



211 Second Street, Hood River, Oregon 97031  
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### TRANSIENT MERCHANT LICENSE APPLICATION

HRMC 5.07

Class 1 – \$328 Fee (non-refundable)

Class 2 – \$85 Fee (non-refundable) / \$17 Renewal Fee (per each 30 day)

\$36 Late Fee Inspection – Fees May Apply (see below)

Applicant Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Product(s) to be sold: \_\_\_\_\_

Names of any partners or other owners of your business: \_\_\_\_\_

E-Mail address: \_\_\_\_\_

On site phone number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Any prior applications? Yes/No Year: \_\_\_\_\_

Street address of premises from which transient business will be conducted: \_\_\_\_\_

Name & Address of Property Owner: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

***Written permission from property owner allowing you to use the property must be provided.  
Attach to application.***

Full Description of Business: \_\_\_\_\_  
\_\_\_\_\_

Start date: \_\_\_\_\_ End date: \_\_\_\_\_

Hours of Business: \_\_\_\_\_  
\_\_\_\_\_

Type of structures to be used, including type and license # and state of any trailers or vehicles:  
\_\_\_\_\_  
\_\_\_\_\_

All structures must be removed at the end of license term.

- **Attach map of your proposed site area**, including relevant dimensions, types of surfaces, property lines, structures, streets and sidewalks, crosswalks, bus stops, driveways, exact location of on-site and adjacent parking, trash receptacles, signs and traffic flow, & location of utility sources.

Names of employees:

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- **Attach a copy of license to operate, issued by the Local Health Authority; or demonstrated that formal plan review is in process with a Local Health Authority**
- **Attach goggle map of proposed vending area**
- **Attach copies of Identification of owner, partners and employees at your establishment**
- **Attach proof of workers' compensation coverage**
- **Attach proof of comprehensive general liability insurance naming the City of Hood River as an additional insured**

**Class 1** transient merchant is issued for a single period per calendar year, not to exceed 180 consecutive days, with no renewals or extensions.

**Class 2** transient merchant is issued for a period of 30 consecutive days, with a maximum of 5 renewals (if no changes) per calendar year (maximum 180 days).

**Select the Class you are applying for:** Class 1: \_\_\_\_\_ Class 2: \_\_\_\_\_

**Sanitation and Cleanup.** Applicant shall maintain and operate the property in a safe and sanitary condition. Provide your Garbage Management Plan and Wastewater Removal Plan.

**Garbage Management Plan and Wastewater Removal Plan:**

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**Utility Source - Means of connecting to Source**

Water: \_\_\_\_\_

Sewer: \_\_\_\_\_

Electrical: \_\_\_\_\_ Gas/Propane: \_\_\_\_\_

Other: \_\_\_\_\_

NOTE: Additional information may be requested to complete review of this application. A separate fee will be charged if inspection by the Fire Marshal or Building Official is required.

"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:

**By signing this permit I am stating that I have read it in its entirety and agree to comply with all applicable ordinances, resolutions, and policies of the City of Hood River.** “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 background, and to ensure I qualify for this permit. I also hereby authorize the City of Hood River to conduct a criminal background check and obtain a copy of my criminal record, if any. All references are authorized to release to the City of Hood River all information requested which they might have about me. 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 or background checks.”

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**Transient Merchant Inspection Fees – Fire Department**

Food Cart Inspection (food cooked with open flame)	\$89
Annual Fireworks Booth Inspection (in addition to license fee)	\$122
Annual Fireworks in Tent (in addition to license fee)	\$155
Annual Fireworks Display (in addition to license fee)	\$215

**TO BE COMPLETED BY THE CITY and/or PARTNER AGENCY**

OFFICE USE ONLY	<b>DEPARTMENT</b>	<b>RECOMMENDATIONS/NOTES</b>		<b>SIGNATURE</b>
	POLICE DEPARTMENT			
	PUBLIC WORKS			
	PLANNING DEPARTMENT	Zoning: Map & Tax Lot Number:		
	FIRE DEPARTMENT			
	HRC HEALTH DEPT.			
LIABILITY INSURANCE: YES NO                      SITE PLAN / MAPS: YES NO				
OLCC PERMIT REQUIRED: YES NO				
<b>FEES:</b> _____ <b>FIRE/EMT FEES:</b> _____ <b>RECIEPT #/PERMIT#:</b> _____ <b>None Refundable</b> <b>When Required</b>				
APPLICATION RECEIVED BY:			DATE:	
PERMIT ISSUED BY:			DATE:	
PERMIT REQUEST: APPROVED APPROVED WITH CONDITIONS:			PERMIT REQUEST: DENIED REASON(S) FOR DENIAL:	
<p>HRMC <b>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>				

