

CHAPTER 116: MOBILE FOOD VENDORS

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116.01 DEFINITIONS. [SHARE](#)

As used in this chapter, the following mean:

APPROVED LOCATION. A site approved by the city from which a mobile food vendor may sell food.

CONSENT TO USE AGREEMENT. A fully filled out and notarized agreement from the lawful possessor of the approved location which specifically states the name, address, telephone number and email of the possessor, the location of the property, and how long the licensee may use the property for its operation, and states that the person is entitled to use the location for mobile food vending.

LICENSE APPLICATION. All initial and later applicants for licenses must make application to the city on an application form required by the city and provide all of the information required on the form and copies of all the documentation and information required by the application.

MOBILE FOOD UNIT. Any vehicle, trailer or other conveyance that is self-propelled, or can be pulled or pushed down a street or highway. Food may be prepared or processed on this vehicle, and the vehicle is used to sell and dispense food to the ultimate consumer.

MOBILE FOOD VENDOR. Any person(s), entity(s) or other parties who sell food from any vehicle, trailer or other conveyance which is self-propelled or which can be pulled or pushed down a sidewalk, street, or highway and is required to have a Class II, III, or IV mobile food unit license as defined by Oregon statutes and administrative rules and modifications thereof.

PRESENT MOBILE FOOD VENDORS are the following mobile food vendors:

<i>Mobile Food Vendor</i>	<i>Location</i>	<i>Owner</i>
Tacos San Pedro	240 SW 11th St.	Gerardo Diaz
Tacos El Trebol	550 S Highway 395	Deysi Mendoza
Taqueria Tecoman	755 S Highway 395	Maria & Josue Mejia
Pinos Real Tacos	Highway 395	Santos Guardado Molina
Sharon's Dutch Oven	1845 N 1st Street	Sharon Harvey
Lutong Pilipino	680 W Harper Rd	Anthony Melius & Delie Bay
Tacos Xavi – Mobile Unit	Walmart/Payless	Gabriella Rodriguez
Tacos Xavi #2	627 E Main Street	Gabriella Rodriguez
Tacos La Princesa	672 E Main Street	Elizabeth Diaz
Tacos Paricutin – Mobile Unit	Hwy 395/Cottage Flowers	Rodrigo Angel

Since a mobile food vendor only may be issued one city license to operate one mobile food unit in the city, Gabriella Rodriguez may assign her rights as a preferred mobile food vendor in one of her mobile food units to another party.

VENDING YEAR is from April 1 of one calendar year through March 31 of the following calendar year.

(Ord. [2206](#), passed 9-9-13)

116.02 LICENSE REQUIREMENTS.



(A) Beginning April 1, 2014, a person may not operate a mobile food unit in the city limits without first procuring a license to do so from the city unless an exemption in § [116.10](#) applies. Only one natural person may hold a license and a license holder may hold only one license at a time. No partnerships, corporations, limited liability companies, other entities, or multiple persons are eligible. The license holder must also be the sole holder of a Class II, III, or IV mobile food unit license.

(B) The license holder must actively operate the business by himself or herself or with employees or family who work for the license holder. No other person may have any ownership, lease, or other rights to the business of any kind or nature.

(C) A license is granted only for a "vending year" and must be renewed before the beginning date of a new vending year or it shall terminate.

(D) The present mobile food vendors have a preference to be issued a license provided he or she meets all of the requirements and qualifications of this chapter. The preference for present mobile food vendors shall expire on April 1, 2014. However, the April 1, 2014, deadline for present mobile food vendors to obtain a license may be extended by the City Manager for one month if the City Manager, in his sole opinion and discretion, believes the present mobile food vendor(s) is making a good faith effort to meet the requirements of this chapter to obtain a license.

(E) The number of mobile food vending units allowed in the city shall be limited to the number of licenses issued to present mobile food vendors by April 1, 2014, or the one-month extension thereof by the City Manager in subsection (D) of this section, and that number of approved licenses shall be the number of mobile food units allowed in the city. The city may allow more licenses if it determines there is a need for more mobile food units to serve city residents.

