

**CITY OF FLORENCE, MISSISSIPPI**

**ORDER**

**WHEREAS**, the City of Florence ( hereinafter sometimes referred to as “the City”) continues to receive requests for permission to sell merchandise and services at Hemphill Park (hereinafter sometimes referred to as “the Park”); and

**WHEREAS**, the City has already established regulations for vendors of ice cream and photography; and

**WHEREAS**, the City has recently ordained an amending ordinance exempting any sales of merchandise and services at the Park from the requirements of the Transient Vendor Ordinance No. 155, as ordained on December 7, 1998.

**NOW THEREFORE**, the City of Florence, in order to regulate and monitor such activity, does hereby order that tee-shirt vendors may sell their products at the Park upon the following terms:

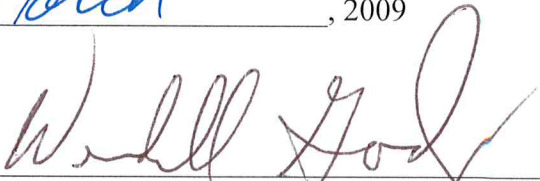
1. Complete an application for a Temporary Transient Vendor License for Hemphill Park, paying to the City Clerk the sum of \$25.00 per day, or 20% of total sales, whichever is greater, for each day that such business is conducted at Hemphill Park. Provided, however, upon approval by the City of an alternative business arrangement, all or part of the fees can be waived.
2. The Temporary Transient Vendor License is good for one (1) year from date of such License, and upon expiration, must be renewed if Vendor wishes to continue to do business at the Park.
3. Before issuance of such license, the City Clerk shall require proof of liability

insurance policy in such amount as the City shall deem appropriate, but no less than \$50,000.00.

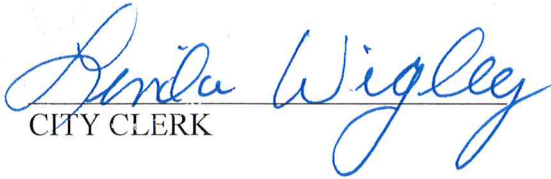
4. The Vendor must agree to provide all equipment necessary to operate his/her business, including power cords, tables, etc.
5. The Vendor is to pay the City the sum of \$25.00 per day or 20% of total sales, whichever is greater, for each day such business is conducted at Hemphill Park..
6. In the event the Vendor receives a complaint, the Vendor shall notify in writing the Director of Parks within fourteen (14) days thereof. The Director of Parks shall determine course of action, including and up to suspension of license.
7. The Vendor agrees to hold the City of Florence harmless for any loss or liability due to personal or property damage sustained or alleged to have been sustained by the Vendor while exercising any of the rights granted by this order. The Vendor further agrees to indemnify, defend and hold harmless the City of Florence, its officials, employees and the Parks Department from any and all liability, cost, loss, damage or expense including attorney's fees and litigation expenses which arise out of, or result from any of the activities involved or incident to the conduct of the Vendor.
8. The Vendor agrees that it will not offer products competitive with non-profit groups (currently Florence High School Booster Clubs), and that failure to abide by any of the rules set forth herein will result in suspension of the

Vendor's license.

SO ORDERED this the 31<sup>st</sup> day of March, 2009

  
\_\_\_\_\_  
MAYOR OF FLORENCE

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

RINGER & LINGOLD  
ATTORNEYS AT LAW  
DAVID RINGER, MSB # 5364  
FLORENCE CITY ATTORNEY  
125 EAST MAIN STREET  
POST OFFICE BOX 737  
FLORENCE, MISSISSIPPI 39073  
(601) 845-7349 / FAX (601) 845-6799  
client\city\park\teeshirtvendor.wpd

APPLICATION for  
TEMPORARY TRANSIENT VENDOR LICENSE  
HEMPHILL PARK  
 CITY OF FLORENCE, MISSISSIPPI  
 P. O. BOX 187  
 FLORENCE, MS 39073

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

TYPE OF COMPANY: \_\_\_\_\_ CORPORATION \_\_\_\_\_ LLC \_\_\_\_\_ INDIVIDUAL

IF CORPORATION OR LIMITED LIABILITY COMPANY, LIST THE FOLLOWING:

PRINCIPAL OR MAJORITY OWNER:

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

EMPLOYEES SELLING MERCHANDISE AT HEMPHILL PARK

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

By my signature below, I agree to abide by all conditions contained in City of Florence Order, a copy of which I have received and read.

Application Fee of \$ \_\_\_\_\_ received, this \_\_\_\_\_ day of \_\_\_\_\_ 200 \_\_\_\_\_

\_\_\_\_\_  
Park Director

EXHIBIT "A"