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SOLICITUD PARA LICENCIA DE COMERCIANTE TRANSITORIO

HRMC 5.07

Clase 1 – $414 Tarifa (no reembolsable)

Clase 2 – $107 (primer mes/no reembolsable) / $21 (por tarifa mensual después de la tarifa del primer mes)

$45 Tarde Tarifa / Inspección: se pueden aplicar tarifas adicionales (ver abajo)

Nombre de solicitante: _____
Nombre de negocio: _____
Producto(s) que se venderán _____
Nombres de socios u otros propietarios de su negocio: _____
_____
Correo electrónico: _____
Número de teléfono: _____
Domicilio de correo: _____
Teléfono: (____) _____
¿Has sometido aplicación previa? Si/No Año: _____

Dirección de las instalaciones donde se realizarán negocios transitorios: _____
Nombre y domicilio de correo del propietario: _____
Teléfono: (____) _____ Correo electrónico: _____
Se debe proporcionar un permiso por escrito del propietario *que le permita usar la propiedad. Incluir con la solicitud.*

Descripción del negocio:
_____
_____

Fecha de inicio: _____ Fecha final: _____

Horas de negocio:
_____

Tipo de estructuras que se utilizarán, incluido el tipo y número de licencia y el estado de cualquier remolque o vehículo:
_____
_____

Todas las estructuras ser removidos al final del plazo de la licencia.

- **Incluir un mapa del área de su sitio propuesto,** incluyendo medidas principales, tipos de superficies, líneas de propiedad, estructuras, calles y aceras, cruces peatonales, paradas de autobús,

entradas de vehículos, ubicación exacta del estacionamiento en el sitio y anexo, botes de basura, letreros y dirección de tráfico y ubicación de las fuentes de servicios públicos.

Nombres de empleados:

_____

_____

- **Incluir una copia de la licencia para operar, emitida por la Autoridad de Salud Local; o demostró que la revisión formal del plan está en proceso con una Autoridad de Salud Local**
- **Incluir un mapa de google de la prepuesta área de venta**
- **Incluir copias de identificación del propietario, socios y empleados en su establecimiento**
- **Incluir comprobante de seguro de compensación de trabajadores**
- **Incluir comprobante de seguro de responsabilidad civil integral, nombrando a la ciudad de Hood River como asegurado adicional**

Clase 1 Un comerciante transitorio que requiere conexión directa a los servicios públicos de la Ciudad para la preparación o el almacenamiento de lo que se ofrece a la venta. "Servicios públicos" incluye agua, alcantarillado pluvial o alcantarillado sanitario. Una licencia para un comerciante transitorio de Clase 1 se emite por un solo período por año calendario, que puede renovarse anualmente.

Clase 2 Un comerciante transitorio que no requiere conexión directa a los servicios públicos de la Ciudad para la preparación o el almacenamiento de lo que se ofrece a la venta. Se expide una licencia a un comerciante transitorio Clase 2 por un período de entre 30 y 366 días consecutivos, que puede renovarse.

Seleccionar la Clase que estas solicitando: Clase 1: _____ Clase 2: _____

Saneamiento y limpieza. El solicitante deberá mantener y operar la propiedad en condiciones seguras y sanitarias. Proporcione su Plan de gestión de basura y el Plan de eliminación de aguas residuales.

Plan de manejo de basura y plan de eliminación de aguas residuales**:**

_____

_____

_____

Fuente de servicios públicos: medios para conectarse a la fuente

Agua: _____

Drenaje: _____

Eléctrico: _____Gas/Propano: _____

Otro: _____

OJO: Se puede solicitar información adicional para completar la revisión de esta solicitud. Se cobrará una tarifa por separado si se requiere la inspección del jefe de bomberos o del funcionario de edificios.

A menos que se apruebe como parte de un permiso de uso de terreno comercial en conformidad con el código municipal (HMRC Title 17), Ningún comerciante transitorio que venda comida se le permitirá estacionar vehículos recreativos o camiones accesorios, poner estructuras o unidades accesorios, ni proveer mesas o asientos para el uso de los clientes. Se permitirá una mesa para condimentos.

