

REGISTRATION APPLICATION FOR PRIVILEGE LICENSE TO OPERATE A TRANSIENT BUSINESS

APPLICANT MUST COMPLETE ALL SPACES

TOWN OF FLORENCE
FLORENCE, MS 39073

NEW \$ 250.00

RENEWAL \$ 25.00

LICENSE APPLIED FOR _____ MUNICIPALITY _____

1. APPLICANT'S NAME _____

2. APPLICANT'S PERMANENT ADDRESS _____
CITY STATE ZIP CODE

3. TELEPHONE NUMBER (_____) _____ 4. SSN OR FEDERAL ID # _____

5. STATE OF MISSISSIPPI SALES TAX NUMBER _____

6. LIST OTHER COUNTIES AND MUNICIPALITIES WHERE LICENSED TO OPERATE TRANSIENT BUSINESS AND PERMIT OR LICENSE NUMBERS

7. KIND OF PRODUCT OR SERVICE _____

8. LOCATION WHERE BUSINESS WILL BE CONDUCTED _____

9. LENGTH OF TIME BUSINESS WILL BE CONDUCTED _____

10. NAME OF REGISTERED AGENT _____

ADDRESS OF AGENT _____ TELEPHONE# _____

CITY COUNTY

(AGENT MUST BE A RESIDENT OF COUNTY OR MUNICIPALITY FROM WHICH LICENSE IS OBTAINED. SIGNED AUTHORIZATION FROM AGENT MUST BE ATTACHED TO THIS FORM.)

11. IF APPLICANT IS ASSOCIATION OR CORPORATION, COMPLETE THE FOLLOWING:

A. NAMES AND ADDRESSES OF MEMBERS OF ASSOCIATION OR OFFICERS OF THE CORPORATION

NAME	ADDRESS	TITLE	SSN
_____	_____	_____	_____
_____	_____	_____	_____

B. CORPORATION ORGANIZED UNDER THE LAWS OF STATE OF _____ YEAR _____

IF FOREIGN CORPORATION, DATE AUTHORIZED TO CONDUCT BUSINESS IN MISSISSIPPI _____

A VENDOR MUST SECURE A LICENSE BEFORE BEGINNING BUSINESS FOR EACH COUNTY AND EACH MUNICIPALITY IN WHICH BUSINESS WILL BE CONDUCTED. LICENSE IS VALID FOR NINETY DAYS FROM DATE ISSUED AND IS NOT TRANSFERABLE. RENEWAL FEE IS \$25.00 IF RENEWAL IS FILED BEFORE LICENSE EXPIRES. THE TRANSIENT VENDOR LICENSE NUMBER, STATE SALES TAX NUMBER, AND A STATEMENT THAT VENDOR IS REQUIRED TO GIVE PURCHASERS A RECEIPT WHICH INCLUDES SALES TAX, MUST BE DISPLAYED IN A PROMINENT PLACE. THIS POSTING IS REQUIRED TO BE WRITTEN IN BOLD, LEGIBLE LETTERS NOT LESS THAN ONE INCH IN HEIGHT. A CASH BOND OR SURETY BOND MADE IN FAVOR OF THE STATE OF MISSISSIPPI IN THE AMOUNT OF THE LESSER, \$2,000.00 OR 5% OF WHOLESALE VALUE OF INVENTORY, MUST ACCOMPANY THIS APPLICATION. THIS BOND MUST NOT EXPIRE FOR ONE FULL YEAR AFTER BUSINESS IS CONDUCTED. ALSO, A GOOD AND SUFFICIENT PENAL BOND IN AN AMOUNT UP TO \$1,000.00 MUST BE ATTACHED TO THIS APPLICATION. VENDOR MUST MAINTAIN A RUNNING TOTAL OF ALL SALES AND PAY ALL APPLICABLE SALES TAXES AND ANY OTHER TAXES THAT MAY APPLY. VIOLATORS OF THIS ACT OR ANY OF ITS PROVISIONS CAN BE CONVICTED OF A MISDEMEANOR, FINED \$500.00 AND/OR IMPRISONED FOR UP TO SIX MONTHS.

