**ORDINANCE NUMBER 251**

**AN ORDINANCE TO REGULATE TRANSCIENT VENDORS AS PROVIDED AND AUTHORIZED BY SENATE BILL**

**NO. 3119, LAWS OF THE STATE OF MISSISSIPPI, 1994 REGULAR SESSION, SECTION 21-19-35 OF**

**THE MISSISSIPPI CODE 1972, ANNOTATED, AND SECTIONS 75-85-1 THROUGH 75-85-19 OF THE**

**MISSISSIPPI CODE 1 72, ANNOTATED**

***BE IT ORDAINED*** by the Mayor and Board of Aldermen of the City of Louisville, Mississippi as follows:

**SECTION ONE: DEFINITIONS**

As used in this Ordinance, the following terms shall have following meanings ascribed to them, unless the clearly indicates otherwise:

(a) **"Transient Vendor"** means any person ho transacts transient business in this state there in one locality or by traveling from ace to place in this state. The term

Includes a vendor who for the purposes of carrying on such business hires, lease, uses or occupies any building, structure, motor vehicle, railroad car or real property.

(b)**"Transient business"** means any business conducted for the sale of merchandise

services that are carried oh at a particular operation for a period of less than six (6) months in each year, even though the owner of the business may conduct the business at nether location for more than six (6) months in each year.

(c) **“Person”** means an individual, corporation, association, partnership or other entity.

**SECTION TWO: EXEMPTIONS**

The provisions of this Ordinance shall not apply to:

(a) Civic and nonprofit organizations or wholesale sales to retail merchants by

 commercial travelers;

(b) Wholesale trade shows or conventions;

(c) Sales of goods, wares, services or merchandise by sample, catalogue or brochure for

future delivery;

(d) Fairs and convention center a1tivities conducted primarily for amusement or entertainment;

(e) Any general sale, fair, circus, auction or bazaar sponsored by a church or religious organization;

(f) Garage sales held on held on premises devoted to residential use;

(g) Sales or repairs of crafts or sales or repairs of items made by hand by the person making the crafts or items;

(h) Duly licensed flea markets operating from a fixed location;

(i) Sales of agricultural, dairy, poultry, seafood, or forest management products or services elated to forest management or silvicultural activities, nursery products, foliage plants or ornamental trees, except such products or services sold at retail and not grown or produced within the State of Mississippi;

(j) Sales of agricultural services.

EXHIBIT “N”

**SECTION THREE: LOCATION**

Transient vendors may not conduct sales of any of their products on residential premises except during the hours of 8:00 A.M to 6:00 P. M., Monday through Saturday; transient vendors may not make any sales of any products at residential premises on Sundays, nor during any hours not set for herein.

Transient vendors are prohibited from selling their products on any public right-of-way; whether city, state, or county.

Transient vendors may not sell any products on any property without having first obtained the written permission owner or legal occupier of the premises upon which sales of products may be offered. Such vendors shall keep any written permission on said property and shall display any document to any city police officer upon request, and to City Building Inspector upon request being made.

**SECTION FOUR: APPLICATION**

A transient vendor who desires to transact business in the City of Louisville shall apply for and obtain a license from the City Clerk.

The license application must include:

(a) The name and permanent address of the transient vendor making the application;

(b) A statement describing the kind of business to be conducted, the length of time for which the applicant desires to transact the business, and the proposed location of the business;

(c)The name and permanent address of the applicant’s registered agent or office; and,

(d) Proof that the applicant has acquired all other required city, county, and state permits and licenses. Such proof shall include a Mississippi sales tax number that shall include Louisville's sales tax diversion code.

If the applicant is an association or a corporation, the applicant must also include the names and addresses of the members of the association or the officers of the corporation. If the applicant is a corporation, the application must state the date of incorporation and the state in which it was incorporated. If the applicant is a corporation organized under the laws of another state, the applicant must state the date on which the corporation qualified to transact business as a foreign corporation in this state.

**SECTION FOUR: FEES**

Each applicant for a transient vendor license shall include a license fee of two hundred and fifty dollars ($250) with the application, which fee should be deposited in the general fund.