Un comerciante transitorio incluye a cualquier persona que ofrezca alimentos, bebidas, productos, mercancías, un servicio u otra cosa de valor para la venta dentro de la ciudad de forma temporal o estacional. Se establecen las siguientes clases de comerciantes transitorios:

Al firmar este permiso, declaro que lo he leído en su totalidad y acepto cumplir con todas las ordenanzas, resoluciones y reglas aplicables de la Ciudad de Hood River. Certifico que toda la información proporcionada en esta solicitud, y cualquier información adicional, es verdadera y completa. Por la presente, autorizo a la Ciudad de Hood River a hacer todos los contactos y / o consultas necesarias para verificar mis antecedentes y para asegurarme de que califico para este permiso. También autorizo a la Ciudad de Hood River a realizar una verificación de antecedentes criminales y obtener una copia de mis antecedentes penales, si corresponde. Todas las referencias están autorizadas a divulgar a la Ciudad de Hood River toda la información solicitada que puedan tener sobre mí. Por la presente, libero a todas las referencias y a la Ciudad de Hood River de cualquier responsabilidad que pueda reclamarse debido a la información proporcionada por dichas referencias o verificación de antecedentes.

_____ _____

Firma de solicitante Fecha

Tarifas transitorias de inspección comercial - Departamento de bomberos

Inspección del camión de comida (alimentos cocinados con llama abierta)	$116
Inspección anual del puesto de fuegos artificiales (además de la tarifa de licencia)	$154
Inspección anual de fuegos artificiales en tienda (además de la tarifa de licencia)	$195
Inspección anual de exhibición de fuegos artificiales (además de la tarifa de licencia)	$271

COMPLETADO POR LA CIUDAD Y / O LA AGENCIA ASOCIADA

OFFICE USE ONLY	DEPARTMENT	RECOMMENDATIONS/NOTES		SIGNATURE
	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			
	FEES: _____ None Refundable	**FIRE/EMT FEES: _____ When Required**		**RECIEPT #/PERMIT#:_____**
	APPLICATION RECEIVED BY:	DATE:		
	PERMIT ISSUED BY:	DATE:		
	PERMIT REQUEST: APPROVED APPROVED WITH CONDITIONS:	PERMIT REQUEST: DENIED REASON(S) FOR DENIAL:		

HRMC **5.07.060. Appeals.** 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.

THIS COMPLETED AND APPROVED APPLICATION ALSO SERVES AS THE OFFICIAL SPECIAL EVENT PERMIT.

TRANSIENT MERCHANT LICENSING PROCEDURE

TRAMITES PARA LICENCIA DE COMERCIANTE TRANSITORIO

1. City of Hood River provides to Applicant:
   - Application for Transient Merchant vending operation
   - HRMC 5.07 (new applicants only; not renewals)

1. La ciudad de Hood River proporciona al solicitante:
   - Solicitud de operación de venta ambulante transitoria
   - HRMC 5.07 (solo nuevos solicitantes; no renovaciones)

2. Applicant to provide to the City of Hood River:
   Completed Application for Transient Merchant vending; signed
   _____*Fee Paid – Class 1 – $414 (annual fee/non-refundable)
   _____*Fee Paid – Class 2 – $107 (first month fee/non-refundable) / $21 (per monthly fee after first month fee)
   *** $45 Late Fee / Inspection – Fees May Apply
   _____*Fees for Inspection in addition to license fee – when required

Food Cart Inspection (food cooked with open flame)	$116
Annual Fireworks Booth Inspection (in addition to license fee)	$154
Annual Fireworks in Tent (in addition to license fee)	$195
Annual Fireworks Display (in addition to license fee)	$271

   _____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

2. El solicitante debe proporcionar a la ciudad de Hood River lo siguiente:
   _____ Solicitud completa de venta ambulante transitoria; firmada
   _____ * Tarifa pagada - Clase 1 – $414 Tarifa (no reembolsable)
   _____ * Tarifa pagada - Clase 2 – $107(primer mes/no reembolsable) / $21 (por tarifa mensual después de la tarifa del primer mes)

