



211 Second Street, Hood River, Oregon 97031  
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## **SPECIAL EVENT PERMIT – Hood River Municipal Code Chapter 5.07**

“**Special Event**” *HRMC 5.07.030* includes any activity which is likely to attract at any one time an assembly of persons, conducted for a specified period at one or more locations within the City under the auspices of and subject to the supervision and direction of a single person, including but not limited to festivals, fairs, shows, exhibitions, auctions, city or regional celebrations, athletic events, and public dances.

A **Special Event Permit** is needed to conduct such an event in the city. A substantially complete permit application must be submitted at least 60 days prior to the date of the event.

As an event organizer it is your responsibility to assess the venue, environment, anticipated attendees, and event components of your proposed event in order to develop and implement management strategies that ensure the safety of your guests, citizens, and the surrounding environment affected by your event. By applying for a special event permit, you and your representatives agree you have the sole responsibility at all times to be knowledgeable about, fully understand, and to meet or exceed all local, state and federal codes, laws, policies, and regulations associated with the proposed event and its related activities including but not limited to the provisions of the Hood River Municipal Code, Special Event Permit Application, other city documents, permits, requirements and/or correspondence.

### Please Note:

If the event includes organized sporting activities, please complete and attach the Sport Event Addendum.

Any maps required need to be digital, not hand drawn.

This application is available in Spanish; if it is needed in another language, please contact Jennifer Gray.

For questions and to submit applications, please contact – Jennifer Gray at [J.Gray@cityofhoodriver.gov](mailto:J.Gray@cityofhoodriver.gov)

Name of Event/Activity :							
Type of Event/Activity:							
Date(s) of Event:							
Hours: From			To:				
** The license shall be limited to the duration of the Special Event. Not to exceed 15 days							
General Description of Event Activity:							
<b>Is this a sporting event? No_____ Yes_____ Please complete addendum if Yes.</b>							
Estimated Attendance Per Day:		Participants		Spectators			
<b>Emergency Contact Information - Name and Number</b>							
<b>Alternate Emergency Contact Information - Name and Number</b>							
Applicant/Organization :							
Phone:		Email:					
Address:				City/State:			
On site person & contact #:							
Address:				City/State:			
Event Assembly Place:							
Set Up Start Time:							
Event Disassembly Place:							
Tear Down End Time:							
Will a street(s) be used for the Event/Activity? Yes No				Will all lanes be used? Yes No			
Will streets be closed to traffic:		Yes		No			
List all streets to be used:							
<b>Attach a map of the proposed layout of the event and route of the Event if applicable.</b>							
Will a City Park or City Parking Lot be used for the Event/Activity? Yes No							
If yes, please complete City Property Use application							
<b>Please attach a detailed site plan of the Event/Activity if applicable. Site plan should include entrances, exits, booths, canopies, bleachers, stages, sanican units, fencing, etc.</b>							
****additional Sanicans may be required. 1 per 75 attendees ***							
Restroom facilities: On site: Yes No If Yes, #_____ Sanican units needed: Yes No							
Name of Company providing units:				Contact Number:			
Number of units:		Number of hand washing stations:		Locating where units will be placed:			
When will units be delivered: _____ And removed: _____							
Describe Garbage Management Plan (attach page if needed):							
Note: Event holders are responsible for the coordination, delivery and removal of dumpsters and/or trash removal during and after event. Trash left in City garbage cans at Parks and/or Parking Lots from the event holder will be subject to a clean-up fee.							

Will food be cooked or served at event? Yes / No

Describe:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant is responsible for obtaining all food service permits and for compliance with fire safety regulations. An additional fee will be charged if inspection by the Fire Marshal is necessary [MM1]. The City reserves the right to require additional information regarding participating vendors and may complete onsite inspections. Hood River County Health Department (541) 386-1115

**Fire/Medical services must be reviewed and approved by Hood River Fire Chief.**

Identify methods of providing emergency medical services:

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**\*AT THE FIRE CHIEF’S DISCRETION, YOU MAY BE REQUIRED TO PROVIDE PRIVATE MEDICAL/EMERGENCY SERVICES\***

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Identify all roads in event layout (attach digital map):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**State highways may need an ODOT permit in addition to a city permit.**

**If required, a copy of the ODOT permit must be included for final approval by city staff.**

Provide a narrative describing method of traffic control and the name, contact information and qualifications of the person(s) or firms providing the traffic control services.

