

ORDINANCE NO. 450

**AN ORDINANCE OF THE CITY OF CASCADE LOCKS
PROVIDING FOR THE REGULATION OF STREET VENDORS WITHIN THE CITY OF CASCADE
LOCKS; REQUIRING REGISTRATION OF STREET VENDORS;
ESTABLISHING RULES REGARDING THE PLACEMENT OF SIGNS USED BY STREET VENDORS;
ESTABLISHING RULES FOR TEMPORARY FOOD VENDORS; PROVIDING A PENALTY FOR
VIOLATION; AND REPEALING ORDINANCES 425, 436, AND 442.**

WHEREAS, the City Council of the City of Cascade Locks finds there is a need for the regulation and registration of street vendors;

WHEREAS, regulating street vendors will protect the general health, safety and welfare of the public; and

WHEREAS, regulating temporary food vendors will also protect the general health, safety and welfare of the public.

THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. Definitions.

- 1) Street Vendor.** A street vendor is a person or persons, including a business entity, who sells items, including but not limited to crafts, artwork, trinkets, souvenirs, produce or animal products from temporary shelters, stands, vehicles or carts on a seasonal basis. Any person or entity that allows the sale of items on property they own or control by a person who has not registered with the City of Cascade Locks under Section 2 of this Ordinance shall also be considered a street vendor for all purposes related to this Ordinance.
- 2) Temporary Food Vendor.** A person or persons, including a business entity, who operates an Intermittent Temporary Restaurant, Seasonal Temporary Restaurant, Single Event Temporary Restaurant, or Mobile Unit as defined below:
 - a) Intermittent Temporary Restaurant.** An establishment that operates temporarily at a specific location in connection with multiple public gatherings, entertainment events, food product promotions or other events, at least two of which are arranged for by different oversight organizations; and where food is prepared or served for consumption by the public.
 - b) Seasonal Temporary Restaurant.** An establishment that operates at a specific location in connection with multiple public gatherings, entertainment events, food product promotions or other events that are arranged for by the same oversight organization; and where food is prepared or served for consumption by the public.

- c) **Single Event Temporary Restaurant.** An establishment that operates in connection with a single public gathering, entertainment event, food product promotion or other event; and where food is prepared or served for consumption by the public.
- d) **Mobile Unit.** Any vehicle on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.

SECTION 2. Registration.

- 1) No person shall operate as a street vendor without first registering with the City of Cascade Locks, except an enrolled member of a federally recognized Indian tribe whose items for sale consist solely of fish harvested pursuant to treaty reserved rights.
- 2) Registration shall be on forms provided by the City. All street vendors shall be required to provide the following information:
 - a) Official picture identification in the form of a valid state issued driver's license, state issued identification card, or valid passport;
 - b) Current contact information, including a valid mailing address and phone number;
 - c) A current Oregon State food handler's certification if handling food;
 - d) The location of vending;
 - e) If vending on private property, the street vendor must provide a copy of the affected property owner's written permission for placement of a temporary shelter, stand, vehicle or cart; and
 - f) Any other information deemed necessary to enforce this Ordinance.
- 3) Oregon Revised Statutes Chapter 624 requires all food service vendors to be licensed in advance of operation. In accordance with ORS 624.020, all food service vendors shall display their license in clear view of the public during any food service. The following restaurant activities shall operate as set forth below:
 - a) Intermittent Temporary Restaurant (ORS 624.082): A person may not operate an intermittent temporary restaurant without first procuring a license to do so from the Oregon Health Authority. The intermittent temporary restaurant license shall be posted in a conspicuous place on the premises of the licensee.
 - b) Seasonal Temporary Restaurant (ORS 624.084): A person may not operate a seasonal temporary restaurant without first procuring a license to do so from the Oregon Health Authority. The seasonal temporary restaurant license shall be posted in a conspicuous place on the premises of the licensee.
 - c) Single Event Temporary Restaurant (ORS 624.086): A person may not operate a single-event temporary restaurant without first procuring a license to do so from the Oregon Health Authority. The single-event temporary restaurant license shall be posted in a conspicuous place on the premises of the licensee.

- d) Mobile Unit (ORS 624.320): A person may not operate mobile unit without first procuring a license to do so from the Oregon Health Authority. The operator shall post the license in a conspicuous place on the mobile unit; or, if the operator has multiple mobile units, the operator shall affix a card, emblem or other device clearly showing the name and address of the licensee to each mobile unit.
 - a. Mobile Unit Carts/Trucks/Units may move around Oregon. Out-of-state licenses are not transferable to Oregon. Mobile Units from out-of-state, do not have license reciprocity in Oregon. Out-of-state mobile units shall contact the Hood River County Environmental Health Office and get an Oregon license before operating.
 - b. Mobile Food Carts/Trucks/Units may be licensed in other Oregon Counties, but they are still required to contact the Hood River County Environmental Health Office prior to arrival at any location to discuss their operations.
- 4) All temporary food vendors cooking with propane shall obtain a Portable Propane Cooking Devices Permit from the Cascade Locks Fire and EMS Office.