   _____ * $45 Tarde Tarifa / Inspección: se pueden aplicar tarifas adicionales
   Inspección del camión de alimentos (alimentos cocinados con llama abierta) $116
   Inspección anual de la cabina de fuegos artificiales (mas el costo de la licencia) $154
   Fuegos artificiales anuales en la tienda (más del costo de la licencia) $195
   Exhibición anual de fuegos artificiales (más de la tarifa de licencia) $271
   _____ Copia de identificación con foto para la investigación de antecedentes penales de la policía
   _____ Mapa de Google del área de venta propuesta, que muestra su ubicación y cómo se colocará en la propiedad.
   _____ Aprobación por escrito del PROPIETARIO de la propiedad
   _____ Certificado de seguro de $ 1,000,000 de responsabilidad general nombrando a la Ciudad de Hood River como asegurado adicional

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

Cuando corresponda, el solicitante debe proporcionar estos elementos:

_____ Copia de la Licencia para Operar emitida por la Autoridad de Salud local (por ejemplo: Departamento de Salud del Condado de Hood River, o Departamento de Agricultura de Oregon, División de Seguridad Alimentaria), y / o demostrar que una licencia / revisión operativa está en proceso y que la licencia se presentará antes de comenzar las operaciones del servicio público de alimentos

_____ Plan para el manejo de basura y eliminacion de aguas residuales: vendedores de camiones de comida

_____ Identificación del propietario, socios y empleados

_____ Inspección de incendios 541-386-3939 Ext. 2

_____Otro

3. City forwards copy of picture ID to police for background check.
   Note: Signature required as to recommendation from Chief of Police

3. La ciudad envía una copia de la identificación con foto a la policía para la verificación de antecedentes.
   Nota: Se requiere firma como recomendación del Jefe de Policía

4. Forward application to Fire Chief for recommendation

4. Enviar la solicitud al Jefe de Bomberos para su recomendación

5. Transient Merchant license issuance letter should accompany license (Rules of Transient Merchant License)

5. La carta de emisión de la licencia comercial transitoria debe acompañar a la licencia (Reglas de la licencia comercial transitoria)

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).

Nota:

Se emite una licencia **Clase 1** para un comerciante transitorio por un solo período por año calendario, que no exceda los 180 días consecutivos, sin renovaciones ni extensiones. El uso de

servicios públicos de la ciudad (agua, alcantarillado pluvial o alcantarillado sanitario)
Se emite una licencia de **Clase 2** para un comerciante transitorio por un período de 30 días consecutivos, con un máximo de 5 renovaciones (si no hay cambios) por año calendario (máximo 180 días).

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

El enrutamiento a varios departamentos se realizará en las reuniones semanales del personal el martes a las 10:30 a.m.

Information for Food Vendors: Oregon Food Code

Información para vendedores de alimentos: Código de alimentos de Oregon

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.Pf
(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.

Aguas residuales:

5-402.13 Transporte de aguas residuales.
Las aguas residuales se transportarán al punto de eliminación a través de un sistema de alcantarillado sanitario aprobado u otro sistema, incluido el uso de vehículos de transporte de aguas residuales, tanques de retención de desechos, bombas, tuberías, mangueras y conexiones que se construyan, mantengan y operen de acuerdo con la ley.

5-402.14 Eliminación de desechos de establecimientos de alimentos móviles.
Las aguas residuales y otros desechos líquidos se eliminarán de un establecimiento móvil de alimentos en un área aprobada de servicio de desechos o mediante un vehículo de transporte de aguas residuales de tal manera que no se cree un peligro o molestia para la salud pública.

(A) Las unidades móviles de alimentos que generan solo desechos líquidos de aguas grises pueden llevar esos desechos a un lugar específico de eliminación aprobado por la autoridad reguladora.
(B) El contenedor de transporte de residuos debe estar diseñado y destinado a contener y transportar aguas grises sin fugas ni derrames y tener una capacidad no mayor de 20 galones.

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.

Basura:

5-501.15 Recipientes exteriores.
(A) Los recipientes y unidades de manejo de desechos para basura, reciclables y retornables utilizados con materiales que contienen residuos de alimentos y utilizados fuera del establecimiento de alimentos deberán estar diseñados y construidos para tener tapas, puertas o cubiertas ajustadas.
(B) Se instalarán recipientes y unidades de manejo de desechos para basura y materiales reciclables, como un compactador en el sitio, de manera que minimice la acumulación de escombros y la atracción y el refugio de insectos y roedores, y se facilite una limpieza efectiva alrededor y, si la unidad no está instalada al ras con la base, debajo de la unidad.

