



TOWN OF LOS GATOS
SPECIAL MEETING OF THE TOWN COUNCIL: STUDY SESSION AGENDA
AUGUST 20, 2024
110 EAST MAIN STREET AND VIA TELECONFERENCE
TOWN COUNCIL CHAMBERS
5:15 PM

Mary Badame, Mayor
Matthew Hudes, Vice Mayor
Rob Moore, Council Member
Rob Rennie, Council Member
Maria Ristow, Council Member

IMPORTANT NOTICE

This is a hybrid meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through Zoom Webinar (log-in information provided below). Members of the public may provide public comments for agenda items in-person or virtually through the Zoom Webinar by following the instructions listed below.

This meeting will be teleconferenced pursuant to Government Code Section 54953(b)(3). Council Member Rob Moore will be participating via teleconference from the Hyatt Regency Chicago Hotel located at the 151 East Wacker Drive, Chicago, IL, 60601. The teleconference locations shall be accessible to the public and the agenda will be posted at the teleconference location 24 hours before the meeting.

HOW TO PARTICIPATE

The public is welcome to provide oral comments in real-time during the meeting in three ways:

- **Zoom Webinar (Online):** Join from a PC, Mac, iPad, iPhone or Android device. Please click this URL to join: <https://losgatosca.gov.zoom.us/j/83824513003?pwd=jiXgkZgnavLbcsOP2FKnaAarlzRga2.1>
Passcode: 561943 You can also type in 83824513003 in the “Join a Meeting” page on the Zoom website at and use passcode 561943.
 - When the Mayor announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand.
- **Telephone:** Please dial (877) 336-1839 for US Toll-free or (636) 651-0008 for US Toll. (Conference code: 1052180)
 - If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **In-Person:** Please complete a “speaker’s card” located on the back of the chamber benches and return it to the Town Clerk before the meeting or when the Mayor announces the item for which you wish to speak.

NOTES: (1) Comments will be limited to three (3) minutes or less at the Mayor’s discretion.

(2) If you are unable to participate in real-time, you may email to Clerk@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment). All comments received will become part of the record.

(3) Deadlines to submit written comments are:

- 11:00 a.m. the Thursday before the Council meeting for inclusion in the agenda packet.
- 11:00 a.m. the Monday before the Council meeting for inclusion in an addendum.
- 11:00 a.m. on the day of the Council meeting for inclusion in a desk item.

(4) Persons wishing to make an audio/visual presentation must submit the presentation electronically to Clerk@losgatosca.gov no later than 3:00 p.m. on the day of the Council meeting.

CALL MEETING TO ORDER

ROLL CALL

APPROVE REMOTE PARTICIPATION *(This item is listed on the agenda in the event there is an emergency circumstance requiring a Council Member to participate remotely under AB 2449 (Government Code 54953)).*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

1. Study Session Regarding Potential Update to Sidewalk Vending Ordinance.

ADJOURNMENT *(Council policy is to adjourn no later than midnight unless a majority of Council votes for an extension of time)*

ADA NOTICE In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354- 6834. Notification at least two (2) business days prior to the meeting date will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR §35.102-35.104]



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/20/2024

ITEM NO. 1.

ITEM NO: 1

DATE: August 15, 2024
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Study Session Regarding Potential Update to Sidewalk Vending Ordinance

RECOMMENDATION:

Discuss Senate Bill 946, which imposes state requirements on local regulation of sidewalk vendors, and provide direction regarding a sidewalk vending ordinance update.

BACKGROUND:

Senate Bill 946, which became effective in 2019, prohibits local agencies from regulating sidewalk vendors except in accordance with Government Code Sections 51038 and 51039. Senate Bill 946 defines a "sidewalk vendor" as "a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person upon a public sidewalk or other pedestrian path."

The Town currently regulates peddlers and solicitors in Town Code Sections 14.40.010 and following (Attachment 1). The Town currently regulates pushcart vendors in Town Code Sections 14.70.010 and following (Attachment 2). These provisions were enacted in 1968 and staff recommends that they be updated.

