com/View.ashx?M=F&ID=11139037&GUID=E0B5469A-5D83-4BA5-9525-00A379EAFDAA>

19.Tow defined (SJMC 6.66 – Tow Car Business)

"Tow -car" means a motor vehicle used in the tow-car business to tow or transport motor vehicles.

"Tow -car business" is the business of towing motor vehicles in the city, whether or not the towing extends beyond the city. Such business also includes the storage of towed vehicles, pending their return to the rightful owners thereof, by the person or corporation which towed such vehicles, or by some other person or corporation which towed such vehicle. Government agencies and public utilities are exempt from this chapter.

Application received from: Applicant to the SJPd Permits Unit

Permit Length: 2 years

Inspections completed by: SJPd Permits Unit

Denial reason and appeals procedures: Please see SJMC 6.66.180, 6.66.190, 6.66.200 (appeal)

DENIAL

6.66.200 - Appeal from denial of permit.

If the Permits Unit denies a Tow Driver Permit, a denial letter will be mailed to the applicant. In order to appeal the denial, the applicant has 10 calendar days to respond back to the Permits Unit by letter. Once the Permits Units receives the letter, they will schedule a hearing with the Appeals Hearing Board. The applicant will be notified of the date of the hearing. Any decision made by the Appeals Hearing Board is final.

SUSPENSION/REVOCATION

If the Permits Unit denies a Tow Driver Permit, a suspension/revocation letter will be mailed to the applicant. In order to appeal the suspension/revocation, the applicant has 10 calendar days to respond back to the Permits Unit by letter. Once the Permits Units receives the letter, they will schedule a hearing with the Appeals Hearing Board. The applicant will be notified of the date of the hearing. Any decision made by the Appeals Hearing Board is final.

E. ADMINISTRATIVE CITATION PROCEDURES

This chapter provides for administrative citations which are in addition to all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this code.

- Whenever an enforcement officer charged with the enforcement of any provision of this code determines that a violation of that provision has occurred, the enforcement officer shall have the authority to issue an administrative citation to any person responsible for the violation.
- Administrative Citations tracking shall be done through SimpliGov. Thereafter, Permits will coordinate with Fiscal for the creation of the Administrative Citation invoice and data entry [REDACTED] Per Fiscal, Administrative Citation invoices will be mailed out by the Permits Unit.
- Each administrative citation shall contain the following information:
 - The date of the violation or, if the date of the violation is unknown, then the date the violation is identified;
 - The address or a definite description of the location where the violation occurred;
 - The section of this code violated and a description of the violation;
 - The amount of the fine for the code violation;
 - A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
 - An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;
 - A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained;
 - The name and signature of the citing enforcement officer.
- The current Administrative Citation schedule can be found at the following link:

<https://records.sanjoseca.gov/Resolutions/RES80714.pdf>

F. GUN LETTERS

A Gun letter is a form that allows an officer to purchase a firearm from a firearms dealer with the approval from the Chief of Police without a 10-day waiting period. Gun letters are reserved for active-duty officers only; Reserves and retirees do not qualify.

Steps:

- Obtain name, date of birth, and driver's license of the applicant
- Complete a criminal history check to determine eligibility of gun ownership
 - [REDACTED]
- Get the make/model of the firearm

- Have the applicant fill out the “Gun Letter” roster form
 - Get the make/model of the gun
 - Supervisor for the Permits Unit or SEU unit to review and sign the gun letter
- The applicant will need to get the Chief of Police’s signature

G. ISSUANCE OF ID CARDS -Active duty, Retirees, Contractors, & Outside Agencies

Access for PAB/PAC/Substation:

NEW ACCESS REQUEST:

Actives and New City Employees

1. Check to make sure that the applicant has completed their NexTEST/CJIS
2. The applicant will fill the top half of the ID/Key Card Request Form with their basic identifying information
3. Applicant will indicate the clearance type on the bottom half
4. Permits staff will take a new photograph of the applicant or use the previous photo in the Permits photo database
5. Get the applicant’s old ID key card back (if applicable)
6. Permits staff will issue a new ID key card to the applicant

New retirees, Retired Reserves, and Retired Renewals

1. Fill out the “Retired ID Card” form
 - a. Indicate the type of retiree and whether there’s a CCW endorsement
2. Step 1 – Personnel Unit
 - a. Fill out the box and have the Personnel Unit Supervisor sign the box
3. Step 2 – Central Supply
 - a. Applies to officers who are retiring
 - b. Make sure that all the equipment has been returned
 - c. Signature of Central Supply Unit Supervisor/designee
4. Step 3 – Range
 - a. Fill out the box completely and have Range Master sign this box
5. Step 4 – Chief’s Office (CCW Status)
 - a. Executive Officer (Deputy Chief) will review eligibility for a CCW and then sign the box
6. Step 5 – Permits Unit
 - a. Permits Unit reviews the “Retired ID Card” form for completeness (Steps 1 – 4 must be completed first) and then issues the ID card to the applicant