(F) A present mobile food vendor or other mobile food vendor licensee may obtain a license although the licensee does not have an approved location at the time of application or loses an approved location. But if any licensee does not have an approved location for one year, that licensee's mobile food vendor's city license shall be terminated.

(Ord. [2206](#), passed 9-9-13)

116.03 LICENSE APPLICATION FOR MOBILE FOOD VENDORS.



(A) Application for the license shall be in writing in the form prescribed by the city and shall contain the following information:

- (1) Name and address of the applicant.
- (2) A copy of the Class II, III or IV mobile food unit license issued to the applicant for the vending year. This license must be in the name of only one applicant for the mobile vending license and no other parties.

(3) A copy of the mobile food unit's operating schedule showing location(s) where the mobile food unit will be used during the day and where it will be parked overnight.

(4) A copy of the title and registration of the mobile food unit to be used by the applicant, including trailers if they are required to be licensed and registered. The title and registration must be in the name of the applicant and no other parties.

(5) A detailed site plan of the location to be approved as required by § [116.07](#), Approved location, showing the exact location of the unit on the site, parking, access to and from the site, location of any power service to the unit, location of buildings and improvements on the site, the address or the County Assessor's map and tax lot for the site, and other particulars required by the city.

(6) When a mobile food vendor initially applies for a city license, or when a mobile food vendor applies for a yearly renewal of his or her license, or when a mobile food vendor wants to operate from a new location, the mobile food vendor must have on file with the city or provide the city with a fully filled out and signed "Consent to Use Agreement" stating how long the licensee may use the property for mobile food vending that vending year.

(7) After submitting the license application and documentation, provided it complies with the terms of this chapter, the applicant shall bring the mobile food unit to a place designated by the city for an inspection to determine if it meets the requirements of this chapter. It must meet the criteria of this chapter before a license will be issued and it must meet those criteria before the deadline for renewal.

(B) If the applicant, the application and documentation, and the mobile vending unit meet the requirements of this chapter, the city shall approve the proposed location as an "approved location" for the mobile food unit and grant the applicant a license which runs for a period of one vending year. The licensee must operate the mobile food unit as set forth in the site plan for the approved location without modification, unless the modification is approved by the city.

(C) For each vending year, the applicant must pay a yearly license fee of \$500 by good and sufficient check, cash or money order and that fee must accompany the application. If the applicant is not granted the license, \$100 of that sum will be retained as a processing cost and the balance returned to the applicant.

(D) The operator shall post the license or card in a conspicuous place on the mobile food unit clearly showing the name and address of the licensee and license number.

(Ord. [2206](#), passed 9-9-13)

116.04 TRANSFER OF LICENSES.



(A) The license may be transferred to one natural person by a good and sufficient notarized assignment subject to all the other terms and conditions of this chapter.

(B) All transfers of licenses must be approved by the city upon good and sufficient proof that the person to whom the license is being transferred is eligible to obtain a license as set forth in this chapter.

(C) Upon a transferee being approved by the city and before the city will issue a new license to the transferee, the transferee must file a new application with the city the same as when a license is renewed and meet the same criteria as a new applicant and gain the same approvals as a new applicant before the city will issue the license to the transferee. Nevertheless, if a license is being transferred from one of the original vendors or assigns operating at a location indicated above, the location shall be exempt from the requirement to be at least 400 feet from a licensed restaurant.

(D) To facilitate a transfer of a license from a seller to a buyer, contingent upon the transfer taking place, the city may preapprove a buyer for a license upon the person making application for a license and complying with all the terms of this license. Once the transfer takes place the city will issue the license to the transferee. However, if the city preapproves a buyer for a license, if proof of the transfer is not provided to the city within 45 days, the preapproval lapses and is of no force or effect.

