



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: August 6, 2025

Department: Legal Counsel

Title: Street Vendor Ordinance

Management Update/Work Session Date: 7/22/2025 Audio/Visual aids ☐

Time Required: 15 min Contact: Steve Elzinga Phone: 503-588-5220

Requested Action:

Hold public hearing and consider adopting new Street Vendor Ordinance

Issue, Description
& Background:

The Board directed county counsel to draft a potential street vendor ordinance. County counsel went through several drafts and sought feedback from the Marion County Farm Bureau, Sheriff's office, Health and Human Services Department, Board's office, and several city attorneys.

Street vendors, if not properly regulated, create health and safety hazards, such as: interfering with traffic flow, distracting drivers, obstructing vision clearances, obstructing sidewalk and Americans with Disabilities Act (ADA) access, and encouraging vehicles to act unsafely by pulling off roads with short notice or parking or idling within the right of way. Many street vendors have historically trespassed on municipal property or private property.

Financial Impacts:

Fiscal impact is undetermined and will depend on the number of applications received and extent of enforcement.

Impacts to Department
& External Agencies:

Health and Human Services Department will process permit applications. Sheriff's Office will handle most enforcement. Legal Counsel will handle any hearings. City partners will need to decide whether to opt in for their cities.

List of attachments:

Proposed Ordinance

Presenter:

Steve Elzinga

Department Head
Signature:

Steve Elzinga

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BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

An ordinance amending and updating)
the Marion County Code Chapter 10.10)
relating to Street Vending)

ORDINANCE NO. _____

THE MARION COUNTY BOARD OF COMMISSIONERS ORDAINS AS
FOLLOWS:

SECTION 1. PURPOSE

The purpose of this ordinance is to amend and update the provisions of the
Marion County Code Chapter 10.10 relating to Street Vending.

SECTION 2. NEW MCC Chapter 10.10.210

The Marion County Code 10.10.210 (Purpose and Findings) is added to read as
follows:

- A. The purpose of this article is to provide a safer environment on and near roads
within the county by accomplishing the following objectives:
1. Improve safety for street vendors.
 2. Improve safety for all drivers, bicyclists, and pedestrians.
 3. Enhance traffic flow on roads and sidewalks within Marion County.
 4. Allow for better emergency vehicle access.
 5. Protect property owners and businesses near roads.

6. Protect consumers from the health risks of food sold by street vendors who did not grow or package that food and are not licensed or inspected.

B. The Board of Commissioners finds that:

1. Street vendors, if not properly regulated, create safety hazards, including but not limited to: interfering with traffic flow, distracting drivers, obstructing vision clearances, obstructing sidewalk and Americans with Disabilities Act (ADA) access, and encouraging vehicles to act unsafely by pulling off roads with short notice or parking or idling within the right of way.
2. Many street vendors have historically operated on municipal property or private property without permission, violating property rights and creating liability risks for property owners.
3. There are significant health risks from food sold by street vendors who did not grow or package that food and are not licensed or inspected.
4. This article will help accomplish the goals in subsection A.

SECTION 2. NEW MCC Chapter 10.10.220

The Marion County Code 10.10.220 (Definitions) is added to read as follows:

- A. “County property” means any property owned or leased by the county. The term “county property” includes any plaza owned or leased by the county in common with another owner or lessee. The term “county property” does not include any public road.

- B. “Immediate family member” means the spouse, parent, stepparent, child, sibling, stepsibling, son-in-law, daughter-in-law, or grandchild of the property owner.
- C. “Permitted Street Vendor” means a person who has applied for and been granted a permit for activities as a street vendor under this ordinance.
- D. “Park” means to park, stand or stop as those three terms are defined within the Oregon Vehicle Code and set forth in the Oregon Revised Statutes.
- E. “Person” means an individual, corporation, partnership, association or other entity.
- F. “Public road” means any city or county road, including the entire width of the right-of-way, within Marion County. This includes:
 - a. Any road that has been designated as a county road under the provisions of ORS [368.016](#);
 - b. Any local access road that is subject to the county’s jurisdiction under ORS [368.031](#); and
 - c. For any city that opts into this ordinance, any city road under the jurisdiction of that city per ORS 373.320, ORS Chapter 373, or other authority.
- G. “Street vendor” or “street vending”:
 - a. Means any person or entity offering street vendor products for sale at a non-permanent location within a public road or within 50 feet of the public road’s right-of-way.