Contractors and Outside Agencies

Step 1: The Requestor (e.g. Public Works) will submit the following:

- Memo or letter on department letterhead
 - Complete a memo or a letter addressed to the Chief of Police requesting approval for access.
 - Memo must be signed by that Department Head's authorizing signature
 - Memo must explain:
 - why access is needed instead of being escorted by PD personnel
 - duties performed
 - where they want access to (e.g. PAB)
 - For the Substation access - Sgt. Sciba #3317 must approve this
 - Names of the applicants
 - Complete a *"ID/Key Card Request"* form for each employee wanting access.
 - Submit all the documents below via email to SJPDPermits@sanjoseca.gov:
 - A signed memo or letter
 - The *"ID/Key Card Request"* form
 - The CLETS *"nexTEST"* certificate

Step 2: The Requestor will contact the Backgrounds Unit to start the background process for each applicant.

- 
 - Please attach the LiveScan results with the application

Step 3: Each individual applicant must complete the CLETS *"nexTEST"* certification and then email the certificate to the Permits Unit at SJPDPermits@sanjoseca.gov.

Step 4: Transmittal (SJPDP side)

- Once the background check is complete (Step 2), the Permits Unit will:
 - Review the memo or letter (Step 1).
 - Make sure that the applicant passed the CLETS *"nexTEST"* certification (Step 3).
 - Review the *"ID/Key Card Request"* forms for each applicant.
 - Attach an SJPDP *"Transmittal"* form and then forward it up the chain of command to the Executive Officer.

Step 5: Card issuance

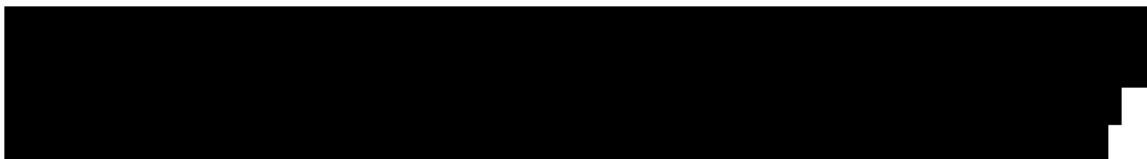
Upon the approval of the Executive Officer (Step 4), the Permits Unit will:

- Issue a key card for the individual applicant.
- Retain copy of approved memo for as long as key card is active for auditing purposes.
 - This will be scanned into the "G" drive under *"Key Card Applications"*

EXPIRED ACCESS REQUEST: Approved previously in the steps above

1. Fill out “*ID/Key Card Request*” form
 - a. Applicant will fill out the top half of the form
 - b. Applicant’s supervisor will fill out the “*Personnel Processed By*” box on the bottom
 - i. Supervisor’s signature and date is required
2. Each individual applicant must complete the CLETS “nexTEST” certification.
3. Email the forms for Steps 1 and 2 to SJPDPermits@sanjoseca.gov:
 - a. The “*ID/Key Card Request*” form
 - b. The CLETS “*nexTEST*” certificate

H. SimpliGov – PAYMENTS RECEIPT REPORT



I. RECORDS RETENTION

Records shall be maintained for a minimum of six years¹ per the City’s Records Retention Schedule.

The following excerpt was taken from the City of San Jose Retention Schedule, page 96.²

Police	Permits and Registrations	52	POLICE PERMITTING RECORDS - Records of applications for, and approval or denial of various Police permits such as taxi, tow, massage parlors, secondary employment, entertainment, gaming, and peddlers including but not limited to applications, inspections, issuance documents, hearings, correspondence, photographs, and background checks.	Life of Permit or Denial, Suspension, or Revocation + 6 Years	SJMC 6.02.130(L)
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¹ <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/official-city-records/records-retention-schedule>

² <https://www.sanjoseca.gov/home/showpublisheddocument/88073/637940964167370000>

J. GUN HARM REDUCTION PROCESS (SJMC section 10.32 & Training Bulletin #2022-034)

1. Police officers who identify a possible violation of the Gun Harm Reduction municipal code will write and submit a police report with the San Jose Municipal Code violations identified. Officers will collect and submit any evidence related to the possible violation to central supply or the department's digital storage system
2. The Court Liaison Unit will route the police report to the Permits Unit
3. The Permits Unit Sergeant will assign the police report to staff for review
4. Permits Unit staff will review the police report and contact the violator. Staff will work with the violator to come into compliance with the municipal code. If no contact is established or the party fails to participate, the Permits Unit staff will issue an administrative citation
5. If no administrative citation is issued, then case will be closed out in Versadex
6. If an administrative citation is issued, a copy of the citation will be mailed to the violator
 - a. A copy of the citation will be given to Police Fiscal Unit to enter into the Financial Management System (FMS)
7. The Permits Unit will close the case in Versadex
8. City Finance will manage payment of the fee and any appeals