(Ord. [2206](#), passed 9-9-13)

116.05 APPLICATIONS FOR FUTURE LICENSEES COMING AVAILABLE.



(A) When the number of licenses drops below the number authorized, the city shall offer a license to applicants in the order of receipt of their applications for a future license on file with the city, with the earliest applicants having priority. If within 180 days of the mailing of the notice of eligibility the person does not make an approved application to the city and pay the application fee to the city and obtain the license, the license shall be offered to the next applicant in priority.

(B) To be an applicant on the waiting list for a license, the person shall fill out an application for a future mobile vending license prepared by the City Administrator including the information required on the application and pay a \$500 application fee. At any time an applicant may withdraw the application and obtain a refund of the fee.

(Ord. [2206](#), passed 9-9-13)

116.06 GROUNDS FOR TERMINATION OR NONRENEWAL OF LICENSE. [SHARE](#)

(A) A mobile food vendor's license is subject to being terminated or not renewed, or both, if the mobile food vendor, his or her agents or employees are found to have delivered, possessed, furnished or sold any alcoholic beverages or controlled substances from the mobile food unit or the approved location.

(B) A mobile food vendor's license is subject to being terminated if he or she operates from a location that has not been approved by the city.

(C) A mobile food vendor's license is subject to being terminated if the licensee does not have an approved location for one year.

(D) A mobile food vendor's license is subject to being terminated if the license is not renewed before the beginning date of a new vending year.

(Ord. [2206](#), passed 9-9-13)

116.07 APPROVED LOCATION. [SHARE](#)

(A) A mobile food vendor may only operate from an approved location which meets the criteria established in this chapter.

(B) Except for present mobile food vendors in their present locations, approved locations must be more than 400 feet from any other mobile food vendor as measured from the closest property line of each approved location.

(C) For a location to be approved it must have sufficient parking immediately adjacent to the mobile food unit of at least five parking spaces specifically designated for the use by the mobile vending unit.

(D) For a location to be approved, the mobile food unit and its customer parking spaces must be at least 20 feet from the property line of an adjoining property owner unless the possessor of

the adjoining property consents in writing to allow the mobile food unit and its customer parking to be closer to his or her adjoining property.

(E) For a location to be approved, it must be 400 feet or more from the property line of a business having a restaurant license, except for the present locations of present mobile food vendors.

(F) For a location to be approved, it must meet reasonable criteria for safety and not adversely affect adjoining property owners as to patrons using their access and parking. The locations of present mobile food vendors also must meet these criteria.

(G) Mobile food vendors may operate from an approved location indefinitely and are not required to move to another approved location except as required by this chapter.

(H) If after approving a location the city determines in its reasonable discretion that the approved location causes a safety hazard to people or property, it can withdraw the licensee's right to use the location and the licensee must move to another approved location.

(Ord. [2206](#), passed 9-9-13)

116.08 OPERATION AND SITE REQUIREMENTS.



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Mobile food vendors must at all times comply with the following requirements:

(A) Awnings attached to the mobile unit are allowed but no poles, supports or guy wires to the ground may be attached to the awning.

(B) At least one 35-gallon trash receptacle with a tilting lid must be provided for the patrons of the mobile food vendor and must be emptied when three-fourths full.

(C) The site must at all times be kept free and clear of all trash and debris. The licensee is responsible and liable for this cleanup.

(D) No tables, tents, shades, chairs or other similar property for use of the mobile food vendor or its patrons is allowed.

(E) No gas, propane, natural gas, water tanks or other property may be placed on the ground at any time. The mobile food vending unit must be fully self-contained.

(F) No receptacles for gray water may be placed on the ground or used to collect water. All water produced by the unit must be contained in the unit.