DISCUSSION:

In order to align the Town Code with the requirements of Senate Bill 946, staff recommends:

- 1) Revising the existing peddler and solicitor ordinance to provide that it only applies to roving vendors and not stationary vendors.
- 2) Replacing the pushcart ordinance with a new sidewalk vending ordinance that is specific to stationary vendors; and
- 3) Repealing the existing pushcart vending ordinance since the new sidewalk vending ordinance would cover pushcarts.

Reviewed by: Town Manager, Assistant Town Manager, Community Development Director, Chief of Police, and Finance Director

SUBJECT: Update to Sidewalk Vending Ordinance

DATE: August 13, 2024

DISCUSSION (continued):

Senate Bill 946 authorizes local ordinances to do the following:

- 1) Adopt requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, and welfare standards.
- 2) Prohibit stationary sidewalk vendors from operating in areas that are zoned as exclusively residential.
- 3) Adopt reasonable time, place, and manner restrictions inside public parks if the restrictions are directly related to objective health, safety, or welfare concerns, when necessary to ensure the public's use and enjoyment of the park, or as necessary to prevent an undue concentration of commercial activity that unduly interferes with the character of the park.
- 4) Limit the hours of operation for sidewalk vendors so long as those hours are not unduly restrictive. In nonresidential areas, any limitations on the hours of operation cannot be more restrictive than any limitations on hours of operation imposed on other businesses or uses on the same street.
- 5) Impose requirements to maintain sanitary conditions.
- 6) Impose requirements necessary to comply with the Americans with Disabilities Act and other disability access standards.
- 7) Require the sidewalk vendor to obtain a sidewalk vending permit.
- 8) Require the sidewalk vendor to possess a valid California Department of Tax and Fee Administration Seller's Permit.
- 9) Require additional licenses from other state or local agencies to the extent required by law.
- 10) Require sidewalk vendors to submit information regarding their operations, including a mailing address, a description of merchandise, a California seller's permit number, and other information.
- 11) Prohibit sidewalk vendors from operating near certified farmers' markets, swap meets, and other events subject to a temporary special permit.

Senate Bill 946 prohibits local jurisdictions from imposing the following regulations:

- 1) Require a sidewalk vendor to operate only within specific parts of the public right of way, unless the restriction is directly related to objective health, safety, and welfare concerns.
- 2) Prohibit sidewalk vendors from operating in a public park, unless the Town has an agreement with a third party for exclusive concessions in the park.
- 3) Restrict sidewalk vendors to specific neighborhoods, unless the restriction is directly related to objective health, safety, or welfare concerns.

SUBJECT: Update to Sidewalk Vending Ordinance

DATE: August 13, 2024

CONCLUSION:

In order to draft a proposed ordinance for future consideration, staff seeks input from the Town Council on the following questions:

- 1) Does the Town Council recommend prohibiting sidewalk vending in areas that are zoned exclusively residential?
- 2) Would the Town like to require that all vendors obtain a sidewalk vending permit?
- 3) Aside from making sure that sidewalks remain reasonably passable and making sure food vendors have County health permits, are there other health, safety, or welfare-related concerns? (Aesthetic concerns such as the amount of signage count as a welfare-related concern.)
- 4) Are there specific hours of operation that the Town would like vendors to abide by?

FISCAL IMPACT:

Neither this study session or a future ordinance update are anticipated to have a financial impact, because sidewalk vendors are already required to pay business license taxes.

CEQA:

This study session is to provide direction to staff and is not a project subject to the California Environmental Quality Act.

COORDINATION:

This report was coordinated with the Town Manager's Office and the Community Development Department.

Attachments:

1. Existing peddler's code section
2. Existing pushcart code section

- CODE
Chapter 14 - LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS
ARTICLE IV. PEDDLERS AND SOLICITORS

ARTICLE IV. PEDDLERS AND SOLICITORS

DIVISION 1. GENERALLY

Sec. 14.40.010. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Peddler. Any person, including salesperson and vendor, who goes from house to house, place to place or to any one (1) house or to any one (1) place, or in or along the streets, within the Town, selling and making immediate delivery or offering for sale and immediate delivery any goods, wares, merchandise, services or anything of value in the possession of the peddler, to persons other than manufacturers, wholesalers, jobbers or retailers in such commodities or services.