Note: All flaggers directing traffic in public rights-of-way shall be state certified.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EVENTS INVOLVING SERVICE OF ALCOHOL**

Department of Public Safety Standards and Training (DPSST) certified security guards are required at all public special event where alcohol is served. The Chief of Police has discretion to determine all security requirements and to approve all private security services.

\*\*\* 1 Security Personnel Required per 75 people attending event.

**Applicant is responsible for obtaining all required OLCC permits. (OLCC: 1-800-452-6522)**

**If required, a copy of the OLCC permit must be included for final approval by city staff.**

Liquor Liability Insurance - If the Special Event Permit includes permission to sell or serve beer or other alcoholic beverages, the applicant shall obtain a separate Liquor Liability insurance policy.

**13.44.110 ALCOHOL BEVERAGE SALES PROHIBITED.** No alcoholic beverages shall be sold in any park, except by permit from the City and in accordance with Oregon Liquor Control Commission Regulations.

Will alcohol be served at event? Yes / No Hours: \_\_\_\_\_

Hosted Bar \_\_\_\_\_ No Host Bar \_\_\_\_\_ Beer Garden \_\_\_\_\_ Other \_\_\_\_\_

Security provided by: \_\_\_\_\_ Contact Name: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Number of Security Personnel: \_\_\_\_\_

A narrative describing method of crowd security and control.

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**HRMC 8.09 – Noise Control Ordinance is enforced.**

8.09.030 Acts Prohibited. No person may produce or permit to be produced, with a sound producing source, sound that:

(1) When measured at or within the boundary of noise sensitive property and where that noise sensitive property is not the source of the sound and the noise measurement:

(a) exceeds 50 dBA at any time between 10:00 p.m. and 7:00 a.m. the following day; or

(b) exceeds 60 dBA at any time between 7:00 a.m. and 10:00 p.m. the same day; or

(c) is plainly audible at any time between 7:00 a.m. and 10:00 p.m. the same day at a distance of at least 100 feet from the source of the sound; (Ord. 1708, 1994)

Music/Speaker Yes / No    Amplified Yes / No    Time: From \_\_\_\_\_ To \_\_\_\_\_  
Type of Sound:     Live Band     DJ     Boom Box     Karaoke     Other

**PUBLIC RELATIONS** – You are required to notify residents and/or businesses that will be affected by your event. It will be the responsibility of event organizers to alert those likely to be impacted (i.e., street closures, no parking zones, noise, etc.) and obtain signatures by residents and/or business on City forms when required by the City. This needs to be done at least 30 days prior to the Event.

**ADA COMPLIANCE**

The Americans with Disabilities Act (ADA) was signed into law in 1990 and requires that access be available to people of all physical abilities. Parking, grounds, picnic areas, buildings, and restrooms will remain ADA compliant during the event. For more information, see attachment A.

**LIABILITY and HOLD HARMLESS** – City shall not be liable for any damage to persons or property resulting from any act or negligence of any person other than itself, its agents and employees. Applicant shall hold harmless and indemnify the City against all claims, loss, damage, liability and expense, including attorney fees, for injury or damage of every nature arising or resulting from Applicant’s use of the Property, or any occurrence on or about the Property, including without limitation, any act, omission, or negligence of Applicant, or any agent, employee, or invitee of Applicant in, on or about the Property, excepting only those claims based on the acts or negligence of the City.

“NOTICE: Oregon law (ORS 105.682, et seq.) provides the owner of land is not liable in contract or tort for injury death or property damage that arises out of use of the land for recreational purposes (known as “recreational use immunity”). That immunity from liability does not apply if the owner makes a charge for permission to use the land. This fee is only for use of the assigned park and for use of the park-related amenities in the designated park area. Other uses of this park, or any use of the property outside the designated park area are not subject to a charge and, therefore, The City of Hood River is not liable for injuries, death, or property damage arising out of such uses of the property for which no specific charge has been made.