- b. Does not include any person or entity on their own private property or any person on private property owned by an immediate family member.
 - c. Does not include a person or entity whose business is licensed or permitted by a government body to operate for a specific purpose, so long as operating for that specific purpose within the requirements of that license or permit, such as a retail firework sales permit, a temporary restaurant license, or a conditional use permit.
 - d. Does not include a person or entity offering street vendor products for sale within a public road while that public road is closed for a government-permitted temporary event like a parade or farmers market, so long as the person or entity is following applicable regulations for the temporary event.
 - e. Does not include a person or entity who is operating within a city under a city code provision allowing business within a public road next to their permitted business, so long as the person or entity is in full compliance with that city's requirements.
- H. "Street vendor equipment" means any vehicle, equipment, or other materials used by a street vendor for staging, marketing, or selling street vendor products.
- I. "Street vendor products" means anything marketed or sold by a street vendor, including perishable goods and non-perishable goods.

- J. “Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon a public roadway, including both motorized and nonmotorized.

SECTION 3. NEW MCC Chapter 10.10.230

The Marion County Code 10.10.230 (Prohibitions and Permit) is added to read as follows:

- A. No person shall engage in street vending without a permit.
- B. Permit restrictions:
- a. A permitted street vendor must have on their person and display upon request a copy of the permit and government-issued legal identification showing they are one of the listed individuals under the permit.
 - b. A permitted street vendor shall only engage in street vending in a location where there is legal access from the public road and a location for safe and legal parking by customers.
 - c. A permitted street vendor may not operate on private property without written permission of the property owner.
 - d. A permitted street vendor may not operate on county property.
 - e. A permitted street vendor may not park on or obstruct a public road while engaging in street vending.
 - f. A permitted street vendor may not operate in a manner that obstructs a sidewalk, bike lane, or multiuse path along a public road.

- g. A permitted street vendor shall be at least 100 feet away from any other permitted street vendor.
- h. A permitted street vendor shall not leave any street vendor equipment or street vendor products unattended.
- i. Notwithstanding any other requirement, a permitted street vendor may operate an ice cream truck that drives and parks temporarily on public roads so long as the following requirements are met:
 - i. Any food sold is commercially sealed and prepackaged.
 - ii. Driving must be within the speed limit and not more than 10 miles per hour below the speed limit.
 - iii. Parking may not be in a location that obstructs traffic.
 - iv. Parking may not be in a location that is likely to attract children to travel to the ice cream truck in an unsafe way or manner.
 - v. Parking may not be in the same location longer than five minutes, except if operating in a city that allows for a longer period of time, then parking may not be in the same location longer than the time allowed by that city's code.
 - vi. Noise ordinance requirements of the county or applicable city must be followed.
 - vii. Operation may not occur between 10pm and 7am.

C. Permit applications:

- a. Application for a permit shall be submitted to the Marion County Health and Human Services Environmental Health Program along with

an appropriate application fee. The amount of the application fee shall be determined by the Marion County Board of Commissioners by order.

- b. Marion County Environmental Health Program shall designate an application form for use in applying for a permit under this section.

The application form shall require all of the following:

- i. If the applicant is an entity, the full legal name, address, and contact information of a named individual responsible for ensuring compliance with permit requirements.
- ii. If the applicant is an individual, the individual's full legal name, address, and contract information.
- iii. The full legal name of all individuals covered under the street vendor permit.
- iv. Proof of insurance for the street vendor, including coverage for all individuals covered under the street vendor permit.

Coverage must include at least \$1,000,000 in commercial general liability coverage.
- v. The applicant must agree to indemnify the county for any activities by the applicant under the permit.
- vi. If the street vendor will be operating on private property, written proof of property owner consent is required, and the property owner's phone number must be included. Written proof could include a fully executed rental or lease agreement,

although financial terms and other similar confidential terms may be redacted.

vii. Certification that a copy of the street vendor permit will be kept with all individuals or entities who will operate under the permit for marketing or selling street vendor products.

c. A permit is valid for one year.