I DECLARE UNDER THE PENALTIES OF PERJURY, THAT THIS APPLICATION AND ALL ITS SUPPORTING DOCUMENTATION, IS TO MY KNOWLEDGE TRUE AND CORRECT

SIGNATURE OF APPLICANT _____

DATE _____

OFFICE USE: LICENSE NUMBER _____ DATE ISSUED _____

**ORDINANCE REPEALING "PEDDLERS AND ITINERANT VENDORS
ORDINANCE" AND REPLACING IT IN COMPLIANCE WITH CURRENT
STATUTES OF THE STATE OF MISSISSIPPI; ESTABLISHING A
WRECKER ORDINANCE FOR THE TOWN OF FLORENCE;
AMENDING ALCOHOLIC BEVERAGE ORDINANCE;
AMENDING ADULT ENTERTAINMENT ORDINANCE;
AND RELATED PURPOSES**

BE IT ORDAINED, by the Governing Authorities of the Town of Florence, Mississippi,
as follows:

- I. Article IV, Peddlers and Itinerant Vendors Ordinance, located on pages 46 through 48 of the Code of Ordinances is hereby repealed.
- II. A new Ordinance replacing said Article IV, is as follows:

ARTICLE IV. TRANSIENT VENDORS

State Law Reference — Authority to regulate transient vendors and photographers, Miss. Code Ann., 1972, Sec. 21-19-35; transient vendors, Sec. 75-85-1, et. seq.

Sec. 5-40. Definitions

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

- (a) "Transient vendor" means any person who transacts transient business in the Town of Florence in one locality or by traveling from place to place. The term includes a vendor who for the purposes of carrying on such business hires, leases, 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 or services that is carried on at a particular location for a period of less than six (6) months in each year, even though the owner of such business may conduct the business at another location for more than six (6) months in each year.

- (c) "Person" means an individual, corporation, association, partnership or other entity.

Sec. 5-41. License Required

It shall be unlawful for any person to engage in the business of transient vendor within the corporate limits of the Town of Florence, Mississippi, without first obtaining a license , as provided herein.

Any person desiring to engage in the business of transient vendor must make application for a license to the Town Clerk not less than thirty (30) days prior to the date on which such person desires to begin operations as transient vendor and the Town Clerk shall cause a copy of such application to be turned over to the Chief of Police for any investigation which he deems fit, and/or for informational purposes in the event the Chief of Police deems no investigation to be appropriate.

The Chief of Police shall, within the thirty (30) day period immediately following the application, to the extent he deems necessary, investigate the business reputation and moral character of the applicant, and if such investigation shall reveal problems, the Chief of Police shall document such findings in a report to the Town Clerk, and the application for a license shall be denied.

If as a result of the said investigation the character and business reputation of the applicant are found to be satisfactory, the Chief of Police shall document such findings in a report to the Town Clerk , and the application for a license shall be approved. A transit vendor license shall be issued only after the applicant has designated a registered agent on the application for license who is a resident of the Town of Florence, paid the license fee, and posted the necessary bond, as hereinafter set forth. The license is not transferrable and is valid only within the corporate limits of the Town of Florence. The new and renewal "Privilege Tax License" form shall be the same form, as designed

by the Mississippi State Tax Commission, in accordance with Section 75-85-9, Mississippi Code of 1972, Annotated. A copy of the "Privilege Tax License" form is attached hereto as EXHIBIT "A".

Sec. 5.42. Application for License

Every transient vendor or transient business, as described in Sec. 5-40 above, must submit a completed application to the Town Clerk, in accordance with Section 75-85-7, Mississippi Code of 1972, Annotated, said application forms being the same application forms as those designed by the Mississippi State Tax Commission, in accordance with Section 75-85-9, Mississippi Code of 1972, Annotated. A copy of the "Registration Application for Privilege License to Operate a Transit Business" is attached hereto as EXHIBIT "B".

Sec. 5-43. License Fee Required

The license fee for a transient vendor in the Town of Florence shall be two hundred fifty dollars (\$250.00). The term of the license shall be one year from the date of its issuance. Contingent upon proper business conduct and moral character, the transient vendor license may be renewed on payment of a twenty-five dollar (\$25.00) renewal fee prior to the expiration of the current license. A license may be renewed only one (1) time after which a licensee must purchase a new license, requiring the payment of two hundred fifty dollars (\$250.00) for a one year period.

Sec. 5-44. Cash or Surety Bond Required

The transient vendor applicant must execute a cash bond or a surety bond issued by a corporate surety authorized to do business in the State of Mississippi, said bond to be in an amount that is the lesser of either Two Thousand Dollars (\$2,000) or five percent (5%) of the wholesale value of any merchandise or service to be offered for sale by the applicant. The surety bond 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 or the applicant's agents or employees for a violation of state, county or municipal laws regarding transient vendors;
- (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 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 Town of Florence and for a period of one (1) year after the termination of the business.

Sec. 5-45. Posting and Receipt Requirements

While transacting business, a transient vendor shall post in a prominent place where his business is conducted his state sales tax number, his transient vendor license number, and a statement that he is required to give purchasers, at the time of payment, receipts for purchases that include sales tax. The postings shall be written in bold legible letters and numbers not less than one (1) inch in height. The transient shall keep a running total of his sales.

