

**CITY OF BINGEN, WASHINGTON**

**ORDINANCE NO. 2014-08-635**

**AN ORDINANCE ADOPTING BINGEN MUNICIPAL CODE CHAPTER 5.06  
MOBILE/STREET VENDORS**

WHEREAS, the City of Bingen desires to encourage small business by providing opportunities that do not require a permanent structure; and

WHEREAS, City of Bingen desires to promote safety and ensure the orderly and unhindered movement of pedestrians and vehicles; and

NOW, THEREFORE, the City Council of the City of Bingen do ordain as follows:

Section 1. Bingen Municipal Code Chapter 5.06, Mobile Street Vendors is adopted to read as follows:

**Chapter 5.06**

**MOBILE/STREET VENDORS**

**Sections:**

- 5.06.010 Purpose.
- 5.06.020 Definitions.
- 5.06.030 Applicability.
- 5.06.040 Exemptions.
- 5.06.050 Display of license.
- 5.06.060 Geographical restrictions.
- 5.06.070 Number of mobile/street vendor licenses to be issued per year.
- 5.06.080 Operating conditions.
- 5.06.090 Health and safety standards.
- 5.06.100 Application.

- 5.06.110 License fee.
- 5.06.120 License renewals.
- 5.06.130 License revocation.
- 5.06.140 Infraction – Penalty.
- 5.06.010 Purpose.**

The purpose of this chapter is to:

- A. Encourage small business by providing opportunities that do not require a permanent structure; and
- B. Promote public safety and ensure the orderly and unhindered movement of pedestrians and vehicles.

**5.06.020 Definitions.**

- A. “Vending unit” means a movable cart, kiosk, tent, trailer, vehicle or other structure from which business is conducted. The maximum permissible size for any vending unit shall be 144 square feet, including storage, furniture, seating, and other appurtenances. The vending unit within a licensed motor vehicle shall exclude non-business related areas such as a driving compartment.
- B. “Street vendor” means a person, firm or corporation who engages in a business of selling goods of any kind or description and who commonly conducts such business from a vending unit. A person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with a storefront business or by conducting such temporary business in connection with, as part of, or in the name of the storefront business.

**5.06.030 Applicability.**

- A. It shall be unlawful for any person to act as a mobile/street vendor within the meaning and application of this chapter unless that person or his/her employer shall have first secured a vending license in the manner provided in this chapter.
- B. Such license shall be carried at all times when vending in the City of Bingen, and shall be exhibited by any such mobile/street vendor whenever requested to do so by any police officer.
- C. All persons acting as mobile/street vendors shall comply with all federal, state, and local laws, ordinances and regulations, including all health requirements.
- D. This chapter does not apply to mobile/street vendors who are located on private property and have obtained the appropriate city business license.

**5.06.040 Exemptions.**

The following persons shall be exempt from license applications and fees but are still subject to federal, state and county health regulations:

- A. Any farmer, gardener or other person who sells any fruits, vegetables or other farm produce or edibles produced by such person and exempt pursuant to RCW 36.71.090.
- B. Exempt persons are exempt only from city business licensing requirements and must comply with all other provisions of law, ordinance and regulations and all applicable federal, state and county health regulations.
- C. The city may, at its sole discretion, incorporate vendor licenses or conditions of approval within special event permits to address street vendors at special events.

**5.06.050 Display of license.**

All licenses for mobile/street vendors shall be prominently displayed upon all vending units from which a mobile/street vendor conducts business.

**5.06.060 Geographical restrictions.**

No mobile/street vendor license shall include the privilege to conduct the business of a mobile vendor unless the vehicle or conveyance is parked and operated in full compliance with the traffic and sidewalk ordinances of the city as now in effect or as hereafter amended. It is a violation of this chapter for any person selling or offering for sale any article to obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where any article is being sold or offered for sale. No merchandise will be offered, displayed, or sold, and no customers served, in any vehicle travel lane. Mobile/street vendors will be allowed in the following locations on an application based on first come/first served:

- A. The south side of the 400 block of W. Humboldt from west of 403 W. Humboldt to Willow Street.
- B. 400 W. Steuben (city owned property) – not to be located on the street.
- C. Mobile vendors (not remaining stationary for more than 30 minutes) are allowed to park/pass through all of the city streets with the exception of Steuben and Oak.

**5.06.070 Number of mobile/street vendor licenses to be issued per year.**

- A. The number of stationary street vendor licenses to be issued per year shall be limited to four (4).
- B. The number of mobile vendors (not remaining stationary for more than 30 minutes) shall be limited to two (2).

- C. The license application period opens January 1 of each year and once the full number of licenses has been issued the application period will be closed.