SECTION 4. NEW MCC Chapter 10.10.240

The Marion County Code 10.10.240 (Enforcement responsibility and authority) is added to read as follows:

- A. Enforcement by Marion County may be via a Marion County Enforcement Officer, by any designee of the Marion County Sheriff, or by any designee of the Marion County Health and Human Services Administrator.
- B. Outside the city limits of any incorporated city, this article may be enforced by Marion County.
- C. Within the city limits of any incorporated city, the governing body of a city may opt in to this ordinance. A city may choose to allow enforcement by Marion County and/or by that city's law enforcement officers or other city-determined enforcement officers. If a city does not specify who may enforce, then Marion County may enforce within that city's city limits.

SECTION 5. NEW MCC Chapter 10.10.250

The Marion County Code 10.10.250 (Penalties) is added to read as follows:

- A. Operating as a street vendor without a permit in violation of Marion County Code 10.10.230(A) is subject to a daily fine of up to \$1,000.
- B. Operating as a permitted street vendor in violation of any of the requirements in Marion County Code 10.10.230(B) or (C) is subject to a daily fine of up to \$500, except that violation of Marion County Code 10.10.230(B)(a) is subject to a daily fine of up to \$1,000.
- C. Street vendor equipment may be impounded, towed, and held until a fine is paid.
- D. Non-perishable street vendor products may be impounded and held until a fine is paid.
- E. If a fine is not paid within 30 days, the County may dispose of impounded street vendor equipment or non-perishable street vendor products:
 - a. as unclaimed property;
 - b. via auction with proceeds to first cover the fine, holding costs, and auction costs and any excess treated as unclaimed property;
 - c. in the manner provided by MCC 10.20.040; or
 - d. via any other method allowed by law.

SECTION 6. NEW MCC Chapter 10.10.260

The Marion County Code 10.10.260 (Hearings) is added to read as follows:

- A. A person whose property is seized under this ordinance may request a hearing before the Marion County hearings officer to contest the validity of the impoundment. A request must be made within five calendar days of the

impoundment. The request shall be made to a person designated by the impounding entity to receive such requests.

- B. When a timely request for a hearing is made, a hearing shall be held before the Marion County hearings officer. The hearing shall be set for four calendar days after the request is received excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person asking for the hearing. The hearings officer shall render a written determination. The hearings officer shall provide a copy of the written determination to the person requesting the hearing.
- C. The impounding agency shall have the burden of proving by a preponderance of the evidence that there was probable cause to believe that, at or just prior to the time the enforcing entity stopped the person, the person committed an offense described in this ordinance.
- D. An enforcing officer who ordered the vehicle impounded may submit an affidavit or official report to the hearings officer in lieu of making a personal appearance at the hearing.
- E. If the hearings officer finds that the impoundment was proper, the hearings officer shall enter an order supporting the removal and shall find that the owner or person entitled to possession of the property is liable for usual customary towing and storage costs. The hearings officer may also find the owner or person entitled to possession of the property liable for costs of the hearing. The decision of the hearings officer is a final decision.

- F. If the hearings officer finds that impoundment of the property was improper, the hearings officer shall order the property released to the person entitled to possession and shall enter a finding that the owner or person entitled to possession of the property is not liable for any towing or storage costs resulting from the impoundment. If there is a lien on the property for towing and storage charges, the hearings officer shall order it paid by the impounding agency. The decision of the hearings officer is a final decision.
- G. If a person entitled to lawful possession of property impounded under this ordinance sufficiently establishes for the impounding agency that the property was being operated without the consent of the person entitled to lawful possession at the time that the property was impounded, the impounding agency shall waive the fee under this ordinance. For purposes of this section, proof that a person entitled to lawful possession of the property reported the property as stolen to a police agency prior to impoundment of the property shall be conclusive evidence that the property was being operated without the consent of the person.

SECTION 6. SEVERABILITY

Should any section or portion of this ordinance be held unlawful or unenforceable by any court of competent jurisdiction that decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this ordinance shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE

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 on its passage.

No enforcement of this ordinance shall occur regarding activities occurring within two weeks of the effective date to allow for a period of public education and encouragement of voluntary compliance.

Adopted this _____ day of _____, 2025.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

Recording Secretary