

**IN THE CITY COUNCIL  
FOR THE CITY OF HOOD RIVER, OREGON**

**ORDINANCE NO. 2073**

**An Ordinance amending Title 5 (Business Taxes, Licenses, and Regulations),  
Chapter 5.07 (Transient Merchant and Special Events), Section 5.07.030  
(Definitions) and 5.07.050 (License- Application -Standards and Limitations)  
of the Hood River Municipal Code to allow Mobile Food Venders.**

The Hood River City Council finds as follows:

**WHEREAS**, the City licenses and regulates transient vending through administration of business regulations in Chapter 5.07 (Transient Merchant and Special Events) of the Hood River Municipal Code (HRMC); and

**WHEREAS**, a goal of the City's adoption of business regulations is to protect the health and safety of the people who work and live in Hood River and to preserve and protect the economic, scenic, historic, and aesthetic values of the city; and

**WHEREAS**, the current transient vending licenses as amended by Ordinance 1870 in 2005 place limits upon the time, place, and manner, in which licensed merchants may operate; and

**WHEREAS**, since 2020, in response to the COVID-19 pandemic, the City permitted mobile food vendors to exceed the 6 month time limit set for transient merchants at a single location; and

**WHEREAS**, in an effort to enhance the economic opportunities available to mobile food cart entrepreneurs and to respond to the positive outcomes demonstrated over the past two years, the City Council considered an amendment to HRMC Chapter 5.07, in particular criteria to allow vendors to establish themselves in a single location for the entire year under HRMC 5.07.030 and to allow an annual renewal of licenses for the same location; and

**WHEREAS**, the Council undertook consideration of such an amendment at its regular meeting on February 13<sup>th</sup>, 2023, at which time it accepted all manner of comment and public testimony on the proposal.

**NOW THEREFORE**, the Hood River City Council ordains as follows:

**Section 1. Amendment.** Title 5 (Business Taxes, Licenses, and Regulations), Chapter 5.07 (Transient Merchant and Special Events, Section 5.07.030 (Definitions) of the Hood River Municipal Code shall be amended to read as follows:

*“Transient merchant” includes any person who offers food, beverages, produce, merchandise, a service, or other thing of value for sale within the city on a temporary or seasonal basis. The following classes of transient merchants are hereby established:*

1. *Class 1: A transient merchant requiring direct connection to City-operated utilities for the preparation or storage of that which is being offered for sale. "Utilities" includes water, storm sewer or sanitary sewer. A license to a Class 1 transient merchant is issued for a single period per calendar year, ~~not to exceed 180 consecutive days, with no renewals or extensions,~~ which may be renewed annually.*

2. *Class 2: A transient merchant not requiring direct connection to City-operated utilities for the preparation or storage of that which is being offered for sale. A license to a Class 2 transient merchant is issued for a period ~~of between 30 and 366 consecutive days, with a maximum of 5 renewals per calendar year (maximum of 180,~~ which may be renewed.*

**Section 2. Amendment.** Title 5 (Business Taxes, Licenses, and Regulations), Chapter 5.07 (Short-term Rental Operating License), Section 5.07.050 (Criteria for approval of an operating license and operating license renewal) of the Hood River Municipal Code shall be amended to read as follows:

1. *The proposed use must meet the definition of "transient merchant" and be subject to classification as set out in Section 5.07.030. Any use not meeting the definition of "transient merchant" or subject to classification shall be deemed to be a use subject to review under ~~chapter 17.03.050.~~ HRMC Title 17*
2. *Transient merchants shall not be permitted in the R-1, R-2 or R-3 zones. Written permission of the property owner for the proposed use shall be required. No encroachment upon city rights-of-way shall be permitted.*
3. *Each license shall be issued for a single fixed location, and no transient merchant shall change location except upon a permitted license renewal; provided, however, that ~~the~~ Port-Owned Waterfront properties shall be considered one location for purposes of this section, and movement within the Waterfront on Port-owned properties shall be subject to regulation by the Port of Hood River or its designee.*
4. *Unless approved as part of a commercial land use permit in compliance with HMRC Title 17, No transient merchant who is a food vendor shall be permitted to park accessory RV's or trailers, erect accessory structures or buildings, nor provide tables or seating for the use of patrons. A table for condiments will be permitted.*
5. *No more than 4 licenses to operate may be issued for a single site, lot, or parcel, unless first approved as a commercial use with a waste, sewer, restroom, and transportation plan and assessment, in compliance with applicable regulations of HRMC Title 17.*

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid, unlawful or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and that holding shall not affect the validity of the remaining portions thereof.

**Read for the First Time** on February 13, 2023.  
**Read for the Second Time** and approved on February 27, 2023.

This Ordinance shall take effect on the 31<sup>st</sup> day following the second reading.

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Paul Blackburn, Mayor

ATTEST:

Approved as to form:

\_\_\_\_\_  
Jennifer Gray, City Recorder

\_\_\_\_\_  
Daniel Kearns, City Attorney