Sec. 5-45. Penalties for Violation

Any person who knowingly or intentionally operates a transient business within the Town of Florence without a valid license, or who knowingly or intentionally advertises, offers for sale, or sells any merchandise in violation of this Ordinance, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500.00) or be imprisoned in the county jail not more than six (6) months, or be both fined and imprisoned. Such person may

also be proceeded against by suit, and the tax collector may seize and sell any property of the person liable for the tax and penalty in the same manner as property of taxpayers delinquent for the payment of ad valorem taxes due on personal property may be distrained and sold.

Sec. 5-46. Exemptions

Transient vendor license requirements 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 activities 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 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 related 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; and
- (j) Sales of agricultural services.

Provided however, a transient vendor who would not otherwise be exempted from license requirements in this section is not exempted because of a temporary association with a local dealer,

auctioneer, trader, contractor or merchant, or by conducting transient business in connection with or in the name of any local dealer, auctioneer, trader, contractor or merchant.

BE IT FURTHER ORDAINED, by the Governing Authorities of the Town of Florence, Mississippi, as follows:

I. PURPOSE

The Governing Authorities have determined that an Ordinance is needed to control and regulate the use of wrecker companies within the Town of Florence, Mississippi; therefore a new Ordinance is adopted and added to the Code of Ordinances as follows:

CHAPTER 5, ARTICLE V. WRECKERS

Sec. 5-60 Compliance required.

It shall be unlawful for any person, firm or corporation to engage in the business of towing, removing wrecked or disabled vehicles in the Town without complying with the provisions of this Article.

Sec. 5-61 Penalty for violation of article.

An emergency wrecker company owner or employee of any emergency wrecker company who violates the terms and provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county or city jail not exceeding ninety (90) days or both.

Sec. 5-62 Administration and enforcement

In addition to the powers and duties elsewhere prescribed in this article, the Chief of Police is authorized to:

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ORDINANCE AMENDING TRANSIENT VENDOR ORDINANCE
PROHIBITING SPECIFIC LOCATIONS AND UPDATING
PENALTY FOR VIOLATION

WHEREAS, Section 21-19-1 et. seq, *Mississippi Code of 1972*, as annotated empowers municipal governing authorities to make regulations to secure the general health, safety and welfare of the community; and

WHEREAS, the Town of Florence adopted Ordinance No. 155 on December 7, 1998, which repealed the existing "Peddlers and Itinerant Vendors" Ordinance with a new "Transient Vendors" Ordinance; and

WHEREAS, it is determined that amendments are needed to update penalties for violation in accordance with Mississippi statutes; and

WHEREAS, new provisions are needed requiring that all signs erected or posted by transient businesses be in compliance with current city sign ordinances, and regulating the location of transient businesses within the city.

NOW THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Florence as follows:

1. That **Section 5-45. Penalties for Violation** be and it hereby is repealed and rescinded, and It is hereby repealed and rescinded.
2. That a new **Section 5-45. Penalties for Violation** be and it is hereby adopted in lieu of Item 1. above, as follows:

"Violations of this Ordinance may result in a fine of up to one-thousand dollars (\$1,000.00) and/or imprisonment not exceeding ninety (90) days or both, in accordance with Section 21-13-1."

3. That a new **Section 5-47. Signs** be and it hereby is adopted as follows:

"Should a transient vendor or transient business utilize any sign in conjunction with said business, such signs shall comply with the provisions of the city sign regulations."

4. That a new **Section 5-48 Prohibited on all state and federal highways** be and it hereby is adopted as follows:

"Transient businesses shall not conduct sales of any of its products or services from property located adjacent to any state or federal highway traversing the city."

The City Clerk is instructed to publish, within thirty-one (31) days of the date hereof, this Ordinance one time in the *Rankin County News*. This Ordinance is to become effective after publication and thirty-one (31) days from the date hereof.

The motion to adopt the foregoing Ordinance having been made by Alderperson Pappas and seconded by Alderperson Helms, and the Ordinance having been considered and put to a roll call vote, the results being as follows:

VOTING:

APPROVED:

DISAPPROVED:

AYE

NAY

Pam Clark
ALDERWOMAN PAM CLARK

AYE

NAY

Kelley Martin
ALDERWOMAN KELLEY MARTIN

AYE

NAY

John Helms
ALDERMAN JOHN HELMS

AYE

NAY

Bobbie Moody
ALDERMAN BOBBIE MOUDY

AYE

NAY

Larry Poynor
ALDERMAN LARRY POYNOR

The motion having received the affirmative vote of a majority of members of the Board present, the Mayor therefore declared the motion so carried and the Ordinance ordained this the 5th day of October, 2010.

Bob Morris
BOB MORRIS, MAYOR
CITY OF FLORENCE

ATTESTED BY:

Linda Wigley
LINDA WIGLEY
CITY CLERK
CITY OF FLORENCE, MS

PREPARED BY:

RINGER & LINGOLD
DAVID RINGER, MSB # 5364
MUNICIPAL ATTORNEY
125 EAST MAIN STREET
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