**INSURANCE** – Insurance is required for all events or activities open to the public requiring this permit. Event Organizers / Applicants are required to provide proof of a Comprehensive General Liability Insurance with limits not less than \$1,000,000 on an occurrence basis. Each policy shall be written as a primary policy, not contributing with or in excess of any coverage and must name the City of Hood River as an “Additional Insured”. This liability insurance shall apply to, and provide coverage for, any and all claims for bodily injury and property damage arising from or caused by the use for which the applicant is granted and shall be primary coverage

**Proof of Insurance must be submitted to the City of Hood River no later than 30 days prior to the event and must carry the standard 10 day notice of cancelation clause**

Liquor Liability Insurance - If the Event Organizer / Applicant plans to “serve” and or “sell” alcohol the Event Organizer / Applicant must provide proof of Liquor Liability Insurance Coverage with Limits not less than \$1,000,000

The applicant shall execute an agreement agreeing to release, hold harmless and defend the City of Hood River, its officials, employees and agents for any harm, claim, loss, personal injury, death or property damage that may arise in connection with any Special Event Permit.

**COST RECOVERY** – The fees shall be payable in full at the time of submission of an application. If an event is denied or cancelled, all fees shall be refund except the application fee. The application fee is non-refundable. Application needs to be submitted no later than 60 days prior to the date of the event. No permit shall be assignable or transferable or shall authorize the applicant to conduct any other type of business or special event.

The event organizer and permit applicant shall be responsible for paying the City’s costs associated with processing the permit application and providing City services to the event, including all regular and overtime costs for City employees, clean-up, repair, etc. As part of a complete application, the applicant shall submit the fee estimated by the City Manager to cover all of the City’s costs associated with a Special Event and/or City Property Use. This fee shall be deemed a deposit on the actual amount expended by the City to provide services to the event. Any additional costs will be billed to the applicant after the event.

**By signing this permit I am stating that I have read it in its entirety and agree to comply with all applicable ordinances, resolutions, policies of the City of Hood River and the Hood River Municipal Code Chapter 5.07.** “I certify all information given on this application, and any supporting information, is true and complete. I hereby authorize the City of Hood River to make all necessary contacts and/or inquiries needed to check my stated information and to ensure I qualify for this permit. References are authorized to release to the City of Hood River all information requested. I hereby release all references and the City of Hood River from any liability which might be claimed because of information provided by such references.”

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**TO BE COMPLETED BY THE CITY**

OFFICE USE ONLY	DEPARTMENT	RECOMMENDATIONS/NOTES	SIGNATURE
	POLICE DEPARTMENT		
	PUBLIC WORKS		
	PLANNING DEPARTMENT	Zoning:      Use is Permitted in Zone:	
	FIRE DEPARTMENT		
NOISE PERMIT REQUIRED: YES NO      LIABILITY INSURANCE: YES NO      SITE PLAN / MAPS: YES NO			
OLCC PERMIT REQUIRED: YES NO      SECURITY REQUIRED: YES NO      ODOT PERMIT REQUIRED: YES NO			
<b>FEES: (\$73) _____ DEPOSIT: (TBD) _____ FIRE FEES: (\$89) _____ RECEIPT #: _____</b> <b>None Refundable      Within 30 days/Expedited Process      When Required</b>			
APPLICATION RECEIVED BY:		DATE:	
PERMIT ISSUED BY:		DATE:	
PERMIT REQUEST: APPROVED      PERMIT REQUEST: DENIED      REASON(S) FOR DENIAL:			
<p><b>HRMC 5.07.060. Appeals.</b> Any person whose application for a license has been denied, whose license has been issued subject to conditions, who disagrees with the transient merchant class assigned to the application, or whose license has been subsequently revoked, may appeal the decision to the City Manager. The City Manager’s decision may be appealed to the City Council. The appeals shall be filed within five (5) days of the date of the decision from which the appeal is being made and shall be filed with the City Recorder. No business shall be conducted during the pendency of the appeal. The fee for appeals shall be set by Council resolution. The Council shall schedule a hearing date that shall not be later than the second regular session following the filing of the written appeal with the City Recorder, and shall notify the applicant of the date and time that the applicant may appear either in person or by a representative.</p>			
<b>THIS COMPLETED AND APPROVED APPLICATION ALSO SERVES AS THE OFFICIAL SPECIAL EVENT PERMIT.</b>			

## ATTACHMENT A

### ADA COMPLIANCE

The Americans with Disabilities Act (ADA) was signed into law in 1990 and requires that access be available to people of all physical abilities. Parking, grounds, picnic areas, buildings, and restrooms will be ADA compliant.

