

## 8.05 Vending and Expressive Activity Regulations

**San Diego Unified Port District Designated Areas and Allotted Spaces are subject to the following conditions:**

- Commercial Vending and Expressive Activity in any parks or public spaces may only take place in Allotted Spaces within District Designated Areas.
- Commercial Vending Allotted Spaces are available pursuant to a Temporary Commercial Use Permit.
- Expressive Activity Allotted Spaces are available on a first come, first basis.
- Allotted Space sizes and dimensions are set forth on the maps attached to SDUPD Code 8.05 found at the Port's web site: [www.portofsandiego.org/vending](http://www.portofsandiego.org/vending)
- A person may only utilize one Allotted Space at any given time.
- No person shall engage in Commercial Vending or Expressive Conduct in, or place or allow any item to extend into a designated emergency ingress or egress area.
- No person shall place or allow anything in any Allotted Space to extend beyond the boundaries of the Allotted Space.
- No person shall place anything adjacent to the Allotted Space nor obstruct or impede the access between the Allotted Spaces.
- There should be a buffer zone of at least two (2) feet between each Allotted Space to provide adequate room for any person to Vend or engage in Expressive Conduct within the Allotted Space.
- The maximum number of persons in an Allotted Space shall not exceed three (3).
- Commercial Vending is allowed between sunrise and sunset. No person shall set-up, take down, block, or attempt to reserve any Allotted Space for Commercial Vending after sunset or before sunrise.
- Expressive Activity is allowed during park hours, 6 a.m. to 10:30 p.m.
- Noise associated with Commercial Vending and Expressive Activity shall not exceed a 75 LAeq 3-minute average, with a maximum of 85 dBA when measured at a minimum of ten (10) feet in any direction from the outside edge of an Allotted Space.
- No person shall purchase, sell, barter, or exchange any Allotted Space with another person or reserve or "hold" an Allotted Space for another person.
- Any umbrella used in connection with the activities authorized in an Allotted Space must be adequately secured on the ground with a diameter of no greater than eight (8) feet and shall not be inserted into the ground.
- An umbrella or sunshade shall not exceed ten (10) feet above the ground.
- Any person may use one easel or display board which shall not exceed sixty-eight (68) inches in height.

- No person shall place items except an umbrella with a stand, a sunshade, one easel or display board exceeding eight (8) feet above ground in any Allotted Space, or a table with a total surface area exceeding twenty-five (25) square feet.
- No person shall cause or allow an Allotted Space to be enclosed on more than two sides.
- Allotted Spaces must be kept clean. Litter, debris, and any markings must be removed by the time the person vacates the Allotted Space.
- No open flames, combustible fuel or gasoline-fueled generators are allowed in any Allotted Space. Electronic cords may not be connected outside the assigned space or to any District or private power source.
- No person shall vend or engage in the sale or distribution of stolen or pirated merchandise.
- No person shall vend or engage in the sale or distribution of live animals. Persons that use live animals as part of Expressive Conduct or Commercial Vending shall provide the District with a Certificate of Insurance (COI) coverage. See Port Code 8.05 for insurance requirements for this activity.
- Any items or equipment that are left in an Allotted Space when the park is closed or are left unattended for two or more hours when the park is open, shall be considered abandoned, and may be immediately moved to alternate location, and maybe disposed of after 24 hours.
- No person shall use or obstruct access to any District-owned, maintained or leased property or equipment, including but not limited to street furniture, rip rap stones, benches, planters, trash receptables, kiosks or other structures or equipment installed on public property, for Commercial Vending or Expressive Activity, or display anything whatsoever.
- Each Commercial Vendor in an Allotted Space shall be limited to one (1) sign no larger than four (4) square feet.
- No person using a Commercial or Expressive Allotted Space shall impede regular park maintenance or construction activity.
- Special Event Permits supersede the use of Allotted Spaces, advance notice will be given.
- Each Commercial Vendor in an Allotted Space shall prominently display their valid Temporary Commercial Use Permit issued by Port's Parks & Recreation department.
- All permitted Commercial Vendors are required to vend for a minimum of 5 hours per day, 16 days per month.
- All permitted Commercial Vendors are required to check-in and check-out using their mobile device each day they vend.