

CITY OF FLORENCE, MISSISSIPPI

ORDER

WHEREAS, the City has received a request for permission to sell ice cream products at the City Park; and

WHEREAS, there is a probability that more than one vendor may wish to come upon City property and sell ice cream products and related businesses; and

WHEREAS, it has been made known that the patrons at athletic events have requested that ice cream vendors be allowed to sell their products at the City Park.

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

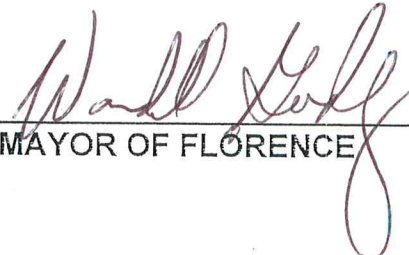
1. Complete an application and tender an annual permit fee in the amount of \$ 300.00, if timely paid consistent with the application which is attached hereto and hereby herein incorporated as Exhibit "A";
2. The ice cream vendor, if an individual or group of individuals, must give the name and address of each individual that is a principal in the business. If the ice cream vendor is a corporation or limited liability company, the ice cream vendor is to set out the name, address, and phone number of the business and a principal with a majority interest in the business;

3. The Ice Cream Vendor must supply evidence of current Mississippi State Health Department approval, and such certificated approval must be kept current with the Director of Parks.
4. In the event that an ice cream vendor receives a complaint, within fourteen (14) days of receipt of the complaint, the ice cream vendor shall notify in writing the Director of Parks of the problem and what, if anything, was done to resolve it. In such event, if, in the discretion of the Park Director, there is interest in receiving additional information about the issue, same shall be timely provided;
5. If complaints are not resolved to the satisfaction of the Director of Parks, then the permit to be an ice cream vendor in the City Park will be suspended or revoked with no refund of application fee.
6. The Ice Cream Vendor agrees to hold City of Florence harmless for any loss or liability due to personal or property damage sustained or alleged to have been sustained by the Ice Cream Vendor while exercising any of the rights granted by this order. The Ice Cream Vendor further agrees to indemnify, defend and hold harmless the City of Florence, its officials, employees, and the Parks Department from and against any and all liability, cost,

loss, damage or expense, including attorney's fee and litigation expenses which arise out of or result from any of the activities involved or incident of the conduct of the Ice Cream Vendor. Further, the Ice Cream Vendor shall at all times maintain a liability insurance policy of \$1,000,000.00.

7. The City historically has encouraged not-for-profit groups (e.g. high school booster clubs) that work for general betterment of the community to raise money of such group via being a park concessionaire. The City accordingly can elect to pro-ratedly remit application fee, should such non-profit concessionaire have a product line deemed to be adversely affected or to be potentially adversely affected by product line of applicant, at which time the applicant would cease having authority to be a vendor in the City Park.

SO ORDERED this the 3rd day of January 2008


MAYOR OF FLORENCE

RINGER & SIMMONS
ATTORNEYS AT LAW
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FLORENCE CITY ATTORNEY
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ATTEST:


CITY CLERK

APPLICATION
ICE CREAM VENDOR PERMIT
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 ICE CREAM 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 _____ 2007.

Park Director

EXHIBIT "A"