**5.06.080 Operating conditions.**

Any person with a valid mobile/street vendor license issued pursuant to this chapter shall be subject to the following conditions:

- A. All mobile/street vendors shall display, in a prominent and visible manner, the license issued by the city under the provisions of this chapter.
- B. Mobile/street vendors are limited to selling food and beverage items must be capable of immediate consumption. No other merchandise is authorized to be sold through mobile/street vendors.
- C. The vending site shall be clean and orderly at all times and the vendor shall provide a refuse container for use by patrons. Mobile/street vendors are responsible for disposing all refuse in an appropriate manner. Refuse collected by the mobile/street vendor is not to be disposed of in any city street garbage cans or garbage cans located within the city park.
- D. Soliciting or conducting business with persons in motor vehicles is prohibited (i.e. service must be provided to walk-up patrons, no drive through service is allowed).
- E. No food or beverages shall be displayed using street furniture (planters, street lights, trees, trash containers, etc.) or placed upon a sidewalk. No use of any automatic coin-operated vending dispense is allowed.
- F. Vendors shall obey any lawful order from a police officer or Fire Department official during an emergency or to avoid congestion or obstruction of a sidewalk.

- G. Utility service connections are not allowed.
- H. Signs or banners may be attached to the vending unit for the purpose of advertising or identifying the vending unit. Streamers, balloons, etc. are not allowed. No off-site advertising is allowed.
- I. The footprint of the mobile/street vending site is subject to the area constraints of the vending site location provided in the application but in no event shall a vending site footprint exceed two hundred (200) square feet.
- J. Mobile/street vending units must be removed from the location at the end of the day or selling period.
- K. Tables and chairs are not allowed at the mobile/street vending site.
- L. Mobile/street vendors are allowed to operate from 8:00 a.m. to 8:00 p.m.

**5.06.090 Health and safety standards.**

- A. All mobile/street vendors shall comply with all laws, rules and regulations regarding food handling, and all vehicles, equipment, devices or structures used for the preparation, handling, storage, transportation and/or sale of food shall comply with WAC 246-215-050, as presently worded and as may be amended by law, in addition to any other rules and regulations respecting such vehicles, equipment, devices, or structures as established by the Klickitat County Health Department and as set forth in the Bingen Municipal Code.
- B. Copy of any permits issued by the Klickitat County Health Department shall be provided to the city.
- C. A fire extinguisher is required for all mobile/street vendors using open-flame cooking or cooking products producing grease-laden vapors.

**5.06.100 Application.**

The permit application shall contain the following:

- A. Name and address of the mobile/street vendor including phone number and e-mail address.
- B. Accurate drawing the proposed public area to be used along with plans detailing the design and size of the mobile/street vending unit.
- C. City of Bingen Business License.
- D. Washington State Unified Business Identification number.
- E. Klickitat County Health Department permit(s) if required by the Health Department.
- F. A certificate of insurance naming the city as an additional insured. The minimum liability coverage must be five hundred thousand dollars (\$500,000) combined single-limit bodily injury and property damage, including products liability if food vending. A certificate of insurance shall be provided to the city for review prior to the issuance of a license.

**5.06.110 License fee.**

- A. The license fee for a stationary mobile/street vendor that will remain stationary during the day is \$240.00 per year.
- B. The license fee for a mobile/street vendor remaining stationary for no longer than 30 minutes at a time shall be \$100.00 per year.

**5.06.120 License renewals.**

All licenses issued under this chapter are for a calendar year and will expire on December 31. A new application is required each year due to the limitation of licenses and licenses being issued on a first come first served basis.

**5.06.130 License revocation.**

A. A mobile/street vendor license is wholly of a temporary nature and vests no permanent rights or interest in property. The license of a mobile/street vendor shall, after notice in writing and an opportunity to be heard by the city mayor or the city administrator, be revoked, and such mobile/street vendor shall not be entitled to a subsequent license to engage in business as a mobile/street vendor for one year after such revocation, for any of the following reasons:

1. Fraud or misrepresentation contained in the application for license;
2. Fraud or misrepresentation, or false or misleading statements, made in the course of conducting the licensed business;
3. Conviction of any crime involving moral turpitude in which a minor child was the victim or was otherwise involved;
4. The conduct of business in areas prohibited by this chapter, or
5. Any other violation of this chapter.

B. The decision of the city mayor or city administrator shall be final subject only to the right of license holder to appeal said decision to the Klickitat County Superior Court within fifteen days of the rendered by the city mayor or city administrator.

**5.06.140 Infraction – Penalty.**

In addition to establishing grounds for revocation of a license, the failure to perform any act required by this chapter, or the performance of any act prohibited by this chapter, is designated as an infraction and may not be classified as a criminal offense. A person found to have committed an infraction under this chapter shall be assessed a monetary penalty. Each day in which a violation of this chapter continues shall be contacted as a separate infraction. Chapter



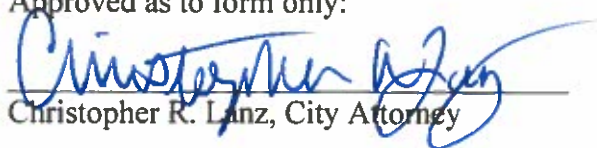
7.80 RCW is incorporated herein with respect to this section. No penalty assessed for infractions under this chapter may exceed two hundred fifty dollars for each separate infraction.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BINGEN**, and effective five (5) days after the first date of posting or publication.

**DATED** this 19<sup>th</sup> day of August, 2014.

  
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Mayor Betty J. Barnes

ATTEST:  
  
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Jan Brending, City Clerk

Approved as to form only:  
  
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Christopher R. Lanz, City Attorney