Solicitor. Any person, including salesperson and vendor, who engages in the business of going from house to house, place to place or to any one (1) house or to any one (1) place, or in or along the streets, within the Town, selling or taking orders for, or offering to sell or take orders for, goods, wares, merchandise, services or other things of value, for future delivery or for services to be performed in the future, to persons other than manufacturers, wholesalers, jobbers or retailers in such commodities or services.

(Code 1968, § 19-1)

Cross reference(s)—Definitions and rules of construction generally, § 1.10.015.

Sec. 14.40.015. Nonapplicability.

The provisions of this article shall not apply to the following:

- (1) Any person peddling or soliciting orders for dairy, bakery, fruit, vegetables, meat, fish or poultry products, or other products intended for human consumption, except ice cream, candy, hot dogs, hamburgers, soft drinks and the like intended for immediate human consumption.
- (2) Any person peddling or soliciting subscriptions for newspapers or religious publications.
- (3) Any person peddling or soliciting on behalf of a religious, charitable or educational organization.
- (4) Any person soliciting for personal services to be performed by the person so soliciting.
- (5) Any other person who files with the Town Clerk an affidavit setting forth the name and address of the affiant and which clearly establishes exemption from the provisions of this article by virtue of the Constitution or Statutes of the United States or of the State.

(Code 1968, § 19-2)

Sec. 14.40.020. Hours during which peddling and soliciting permitted.

Any identification permit issued under the provisions of this article shall be valid only between the hours of 9:00 a.m. and 9:00 p.m. of any day.

(Code 1968, § 19-12)

ATTACHMENT 1

Sec. 14.40.025. Posted premises.

No person shall solicit or attempt to solicit at any residential premises where the occupant has posted a sign clearly and obviously visible from an access way used by the solicitor which states, in letters at least three-fourths of an inch in height on a contrasting background, "No Soliciting," "Soliciting Prohibited," "No Soliciting Allowed" or "No Solicitors Allowed." Nor shall any person peddle or attempt to peddle at such premises where the occupant has posted in such a manner a sign which states in substance the same prohibition with reference to peddlers.

(Code 1968, § 19-13)

Secs. 14.40.030—14.40.100. Reserved.***DIVISION 2. IDENTIFICATION PERMIT*****Sec. 14.40.105. Required.**

- (a) No person shall act as a peddler or solicitor within the Town without an identification permit, as provided in this article.
- (b) Such identification permit shall be in addition to any business license required by the Town for the conduct of the business or occupation of a solicitor or peddler, pursuant to this chapter.

(Code 1968, § 19-3)

Sec. 14.40.110. Application.

An applicant for a permit under this division shall furnish the Chief of Police with the following information and material.

- (1) The name and description of the applicant.
- (2) The address of the applicant, legal and local (if any).
- (3) A brief description of the nature of the business, and the goods, wares, merchandise and services to be sold or furnished.
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) The length of time the applicant wishes to do business within the Town.
- (6) If a vehicle is to be used, a description of the same, together with license number or other means of identification.
- (7) A recent photograph of the applicant, which picture shall show the head and shoulders of the applicant in a clear and distinguishing manner.
- (8) Fingerprints of the applicant to be taken by the Chief of Police, or a member of the Police Department of the Town, at the discretion of the Chief of Police.
- (9) A statement as to whether or not the applicant has been convicted of a crime, felony or misdemeanor, the nature of the offense and the punishment or penalty assessed therefor.

(Code 1968, § 19-4)

Sec. 14.40.115. Investigation.

The permit required by this division shall only be issued by the Chief of Police after an investigation is made by the Chief of Police.

(Code 1968, § 19-5)

Sec. 14.40.120. Prerequisite to issuance of business license.