## TRANSIENT MERCHANT LICENSING PROCEDURE

1. City of Hood River provides to Applicant:
  - Application for Transient Merchant vending operation
  - HRMC 5.07 (new applicants only; not renewals)
  
2. Applicant to provide to the City of Hood River:
  - \_\_\_\_\_ Completed Application for Transient Merchant vending; signed
  - \_\_\_\_\_ \*Fee Paid – Class 1 \$328/ fee is non-refundable
  - \_\_\_\_\_ \*Fee Paid – Class 2 (\$85 - 1<sup>st</sup> 30 day period) (\$17 renewal fee - 30 day renewal) fee is non-refundable
  - \_\_\_\_\_ \*Fees for Inspection in addition to license fee – when required
    - Food Cart Inspection (food cooked with open flame) \$89
    - Annual Fireworks Booth Inspection (in addition to license fee) \$122
    - Annual Fireworks in Tent (in addition to license fee) \$155
    - Annual Fireworks Display (in addition to license fee) \$215
  - \_\_\_\_\_ Copy of picture ID for police criminal history inquiry
  - \_\_\_\_\_ Google map of proposed vending area, showing its location and how it will be placed on the property.
  - \_\_\_\_\_ Written approval by **OWNER** of property
  - \_\_\_\_\_ Certificate of Insurance of \$1,000,000 general liability naming City of Hood River as additional insured

When applicable these items need to be provided by applicant:

- \_\_\_\_\_ Copy of License to Operate issued by the local Health Authority (for example: Hood River County Health Department, or Oregon Department of Agriculture, Food Safety Division), and/or demonstrate that a license/operational review is in process and that the license will be submitted prior to commencing public food service operations
  - \_\_\_\_\_ Garbage Management and Wastewater Removal Plan – Food Truck Vendors
  - \_\_\_\_\_ Identification of Owner, Partners and Employees
  - \_\_\_\_\_ Fire Inspection 541-386-3939 Ext. 2
  - \_\_\_\_\_ Other
3. City forwards copy of picture ID to police for background check.  
Note: Signature required as to recommendation from Chief of Police
  
  4. Forward application to Fire Chief for recommendation
  
  5. Transient Merchant license issuance letter should accompany license (Rules of Transient Merchant License)

### **Note:**

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. The use of City utilities (water, storm sewer or sanitary sewer)

A license to a **Class 2** transient merchant is issued for a period of 30 consecutive days, with a maximum of 5 renewals (if no changes) per calendar year (maximum 180 days).

**Routing to various departments will be done at weekly Staff Meetings Tuesday at 10:30am**

**Information for Food Vendors: Oregon Food Code**

**Wastewater:**

**5-402.13 Conveying Sewage.**

Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.

**5-402.14 Removing Mobile Food Establishment Wastes.**

Sewage and other liquid wastes shall be removed from a mobile food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.

(A) Mobile food units that generate only gray water liquid wastes may hand-carry those wastes to a specific disposal location approved by the regulatory authority.

(B) The waste transport container must be designed and intended to hold and transport gray water without leaks or spills and have a capacity no greater than 20 gallons.

**Garbage:**

**5-501.15 Outside Receptacles.**

(A) Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the food establishment shall be designed and constructed to have tight-fitting lids, doors, or covers.

(B) Receptacles and waste handling units for refuse and recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

**5-501.110 Storing Refuse, Recyclables, and Returnables.**

Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

**5-501.111 Areas, Enclosures, and Receptacles, Good Repair.**

Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.

**5-501.112 Outside Storage Prohibitions.**

(A) Except as specified in ¶ (B) of this section, refuse receptacles not meeting the requirements specified under ¶5-501.13(A) such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside.

(B) Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

**5-501.113 Covering Receptacles.**

Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered:

- (A) Inside the food establishment if the receptacles and units:
- (1) Contain food residue and are not in continuous use; or
  - (2) After they are filled; and
- (B) With tight-fitting lids or doors if kept outside the food establishment.

5-501.116 Cleaning Receptacles.

(A) Receptacles and waste handling units for refuse, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and waste water shall be disposed of as specified under § 5-402.13.

(B) Soiled receptacles and waste handling units for refuse, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

6-202.110 Outdoor Refuse Areas, Curbed and Graded to Drain.

Outdoor refuse areas shall be constructed in accordance with law and shall be designed and maintained to prevent the accumulation of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

6-405.10 Receptacles, Waste Handling Units, and Designated Storage Areas.

Units, receptacles, and areas designated for storage of refuse and recyclable and returnable containers shall be located as specified under § 5-501.19.

## 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.