5-501.110 Almacenamiento de desechos, reciclables y retornables.
Los desperdicios, los reciclables y los retornables deben almacenarse en recipientes o unidades de manejo de desechos para que no sean accesibles a los insectos y roedores.

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.

5-501.111 Áreas, recintos y receptáculos, buena condicion.
Las áreas de almacenamiento, recintos y recipientes para desechos, reciclables y retornables deberán mantenerse en buen estado. 5-501.112 Prohibiciones de almacenamiento exterior.
(A) Excepto como se especifica en
(B) de esta sección, los recipientes de basura que no cumplan con los requisitos especificados en
5-501.13 (A), tales como recipientes que no son resistentes a roedores, bolsas de plástico sin protección y bolsas de papel, o unidades empacadas que contienen materiales con residuos de alimentos no pueden almacenarse afuera.
(B) El cartón u otro material de empacar que no contenga residuos de alimentos y que esté a la espera de la entrega programada regularmente en un sitio de reciclaje o eliminación puede almacenarse en el exterior sin estar en un recipiente cubierto si se almacena de manera que no cree un refugio para roedores.

5-501.113 Cubriendo los recipientes.
Los recipientes y unidades de manejo de desechos para basura, reciclables y retornables deberán mantenerse cubiertos:
(A) Dentro del establecimiento de alimentos si los receptáculos y unidades:
(1) Contienen residuos de alimentos y no se usan continuamente; o
(2) Después de que se llenen; y
(B) Con tapas o puertas bien ajustadas si se mantienen fuera del establecimiento de alimentos.

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.

5-501.116 Recipientes de limpieza.
(A) Los receptáculos y las unidades de manejo de desechos para basura, reciclables y retornables deben limpiarse a fondo de manera que no contaminen los alimentos, equipos, utensilios, mantelería o artículos de un solo servicio y de un solo uso, y las aguas residuales deben eliminarse como especificado en § 5-402.13.
(B) Los recipientes sucios y las unidades de manejo de desechos para basura, materiales reciclables y retornables deben limpiarse con la frecuencia necesaria para evitar que se acumule tierra o se conviertan en atrayentes para insectos y roedores.

6-202.110 Áreas de rechazo al aire libre, con bordillo y graduado para drenar
Las áreas de desechos al aire libre se construirán de acuerdo con la ley y se diseñarán y mantendrán para evitar la acumulación de desechos líquidos que resultan de los desechos y de limpiar el área y los recipientes de desechos.

6-405.10 Recipientes, unidades de manejo de desechos y áreas de almacenamiento designadas.
Las unidades, recipientes y áreas designadas para el almacenamiento de desechos y contenedores reciclables y retornables deben ubicarse como se especifica en § 5-501.19.

Chapter 5.07
TRANSIENT MERCHANTS AND SPECIAL EVENTS

Sections:

5.07.010 Title.
5.07.020 Purpose and scope.
5.07.030 Definitions.
5.07.040 License – Required – Fee.
5.07.050 License – Application – Standards and limitations.
5.07.060 Application process – Issuance – Appeal.
5.07.070 Display of license.
5.07.080 Removal of structures.
5.07.090 Penalty – Hold harmless and indemnification.

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); Ord. 2073 (2023)

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, 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 between 30 and 366 consecutive days, which may be renewed.

"Waterfront" includes that area in the City located north of Interstate 84, west of the Hood River, and east of Wells Island. (Ord. 2073 §1, 2023)

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 HRMC 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 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 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 RVs 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 four 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.

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 30th 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. (Ord. 2073 §2, 2023)

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.

The Hood River Municipal Code is current through Ordinance 2085, passed September 9, 2024, and Resolution 2024-23, passed November 25, 2024.

Disclaimer: The City Recorder's Office has the official version of the Hood River Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

City Website: cityofhoodriver.gov

Hosted by General Code.