### **This list is to help – not to be an all inclusive list of ADA requirements** **ACCESSIBILITY REQUIREMENTS FOR SPECIAL EVENTS**

The Americans with Disability Act (ADA) is a federal civil rights law that prohibits discrimination against people with disabilities and opens doors for full participation in all aspects of everyday life. These guidelines are intended to help event organizers design events to accommodate people of all abilities. **This handout is not intended to be an all-inclusive guide to ADA compliance. It is the responsibility of the event organizer to understand and comply with all federal regulations that pertain to the Americans with Disabilities Act.**

#### **The Basics:**

- Include in your logistics plan how and where you will provide accessible parking, ADA-compliant toilets and accessible pathways. Include other accommodations you are making, such as the provision of ramps, accessible seating, etc. to make your event accessible.
- All print materials promoting your event must include the Request for Accommodation notice with the international symbol for accessibility (ISA-blue and white symbol of a wheelchair icon) as well as a contact name and phone number for a patron to request accommodation from you.
- Plans should be in place to provide sign language interpreters, assistive listening devices, Braille or other alternative formats should it be needed.
- Staff, volunteers and others should be trained on how to involve, assist and accommodate people with disabilities.

#### **Making the Venue Accessible**

Particular attention should be given to the accessibility of the event location. Understanding how visitors arrive at and move through your event will go a long way in identifying and removing barriers. The ADA regulations recommend the following priorities for barrier removal:

- Provide access from public sidewalks, parking areas, and public transportation
- Provide access to the booths, displays/exhibits and activities at your event
- Provide access to public restrooms and portable toilets
- Avoid barriers to other public amenities, such as drinking fountains and benches

#### **Accessible Routes**

The path a person with a disability takes to enter and move through your event is called an accessible route. This route must be at least three feet wide and not be blocked.

- All pathways should remain clear of protrusions.
- Attention should be given to avoid trip hazards.
- Cabling, wiring, hoses, etc. crossing the accessible route must be covered by a complying resilient cable ramping system usable by persons using wheelchairs. If tape is used to anchor any cabling/wiring in the path of travel, colored tape is required.
- An alternate path of travel must be provided whenever the existing pedestrian access route in a public right-of way is blocked by temporary conditions. Where possible, the alternate path of travel should be parallel to the disrupted pedestrian access route and on the same side of the street.
- If an alternate path of travel is provided, signage designating the alternate path of travel is required.
- Where the alternate path of travel is adjacent to potentially hazardous conditions, the path must be protected with a portable barricade.
  - If a raised area (stage, podium, dais, etc.) will be used by event attendees, accessible access to the raised area must be provided.
  - If crowd control measures are to be used, plans must be in place to ensure that the path of travel is not blocked and that people who are blind or have low vision do not encounter trip hazards

#### **Parking**

- If parking is provided for an event, accessible parking is required.
- If no parking is provided for an event, an accessible passenger loading and unloading zone is required. • Accessible parking and passenger loading and unloading zones are required to be identified using the international symbol for accessibility (ISA).
- Signs with the international symbol for accessibility (ISA) are to be mounted where they are visible.

### **Portable Toilets**

The total number of portable toilets to be provided for an event determines the required number of accessible portable toilets in any given area. This number is 5% of the total, but in no event can there be less than one for each location. If a single unit is placed, it must be accessible. The placement of single units will increase the number of accessible portable toilets required for your event.

- If portable toilets are provided, accessible units shall be located on a level area.
- An accessible path of a minimum of 36" to each accessible portable toilet is required.
- Access to the door of a portable toilet must not be impeded by any barriers. Pay attention to ensure that portable toilet doors do not open outward and thus protrude, onto pathways.
- Accessible portable toilets must be identified with the international symbol of accessibility (ISA).

**Additional resources:** Listed below are resources to answer your questions and/or help you make your event accessible. • ADA National Network (DBTAC) - <http://www.dbtacnorthwest.org> • US Access Board [US.Access-board.gov](http://www.USAccess-board.gov) • U.S. Department of Justice - [www.ADA.gov](http://www.ADA.gov)

## Sport Event Addendum

Please complete and attach to the Special Event Application if applicable:

<b>Type of sport</b>	
<b># of participants, range of ages</b>	
<b>Onsite Safety Contact Info</b>	
<b>Water Safety Plan /Sheriff notified</b>	
<b>Medical Safety Plan</b>	
<b>Emergency Response/Exit Plan</b>	
<b>Onsite Storage Plan</b>	
<b>Comments</b>	



