

Mobile Vending Stands

For full information on Mobile Vending Stands, please refer to Ord. #24 under [Ordinances](#).

Mobile Vending Stand Definition

A structure, cart, trailer, or stand which is movable from place to place, and is used for the purpose of selling foods, soft drinks, and 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.

Mobile Vending Stands are not an outright use anywhere within City of Depoe Bay limits; however, they are permitted in conjunction with City-approved community festivals and events with no City licensing necessary:

"No person shall sell any items, including but not limited to food, beverages, flowers, balloons, or other 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; provided however that items permitted to be sold from a "mobile vending stand" may be sold from public property or public right-of-way which has been closed by motion or resolution of the City Council if the mobile vending stand is doing business in conjunction with a festival/community event. A "festival or community event" is a temporary use of land for the purpose of providing general community amusement, recognition of historical events or traditions, or celebration of community-wide local products, which are organized by non-profit organizations and the proceeds of the festival or event are used to promote the purposes of the non-profit organization or donated to other non-profit organizations."

To be a licensed Mobile Vending Stand, the applicant must apply for a Conditional Use Permit as outlined in Article 6 of the City's Zoning Code. The process takes a minimum of two months, with no guarantee of approval. There is a \$276 fee plus a \$575 deposit to submit an application for a Conditional Use Permit. If the application is granted, a City Business License must then be obtained.

Standards for Mobile Vending Stands

- 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 unless the mobile vending stand has been inspected by the building official and by the State Fire Marshall 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 thirty five (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 thirty (30) minutes after sunset and thirty (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.

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