- (G) Condensate from refrigerated air conditioner units or other HVAC units may be allowed to run onto the ground.
- (H) No swamp coolers or units which use water for cooling may be used.
- (I) No water lines or sewer lines may run to or from the unit.
- (J) The area where the unit is sited, its accesses and parking must all be paved.
- (K) The mobile food vendor's restaurant license must be displayed on the unit at all times in a glass window of the unit or as otherwise required by Oregon law so it can be read from outside.
- (L) The mobile food vendor's license must be displayed on the unit at all times in a glass window of the mobile food unit so it easily can be read from the outside.
- (M) The vehicle registration of the mobile food unit must be displayed on the unit at all times in a glass window of the unit so it can be read from the outside. The registration must be current and valid.
- (N) Mobile food units may only be driven or towed by a person possessing a valid driver's license.
- (O) Mobile food units must be mobile and must be moved more than 400 feet away from their approved location by 10:00 p.m. each evening and not return to their approved location until 6:00 a.m. the following morning, or the unit may be moved to another site which is less than 400 feet away if it is parked behind a site-obscuring fence so it is not visible in any manner from a public street or from the approved location it uses and does not return to its approved location until 6:00 a.m. the following morning.
- (P) No mobile food vendors may be open for business in the city limits between the hours of 10:00 p.m. and 6:00 a.m.
- (Q) If external electric service is necessary, an underground electrical service outlet providing electricity to the unit may be used. The outlet must have a ground fault interrupter and meet all applicable city, state and federal codes. The extension cord from the outlet to the mobile food unit must not be longer than ten feet and must meet all city, state and federal codes.

(Ord. [2206](#), passed 9-9-13)

(A) For present mobile vendors, existing unit color and unlighted signage on their units are acceptable, with no other signage allowed on or off the unit. By April 1, 2019, and for new mobile food vendors not listed in this chapter, the following requirements apply:

(1) All units must be painted white, grey, tan or brown or some other subtle color. No yellow, orange, red, pink or other loud colors are allowed for the base color.

(2) Signage on the unit may only be painted on the unit and may not take up more than 30% of the surface area of each side, back or front of the unit.

(3) No lighted signs or attractants of any kind including rotating or flashing lights are allowed at any time on the unit or approved location except a sign no larger than 24 inches by 24 inches which says "OPEN." Lights which light the ground patrons stand on may be used but no lights may be shined in the direction of traffic to draw attention to the business.

(B) When the license is renewed the first time in 2015, and all renewals thereafter, the unit must be of a good and well-kept appearance and may not have any rust, substantial dents, missing lights or bumpers.

(C) Starting April 1, 2023, all mobile food vendors may only operate out of a self-propelled van not longer than 26 feet in length. No trailers or other rolling stock may be used.

(Ord. [2206](#), passed 9-9-13)

116.10 EXEMPTIONS.



(A) This chapter does not apply to mobile food vending on public property, or property controlled by a public entity, it being the intent of this chapter that those public entities are entitled to control vending on their properties as they deem appropriate. This includes all local, state and federal government property.

(B) This chapter does not apply to mobile food vending at private events of brief duration including banquets, weddings and other catered events, so long as the food is not for sale to the general public.

(Ord. [2206](#), passed 9-9-13)

116.11 HEARING PROCEDURES.



(A) Any mobile food vendor or license applicant who disputes a decision by the city about the denial of a license or notice of termination of a license may file his or her written complaint with the City Manager. If not satisfied by the City Manager's decision, the mobile food vendor or applicant has seven days from the date of the City Manager's written decision to appeal to the City Council.

(B) The Council, acting as the review authority for disputes, may:

(1) Hear and determine appeals of decisions of the City Manager, prescribe the forms, rules and regulations relating to appeals, and take other actions consistent with the appeal function. In reviewing a decision or dispute, the Council may take evidence and make an investigation. The Council shall give notice of determinations and shall file its determination with the City Recorder. A determination of the Council becomes final upon its filing with the City Recorder.

(2) Review of the final determination of Council under this chapter by any aggrieved party, including the city, shall be by writ of review to the Circuit Court of Umatilla County, Oregon, as provided in ORS [34.010](#) through [34.100](#).

(Ord. [2206](#), passed 9-9-13)

116.12 VIOLATION PENALTIES.



Any person, persons, firms, organizations, associations or corporations in violation hereof commit a Class C violation. Each day will be a separate violation.

(Ord. [2206](#), passed 9-9-13)