The applicant shall also execute a cash bond or surety bond issued by a corporate surety authorized to do business in the state of Mississippi in the amount that is the less of either tow thousand dollars ($2000) or five percent (5%) of the wholesale value of any merchandise or service to be offered for Sale by the applicant. The surety bonds shall be issued in favor of the state and shall be conditioned upon payment of:

(a) all taxes due from the applicant to the state or to a political subdivision of the state;

(b) any fines assessed against the applicant about the applicant’s agents or employees for violations of this act

(c) any judgment rendered against the applicant or the applicant’s agents or employees in a cause of action commenced by a purchaser of merchandise or services not later than one (1) year after the date of the merchandise or services were sold by the applicant.

The transient vendor shall maintain the bond during the period that the vendor conducts business in the city of Louisville for a period of one (1) year after the termination of the business. After the transient vendor furnishes satisfactory proof to the City Clerk that the vendor has satisfied all claims of purchasers of merchandise from or services offered by the vendor and that all sales taxes and other applicable taxes have been paid, the bonds shall be released.

The transient vendor license shall be for a period of 90 days. The license may be renewed one (1) time. The renewal amount will be twenty-five dollars ($25). This is in accordance with section 75-85-15 Mississippi code 1972, Annotated.

**SECTION FOUR: REQUIREMENTS**

All Transient Vendors must also meet the following conditions:

(a) Be located in a zone specified for commercial activity;

(b) Must be at least twenty (20) feet back from the curb or right of way;

(c) A minimum of four (4) off-street parking spaces must be available in addition to the spaces required for any other businesses on the property;

(d) Sanitary toilet facilities must be available, usable within one hundred fifty (150) feet of the temporary business. Temporary toilet facilities will not be acceptable for compliance;

(e) Transient vendors and transient business shall meet applicable building and fire codes and submit to any and all inspections required by the city;

(f) Every Transient vendor conducting business within the city limits shall have access to a permanent dumpster;

(g) All transient vendors shall have a generator. Any mobile pushcart or mobile food preparation vehicle shall have self-contained utilities and shall not use the city's utilities or private utilities that are not self-contained and integral to the vendor unit;

(h) The transient vendor or transient business shall have no connection to or use of property owner’s utilities, nor can a transient vendor or transient business have utility poles set temporarily.

**SECTION FIVE: PENALTY FOR VIOLATION**

Any person who violates this ordinance shall, upon conviction be guilty of a misdemeanor and shall be fined not more than five hundred ($500).

**SECTION SIX: EFFECTIVE DATE**

Any person who violates this ordinance shall, upon conviction be guilty of a misdemeanor and shall be fined not more than five hundred ($500).

This ordinance shall be in full force and in effect one (1) month from and after its passage.

All ordinances or parts of ordinances and conflict here with are hereby repealed.

The above and forgoing ordinance was introduced in writing and upon motion made by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, seconded by,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ it was read and considered paragraph by paragraph and section by section at the regular meeting of the Mayor and Board of Alderman of the city of Louisville, Mississippi and after due consideration was voted on paragraph by paragraph and section by section and then as a whole, all at said regular meeting, and upon roll call vote, the Alderman voted as follows:

Alderman Drew Massey VOTED \_\_\_\_\_\_\_\_\_

Alderman Cody Ming VOTED \_\_\_\_\_\_\_\_\_

Alderwomen Gwenita Mays VOTED \_\_\_\_\_\_\_\_\_

Alderman Eugene Crosby VOTED \_\_\_\_\_\_\_\_\_

Alderman L.M. Claiborne VOTED \_\_\_\_\_\_\_\_\_

***SO ORDAINED***, by the Mayor and the Board of Alderman of the City of Louisville, Mississippi on this the \_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ William A. Hill, Mayor

ATTEST:

CITY CLERK

STATE OF MISSISSIPPI

COUNTY OF WINSTON

CITY OF LOUISVILLE

I, Wanda C. Hudson, City Clerk of the City of Louisville, Mississippi, hereby certify that the above and foregoing is ta true and correct copy of an order adopted by the Board of Aldermen and approved by the Mayor at a regular meeting held on the \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 2022, as same appearing in Minute Book \_\_\_\_\_\_\_, page \_\_\_\_\_, of the Minutes of the City of Louisville, Mississippi, this the \_\_\_\_\_day of \_\_\_\_\_\_ 2022.

 Wanda C. Hudson

 City Clerk

PUBLISH ONE (1) TIME WEEKDAY, MONTH, DAY, 2022