## SPECIAL EVENT PROCEDURE CHECKLIST

### **City of Hood River provides to Applicant: (At least 60 Days Prior to Event)**

- Special Event Licensing Procedure Check List
- Special Event Application
- Property Use Agreement Application
- Sport Addendum
- Copy of Hood River Municipal Code 5.07 and 13.52

***Make sure the event site(s) are available for the dates and times requested***

### **All requirements below are to be completed 60 days prior to the event**

#### **Also Required for Street Closure/Parking Lot or City Park Use or Parade:**

- Completed Property Use Agreement Form
- Digital Map of (outside) proposed event area
- Property Use Fee(s) Paid – see application for fees
- Street Closure Notification Signature Form – collect signatures from **all** business owners and residents affected by the street closure. **(30 days prior to event)**
- Traffic Control Plan (provide map(s) and description of plan)
- Parking Plan
- Trash Management Plan – Hood River Garbage 541-386-2272
- Restroom Facilities Plan (1 restroom per 75 attendees at event) GPSI 541-352-6069

#### **Applicant to provide to the City of Hood River:**

- Completed Application for Special Event; signed **(60 days prior to event date stamp)**
- Fee(s) Paid – (\$73 Special Event fee)
- City Property Use fees paid when application is submitted
- Fire Inspection (\$89) – Fire Dept. (541) 386-3939
- Certificate of Insurance of \$1,000,000 general liability naming City of Hood River as additional insured **(30 days prior to event)**
- Liquor Liability Insurance - If the Special Event Permit includes permission to sell or serve beer or other alcoholic beverages **(30 days prior to event)**

#### **When applicable, item listed below need to be completed by applicant:**

- Proof of security service monitoring event, 1 per 75 attendees when alcohol is served at an event. **(30 day prior to event)**
- Traffic Control Plan Required with all street closures, include maps
- Schedule to meet with City Parks Department for onsite visit, when needed **(schedule 21 days prior to event) (parks@cityofhoodriver.gov)**
- Applicant to notify the Sherriff's Department if event takes place in the Columbia River and/or outside city limits
- Street closure permit with ODOT **(60 days prior to event)**  
[Marlene.T.NICHOLS@odot.or.us](mailto:Marlene.T.NICHOLS@odot.or.us) (503) 665-4006
- OLCC Permit (800) 452-6522 (30 day prior to event)  
13.44.110 Alcoholic Beverage Sales Prohibited. No alcoholic beverages shall be sold in any park, except by permit from the City and in accordance with Oregon Liquor Control Commission regulations
- Contact County Health Inspections of food carts (food vendors) 541-386-1115
- Permit/Dept of Agriculture (fresh fruit vendors) (541) 296-8696

## CHAPTER 5.07 - TRANSIENT MERCHANTS AND SPECIAL EVENTS

Legislative History: *Ord. 1527 (1983); Ord. 1595 (1988); Ord. 1596 (1988); Ord 1726 (1996); Ord. 1752 (1998); Ord. 1757 (1999); Ord. 1825 (2002); Ord. 1859 (2004); Ord. 1870 (2005); Ord. 1973(2005)*

### SECTIONS:

- 5.07.010 Title
- 5.07.020 Purpose and Scope
- 5.07.030 Definitions
- 5.07.040 License - Required - Fees
- 5.07.050 License - Application - Standards and Limitations
- 5.08.060 Application Process - Issuance - Appeal
- 5.07.070 Display of License
- 5.07.080 Removal of Structures
- 5.07.090 Penalty - Hold Harmless and Indemnification

5.07.010 Title. The provisions of this chapter are intended to authorize and regulate transient vending and special events on all property within the City of Hood River. To that purpose, there is added to the Hood River Municipal Code Chapter 5.07 entitled "Transient Merchants and Special Events," and those sections and subsections set forth below.

#### 5.07.020 Purpose and Scope.

- A. This ordinance provides reasonable and necessary regulations for the licensing of transient merchants and special events in order to:
  - 1. Protect the public health and safety;
  - 2. Maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public;
  - 3. Prevent interference with the peaceful enjoyment of the areas near places where the transient vending activity or special event is occurring; and
  - 4. Preserve, protect and enhance the economic, scenic, historic and aesthetic values and objectives of the city.
- B. The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.
- C. These regulations shall apply to activities on city-owned and leased property.
- D. These regulations shall not apply to garage sales, yard sales, rummage sales or swap meets conducted on private property, provided that the sale is not conducted over a period in excess of 4 consecutive days or more often than 3 times per calendar year.
- E. These regulations shall not apply to sales conducted by municipal, government, religious, charitable, educational or other similar organizations, provided that the sale is conducted on premises owned or leased by the applicant for the regular conduct of its business or affairs.
- F. These regulations shall not apply to temporary or seasonal uses within permanent structures, except for those activities within permanent structures subject to regulation as a special event.