The information required for an application under this division shall be furnished to the Chief of Police in conjunction with the application for a business license for the occupation of a solicitor or peddler, and an investigation by the Chief of Police and the issuance of an identification permit shall be necessary conditions precedent to the granting of such business license. After the investigation is made and the identification permit issued, a business license for the occupation of a solicitor or peddler shall be issued upon the payment of the license fee, if any is required, in conformity with the provisions of this chapter.

(Code 1968, § 19-6)

Sec. 14.40.125. Issuance; expiration.

The Chief of Police, upon being advised of the application of an applicant for a business license for the business or occupation of a solicitor or peddler in the Town, and upon being furnished with the information and records required by this division, shall investigate the applicant. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall issue an identification permit in favor of the applicant for the carrying on of the business or occupation of a solicitor or peddler in the Town.

(Code 1968, § 19-7)

Sec. 14.40.130. Denial; appeal to Town Council.

- (a) If, as a result of the investigation pursuant to an application under this division, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall make the findings and reasons for disapproval and transmit the same to the Tax and License Collector, who shall notify the applicant that the application is disapproved and that no permit or license will be issued.
- (b) Upon the disapproval of the application, as a result of the findings of the Chief of Police, any person aggrieved by the action of the Chief of Police, and the denial of the application for a permit or a license, shall have the right of appeal to the Town Council. Such appeal shall be taken by filing with the Town Clerk, within ten (10) days after notice of the action complained of has been mailed to the applicant's last known address, or to the applicant's address as appearing on the application, a written statement setting forth fully the grounds of appeal. The Town Clerk shall set a time and place for a hearing of such appeal and notice shall be given to the appellant by mail, postage prepaid, to the address, as aforesaid, at least five (5) days prior to the date set for a hearing. The disposition and order of the Town Council shall be final and conclusive.

(Code 1968, § 19-8; Ord. No. 2030, § I, 7-21-97)

Sec. 14.40.135. Display.

The identification permit issued under the provisions of this division shall be worn in a prominent place on the outer clothing, clearly legible to all persons with whom the permittee deals, at all times when the permittee is soliciting or peddling.

(Code 1968, § 19-10)

Sec. 14.40.140. Transferability.

No identification permit issued under the provisions of this division shall be transferable, and the same, as issued, shall be personal to the person to whom issued.

(Code 1968, § 19-9)

Sec. 14.40.145. Revocation.

- (a) Identification permits issued under the provisions of this division may be revoked by the Chief of Police for any of the following reasons:
- (1) Misrepresentation or false statements contained in the application for the identification permit.
 - (2) Misrepresentation or false statement made in the course of carrying on the business of peddling or soliciting.
 - (3) Conviction of any crime or misdemeanor involving moral turpitude.
 - (4) Conducting the business of peddling or soliciting in an unlawful manner, or in such a manner as to constitute a breach of the peace and to constitute a menace to the health, safety or morals or general welfare of the public.
 - (5) Any violation of this chapter, or of the business license provisions of this Code or any other ordinances of the Town.
- (b) Upon revocation of any identification permit issued under the provisions of this division, the Chief of Police shall make the findings and reasons for revocation and transmit them to the permittee, whose license has been revoked, and a copy thereof to the Tax and License Collector. Revocation of an identification permit automatically revokes the business license to which the identification permit applies. The permittee whose permit has been revoked shall have the right of appeal to the Town Council in the same manner and in conformity with the same procedures as set forth in section 14.40.130.

(Code 1968, § 19-11; Ord. No. 2030, § II, 7-21-97)

Sec. 14.40.150. Expiration.

Each permit issued under the provisions of this division shall be valid for a period of ninety (90) days and subject to revocation as provided in this division.

(Code 1968, § 19-7)

ARTICLE VII. PUSHCARTS¹

DIVISION 1. GENERALLY

Sec. 14.70.010. Purpose.

The Council finds and declares as follows:

- (1) The operation of pushcarts on public streets in the Town serves the general welfare, if such operation is properly regulated by offering color, variety and convenience in shopping.
- (2) Without proper regulation, the operation of pushcarts causes problems of traffic, safety, health, unsightliness, and unfair competition.
- (3) It is therefore necessary to regulate pushcarts in such a manner as to obtain their benefits for the Town while at the same time minimizing problems.