SECTION 3. Method of Operation.

- 1) No street vendor shall:
 - a) Occupy an area within ten (10) feet of a crosswalk, alleyway or building doorway;
 - b) Obstruct or impede vehicular or pedestrian traffic;
 - c) Leave a location without first picking up, removing and disposing of all trash and refuse remaining within a twenty-five foot (25') radius of their vending area. Each vendor shall be responsible for maintaining a twenty-five foot (25') radius around their vending area clean of any trash or debris;
 - d) Make any loud noise for the purpose of advertising or attracting attention to their wares;
 - e) Leave their shelter, stand, vehicle or cart unattended;
 - f) Sell from any location other than the registered location;
 - g) Solicit or conduct business with any persons in motor vehicles located within any traffic lane on a public street;
 - h) Unreasonably interfere with or obstruct the free flow of pedestrian traffic or access to businesses; or
 - i) Violate any federal, state or local ordinance, statute or regulation.
- 2) If vending on private property, the street vendor must prominently display a copy of the affected property owner's written permission for placement of the street vendor's temporary shelter, stand, vehicle or cart at the vending location.

SECTION 4. Signage.

- 1) No street vendor shall:

- a) Place signs anywhere other than the street vendor's place of business;
 - b) Place more than one sign on each of four sides of the street vendor's temporary shelter, stand, vehicle or cart.
 - c) Place a sign greater than ten square feet on any side of the street vendor's temporary shelter, stand, vehicle or cart.
 - d) Place signs on vehicles other than the vendor's registered sales structure or within the road right-of-way;
 - e) Place signs within ten feet (10') of a crosswalk, alleyway, or fire hydrant; or
 - f) Place signs in any way that obstructs or impedes vehicular or pedestrian traffic.
- 2) One hand held sign is allowed for each approaching travel direction but in no instance shall more than two hand held signs be allowed.
 - 3) Hand held signs may only be used on the sidewalk; they shall not be used in the vehicular right of way; including travel lanes, bike lanes, or parking areas.

SECTION 5. Enforcement; Penalty; and Abatement.

- 1) The City Administrator for the City of Cascade Locks or their designee is authorized to enforce this ordinance by issuing a Uniform Citation or other citation form complying with Oregon Revised Code Chapter 153.
- 2) Any person who shall be found guilty of violating any of the provisions of this ordinance commits a civil infraction punishable by up to \$500.00 per incident, plus court costs and other costs associated with enforcement.
- 3) Each day's violation of this ordinance constitutes a separate offense, for which a separate penalty may be imposed.
- 4) In addition to any remedies available under this ordinance, any violation of this ordinance is deemed a nuisance. The abatement of such a nuisance is in addition to any other penalty or remedy. Such nuisance may be abated as provided in the City Code of Cascade Locks §95.01 et seq., or in any other manner authorized by law.
- 5) Any temporary shelter, stand, vehicle, cart or sign in violation of this ordinance may be removed by the City Administrator or designee twenty-four (24) hours after written notice is delivered to the vendor in person or five (5) days after written notice is mailed to the address registered with the City.
 - a) Any item(s) removed may be stored by the City up to 30 days or until the owner redeems the property by paying a storage and removal charge as established by the City Administrator. The City may dispose of items left longer than 30 days from the date of notice provided in this section.

- b) Written notice shall include at least the following:
- i) A statement that the item(s) are in violation of this ordinance;
 - ii) The approximate location of the violation;
 - iii) Date the item(s) will be removed;
 - iv) Statement that the removal and storage costs are the responsibility of the owner or vendor;
 - v) Statement that the item(s) shall be disposed of after thirty (30) days of storage;
 - vi) Cost of removal and storage;
 - vii) Location of storage or person to contact concerning storage;
 - viii) Statement that the owner or vendor may remove the item(s) at their own expense prior to the date of removal; and
 - ix) Statement that further violation will result in immediate removal without prior notification.
- 6) All temporary food vendors in violation of this ordinance shall be reported to Oregon Health Authority representative at Hood River County Environmental Health Office.

SECTION 6. Exemption. This Ordinance does not apply to non-public events. Non-public events include sporting events where only the participants, support staff, and invited guests are served food.

SECTION 7. Separability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this Ordinance, or any portion thereof, should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said Ordinance, or such portion thereof, was enacted.

SECTION 8. Repeal of Prior Ordinances. City of Cascade Locks Ordinances Number 425, 436, 442, and amendments thereto are hereby repealed.

SECTION 79. Effective Date. This Ordinance will take effect 30 days after approval by the Mayor.

ADOPTED by the City Council this 8th day of April, 2019.

APPROVED by the Mayor this 8th day of April, 2019.

ATTEST:

Kathy Woosley, City Recorder

Tom Cramblett, Mayor