G. Regulation of special events shall not apply to private parties or to events taking place within a permanent structure having a current on-premise license from the Oregon Liquor Control Commission.

H. Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of this Code.

5.07.030 Definitions. The following definitions shall apply to this chapter:

“Dance” includes a dance which is open to the public, or for which admission is charged directly or indirectly.

"Person" includes the singular and plural and any individual, firm, corporation, association, club, co-partnership or society or any other organization.

“Special event” includes any activity which is likely to attract at any one time an assembly of persons, conducted for a specified period at one or more locations within the City under the auspices of and subject to the supervision and direction of a single person, including but not limited to festivals, fairs, shows, exhibitions, auctions, city or regional celebrations, athletic events, and public dances.

"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.

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 30 consecutive days, with a maximum of 5 renewals per calendar year (maximum 180 days).

“Waterfront” includes that area in the City located north of Interstate 84, west of the Hood River, and east of Wells Island.

5.07.040 License - Required - Fee. No person shall engage in business as a transient merchant or conduct a special event within the city without first obtaining a license as provided in this chapter. No person shall be deemed to be exempt from the application of this chapter by reason of that person having conducted business within the City prior to the effective date of this ordinance. The license fees shall be set by resolution of the City Council. The fees shall be payable in full at the time of submission of an application and shall be non-refundable. No license shall be assignable or transferable or shall authorize the applicant to conduct any other type of business or special event.

5.07.050 License - Application - Standards and Limitations. An applicant for a license under this chapter must file an application in writing. The City Recorder shall provide the application form and establish written procedures and submittal requirements necessary to process the application in accordance with this Chapter. The application will be reviewed to determine compliance with the following standards and limitations:

- A. Transient Merchant License.
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.
  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 Waterfront shall be considered one location for purposes of this section, and movement within the Waterfront shall be subject to regulation by the Port of Hood River or its designee.
  4. No transient merchant who is a food vendor shall be permitted to provide tables or seating for the use of patrons. A table for condiments will be permitted.
- B. Special Event License
1. The proposed use must meet the definition of “special event.” Any use not meeting the definition of “special event” shall be deemed to be a use subject to review under chapter 17.03.050.
  2. Special events 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.
  3. A special event license is issued to the sponsor of the special event.
  4. The license shall be limited to the duration of the special event, not to exceed 15 days.
  5. The application must be submitted 30 days prior to the first day of the special event. An application submitted after the deadline will be considered if accompanied by a late fee and submitted no later than 14 business days prior to the first day of the special event. If the 30<sup>th</sup> day falls on a day when the City administrative offices are closed, the application will be considered if it is received by the City on the next business day.
  6. The Chief of Police shall have the authority and discretion to set general policy for security and safety for special events and to determine the specific security and safety requirements for an individual special event.
- C. All licenses shall also comply with the following:
1. All licenses must comply with all applicable state and local laws, including but not limited to regulations and standards imposed or enforced by the Hood River County Sanitarian and the Hood River Municipal Code.
  2. All waste shall be disposed of in compliance with all city, county and state standards, and may not be poured into storm sewers or onto the ground. Adequate trash receptacles must be provided in accordance with the terms of the license.
  3. No use will be permitted:
    - a. Within the required landscape or setback area of the property;
    - b. That blocks vision at street intersections;
    - c. That blocks a crosswalk or otherwise impedes the flow of pedestrian traffic;
    - d. That blocks entrances or exits from buildings;
    - e. That blocks a driveway or otherwise impedes the flow of vehicular traffic;
    - f. Within 10 feet of any disabled parking space or access ramp;
    - g. Within 50 feet of any entrance or driveway to a health care facility with an emergency or urgent care facility, school, or police or fire station;
    - h. Within any service drive of a parking lot; or
    - i. In a location that conflicts with any fire or safety code regulations.