(Code 1968, § 19A.00.010)

Sec. 14.70.015. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved location. A site approved for location of a pushcart pursuant to this article.

Food preparation. The cooking or processing of food. It does not include assembling precooked or prepared foods or adding condiments.

Permittee. Any person holding a valid approved location permit under this article. For purposes of this article, the act or omission of an agent or employee of any permittee is for all civil purposes the act or omission of the permittee.

Public way. All that area dedicated to public use, and shall include, but not be limited to, roadways, parkway strips, alleys, and sidewalks.

Pushcart. Any nonmotorized vehicle, truck, trailer, cart, wagon, dray, conveyance or structure on wheels not firmly fixed to a permanent foundation which is utilized in connection with peddling. A pushcart from which food is served shall meet the definition of a vehicle for purposes of Health and Safety Code chapter 11, article 4.

(Code 1968, §§ 19A.05.010—19A.05.050)

Cross reference(s)—Definitions and rules of construction generally, § 1.10.015.

ATTACHMENT 2

¹Cross reference(s)—Vehicles for hire, Ch. 28.

Sec. 14.70.020. Noise.

No permittee shall use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound in connection with the promotion of a pushcart.

(Code 1968, § 19A.15.020)

Sec. 14.70.025. No sales to persons in vehicles.

No permittee shall sell any merchandise to any person who is in a motor vehicle at the time of sale.

(Code 1968, § 19A.15.030)

Sec. 14.70.030. Food preparation on street prohibited.

Only ready-to-eat food is permitted. Food preparation on the street is prohibited.

(Code 1968, § 19A.15.040)

Cross reference(s)—Food and food establishments generally, Ch. 10.

Sec. 14.70.035. Compliance with other laws.

Every permittee shall at all times have a valid business license and peddler's license. If food is being sold, a permit is also required from the County Health Department. Every permittee shall also comply with sections 28640 et seq. of the California Health and Safety Code.

(Code 1968, § 19A.15.050)

Sec. 14.70.040. License for sanitary facilities.

Every permittee shall be required to have a written license agreement giving the permittee and the permittee's agents the right to use permanent sanitary facilities located no more than five hundred (500) feet from the approved location.

(Code 1968, § 19A.15.060)

Cross reference(s)—Health and sanitation generally, Ch. 13; sewers and sewage disposal, Ch. 22.

Sec. 14.70.045. Transfer prohibited.

Permits issued under this article shall not be sold, assigned or transferred, and shall cover only the permittee to whom they are issued.

(Code 1968, § 19A.15.070)

Sec. 14.70.050. Equipment other than pushcarts prohibited.

No permittee shall employ or have any movable or permanent stands, tables, chairs or devices other than the permitted pushcart and one (1) chair for the permittee situated at any approved location.

(Code 1968, § 19A.15.080)

Sec. 14.70.055. Indemnity agreement.

As a condition to receiving the permit, every permittee shall execute an agreement holding the Town and its employees and agents harmless from any liability arising from the use of the permit.

(Code 1968, § 19A.15.090)

Sec. 14.70.060. Insurance.

Every permittee, at the permittee's sole cost and expense, and during the entire term of the permit or any renewal thereof, shall obtain and maintain all insurance required by the Town as set forth by resolution.

(Code 1968, § 19A.15.100)

Secs. 14.70.065—14.70.125. Reserved.

DIVISION 2. PERMITS

Sec. 14.70.130. Approved location—Required.

No person shall operate a pushcart on a public way within the Town without an approved location permit as provided in this division. Such permit shall be in addition to any business license required by the Town and the identification permit required by article IV of this chapter.

(Code 1968, § 19A.10.010)

Sec. 14.70.135. Same—Application process.

An application for an approved location permit shall be made to the Planning Director, and shall contain the information requested by the Planning Director, as necessary to fulfill the purposes of this article.

(Code 1968, § 19A.10.020)

Sec. 14.70.140. Same—Notice of filing of application.

