

CITY OF DEPOE BAY
ORDINANCE NO. 93

AN ORDINANCE PROHIBITING STREET VENDORS, REGULATING MOBILE VENDING STANDS, PRESCRIBING TIMES AND LOCATIONS OF OPERATION AND STANDARDS: AND DECLARING AN EMERGENCY

The City of Depoe Bay ordains as follows:

Section 1.010. Definitions.

(A) Mobile Vending Stand . A structure, cart, trailer, or stand which is movable from place to place, and is used for the purpose of selling foods, soft drinks, or other non-alcoholic beverages to the public directly or indirectly and is equipped to dispense food or beverage and/or prepare the food or beverage for consumption. A mobile vending stand does not contain space for customers to enter the stand to purchase or consume products.

(B) "Street Vendor" means any person who travels from street to street on public rights of way, streets, or other public property with food, beverages, flowers, balloons, or other similar items and offers them for sale.

Section 2.010. Street Vendor Prohibited. No person shall sell any items, including but not limited to food, beverages, flowers, balloons or similar items, or offer them for sale, from any street, sidewalk, public right-of-way, or public property within the city limits of the City of Depoe Bay.

Section 3.010. Mobile Vending Stand Requirements

(A) No person shall operate a mobile vending stand without having obtained a business license.

(B) No person shall conduct or do business from a mobile vending stand on any public right-of-way, street, sidewalk, or public property. The selling of merchandise or conducting of business from a mobile vending stand shall only be done upon private property.

(C) No person shall operate a mobile vending stand, or sell any food, soft drink, or non-alcoholic beverage dispensed from a mobile vending stand unless the mobile vending stand has been inspected by the building official, and by the State Fire Marshal if the mobile vending stand has a cooking or heating apparatus. The building official shall determine that the stand is structurally and mechanically sound, and the design will not create a nuisance or hazard to the public. The State Fire Marshal shall determine that any cooking or heating apparatus is in conformance with the provisions of applicable fire codes.

(D) No person shall conduct or do business from a mobile vending stand unless proof is submitted to the City that all health and sanitary permits required by the State and County have been obtained.

(E) All utensils and equipment used by any person in the operation of a mobile vending stand shall be maintained in a clean and sanitary condition and shall conform to all standards prescribed by state law and county ordinances and regulations adopted thereto.

(F) Any person operating a mobile vending stand shall pick up any paper, cardboard, wood or plastic containers, wrappers or any litter in any form which is deposited by any person on the sidewalk, street or public property within 35 feet of the mobile vending stand at any time the person is conducting business, and shall be responsible for the disposal of same.

(G) No person conducting business from a mobile vending stand shall make any loud noise for the purpose of advertising or attracting the attention of the public to the mobile vending stand.

(H) No mobile vending stand shall be left unattended.

(I) No product shall be sold from a mobile vending stand between 30 minutes after sunset and 30 minutes after sunrise. The mobile vending stand shall be removed from its place of operation within one (1) hour after sunset to a private storage place out of view. A mobile vending stand shall not be placed upon any property for the operation of business before sunrise.

(J) The mobile vending stand must be placed on privately owned property when selling merchandise and any person conducting business from a mobile vending stand shall have obtained approval of the Depoe Bay Planning Commission to operate the mobile vending stand as a conditional use on the subject property. The conditional use approval by the Depoe Bay Planning Commission shall be valid for one (1) year, or such lesser time as the authorization may specify, from the date of approval, unless revoked, terminated, or extended.

Section 4.010. Penalty. Any person violating the terms of this Ordinance is punishable by a fine of \$500.00. Each day's violation of a provision of this Ordinance constitutes a separate offense.

Section 5.010. Emergency Clause. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect upon its adoption.

ADOPTED this 11th day of July, 1982 by the City of Council of Depoe Bay upon the following vote:

AYES 5

NAYS 0

ABSENT 2

and approved by the Mayor on this 17th day of July, 1982.



Mayor

ATTEST:



City Recorder

EPB:mka