4. The City Recorder may impose conditions of approval on the license that are necessary to comply with the requirements of the license and this chapter. In determining whether to grant or deny a license, or in setting any conditions of approval, the City Recorder shall consider:
  - a. The need to maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public;
  - b. Criminal history of the applicant or event sponsor;
  - c. Any documented history of problems with an applicant or event previously held;
  - d. Suitability of the premises for the type of activity applied for; and
  - e. Compliance with all applicable local and state laws, ordinances and regulations, and the standards set forth in this section.
5. The conditions applicable to a license may include the right of the city or the County Sanitarian to a post-licensing inspection of the licensee's business premises to insure compliance with appropriate structural, mechanical, fire, health and/or safety regulations or concerns. Inspection may also be conducted from time to time during the course of the license period, as deemed necessary by the city or the County Sanitarian. If the licensee fails, within the specified time, or if no time is specified, a reasonable time, to remedy any non-complying practice or defective condition identified as a result of any inspection, the licensee's license shall be revoked, without refund.
6. The Fire Marshal shall have the authority and discretion to set general policy for fire safety, including inspections, and to determine the specific fire safety requirements and require a fire safety inspection for any individual transient merchant or special event. Whenever in the opinion of the Fire Marshal it is necessary for public safety at a special event, the Fire Marshal may require the special event licensee to contract with the City for standby fire and emergency medical watch through the City's Fire Department. The licensee shall be responsible for paying the City's fee for such coverage and the licensee shall execute a contract for the services as a condition to receiving the special event license.
7. The Building Official shall have the authority and discretion to require structural inspections for any temporary structure.
8. All licensees for use of City-owned property, including rights-of-way, shall be required to furnish evidence of liability insurance providing primary coverage in an amount that is not less than the City's tort liability limits established by the Oregon Legislature naming the City as an additional insured. The liability insurance shall apply to, and provide coverage for, any and all claims for bodily injury and property damage arising from or caused by the use for which the license is granted and shall be primary coverage. In lieu of meeting the insurance requirements of this section, any governmental entity may enter into an agreement with the City to indemnify and hold the City harmless in the event of any damage or injury resulting from the use.
9. All licenses shall include a condition of approval requiring the licensee to reimburse the City the costs incurred by the Police Department and Fire Department in responding to the special event or transient merchant's operation. Payment must be made to the City within 30 days of the date of the City's invoice. In any action to collect unpaid balances, the City is entitled to collect its cost and attorney fees.

#### 5.07.060 Application Process - Issuance - Appeal.

A. Application Process. Upon receipt of a completed application and fee, the City Recorder shall refer the application to the appropriate city departments for review and, if applicable, to the County Sanitarian.

B. Issuance. The City Recorder shall issue a license if the City Recorder finds that the application has been approved by the appropriate departments, or can meet approval through appropriate conditions.

C. Appeal. Any person whose application for a license has been denied, whose license has been issued subject to conditions, who disagrees with the transient merchant class assigned to the application, or whose license has been subsequently revoked, may appeal the decision to the City Manager. The City Manager's decision may be appealed to the City Council. The appeals shall be filed within five (5) days of the date of the decision from which the appeal is being made and shall be filed with the City Recorder. No business shall be conducted during the pendency of the appeal. The fee for appeals shall be set by Council resolution. The Council shall schedule a hearing date that shall not be later than the second regular session following the filing of the written appeal with the City Recorder, and shall notify the applicant of the date and time that the applicant may appear either in person or by a representative.

5.07.070 Display of License. The licensee shall display the license, together with any conditions, at all times on the business premises, in a location visible to customers.

5.07.080 Removal of Structures. Any structures, carts, vending units, tents, tables or other appurtenances used by the licensee may not be located or relocated on the property until commencement of the license term, and shall be removed from the property promptly upon expiration of the license term.

5.07.090 Penalty - Hold Harmless and Indemnification. Any person who violates or causes a violation of any provision of this chapter shall be subject to punishment as prescribed in Chapter 1.12 of the Hood River Municipal code. Upon any violation the City Manager, or a designee of the City Manager, may order the licensed activity to cease, and upon receipt of written notice, the activity shall immediately cease. Any such persons and licensees shall indemnify and hold the city and its officers, agents and employees harmless from and against all claims for injury, loss or damage arising out of or in any way related to the operation of licensee's business. This agreement to indemnify or defend shall survive termination or revocation of licensee's license.