Within fifteen (15) days after an application has been filed, the Planning Director shall publish a notice of such filing pursuant to Government Code section 6061, and also post a copy of such notice in at least two (2) conspicuous places close to the proposed location.

(Code 1968, § 19A.10.040)

Sec. 14.70.145. Same—Consideration in review of applications.

Applications shall be reviewed in the light of all the facts relevant to the purposes of this article, including but not limited to the following:

- (1) Compliance with the specific requirements of this article.
- (2) The goals of the general plan and any applicable specific plans.
- (3) Automobile and pedestrian safety, and minimum interference with parking.
- (4) Avoidance of unfair competition with merchants in fixed locations.
- (5) Diversity of product.
- (6) Aesthetics.

(Code 1968, § 19A.10.030)

Sec. 14.70.150. Same—Holding period for competing applications.

In order that the limited number of appropriate pushcart locations may be used by those pushcarts most compatible with the goals of this article, it is the intent of this article to promote competition for approved locations. No application shall therefore be deemed complete under Government Code section 65943 until at least thirty (30) days after the publication of notice called for in section 14.70.140. If other applications are filed for the same location within thirty (30) days of such publication, no further notice need be given. No competing application for a given location will be accepted more than thirty (30) days after the publication of notice hereunder.

(Code 1968, § 19A.10.050)

Sec. 14.70.155. Same—Competing applications.

If more than one (1) application is filed for the same location, the Planning Director shall, if any pushcart is to be allowed in such location, approve the application which the Planning Director determines to be most compatible with the goals and criteria of this article. If applications are deemed to be equally compatible, selection shall be made by lottery.

(Code 1968, § 19A.10.060)

Sec. 14.70.160. Same—Issuance for certain areas prohibited.

No permit shall be issued under this division for a location within the following areas:

- (1) On private property. Outdoor display of merchandise on private property is governed by chapter 29 of this Code.
- (2) Immediately adjacent to residentially zoned property.
- (3) Within one hundred fifty (150) feet of a business selling food for on-site consumption, in the case of a pushcart selling food; or within one hundred fifty (150) feet of a business selling a similar commodity in the case of a pushcart selling commodities other than food.
- (4) Within one hundred fifty (150) feet of another approved location.
- (5) Within five hundred (500) feet of an elementary or junior high school.
- (6) In any Town park outside the central business district as defined in the downtown specific plan.

(Code 1968, § 19A.15.010)

Sec. 14.70.165. Same—Appeal.

Any interested party may appeal any decision of the Planning Director with reference to approved location permits to the Planning Commissioner by filing a written appeal within ten (10) days after the mailing of notice of the Planning Director's decision to the last known address of the permittee, and upon payment of the fee specified by Council resolution. In considering the appeal, the Planning Commissioner may affirm, revoke, or modify the Planning Director's decision in whole or in part, and consider any other matters it deems pertinent.

(Code 1968, § 19A.10.090)

Sec. 14.70.170. Same—Revocation.

An approved location permit may be revoked at any time upon a written determination by the Planning Director that the permit is being utilized in a manner contrary to law, the goals of this article, or the general welfare of the Town. Prior to such revocation, the Planning Director shall give the permittee written notice by first class mail of intention to revoke, and shall hold an informal hearing allowing the permittee to present arguments against revocation.

(Code 1968, § 19A.10.080)

Sec. 14.70.175. Same—Duration.

An approved location permit shall be issued for one (1) year. New applications for a specific location shall not be accepted until ninety (90) days prior to expiration of an existing permit for that location.

(Code 1968, § 19A.10.070)

Sec. 14.70.180. Temporary permits for special events.

The Town Council may, as part of its approval of any special event, authorize the issuance of a specified number of temporary pushcart permits, not to exceed five (5), for a specified number of days in connection therewith. In such case, applications for temporary permits shall be submitted to the Town Manager, with the written endorsement of the agency sponsoring the special event, and the department shall approve the temporary permit for a specific location if it finds that issuance of the permit will promote the purpose of this article. There shall be no appeal from the denial of an application for a temporary permit.

(Code 1968, § 19A.20.010)