

BE IT HEREBY ORDAINED, that Chapter 23 of the Ordinances of the City Corinth be amended to read as follows:

CHAPTER 23- TRANSIENT VENDORS

23-1	Definitions
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23-11	Limitations as to location, times, days, etc. for sales by transient vendors
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SEC. 23-1. - Definitions.

The following words as used in this chapter **shall** have the following meanings:

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- A) "Transient vendor" means any person who transacts transient business in this State, either in one locality or by traveling from place to place in this State. The term includes a vendor who for the purpose of carrying on such business, hires, leases, uses or occupies any building, structure, motor vehicle, railroad car or real property in the City. The term also includes any person who engages in the business of selling any goods, wares, merchandise or services or who solicits orders for such goods, wares, merchandise or services by going from house to house, or place to place, and who does not have a permanent place of business in the City and is not employed by any person having a permanent place of business in the City.
- B) "Transient business" means any business conducted for the sale of merchandise or services or the solicitation of same 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. The foregoing shall include, but not be limited to, temporary automobile or motor vehicle dealers who are not principally domiciled in the City.
- C) "Person" means an individual, corporation, association, partnership, limited liability company or other entity.

SEC. 23-2. - Exemptions.

- A) The provisions of this chapter shall not apply to solicitations, sales, or distributions made by charitable, educational or religious organizations which have their principle place of activity in the City.
- B) Wholesale tradeshow or conventions.
- C) Sale of goods, wares, services or merchandise by sample, catalog or 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) Duly licensed flea markets operating from a fixed location.
- H) Sales or repairs of crafts or sales or repairs of items made by hand by the person making the crafts or items.

- 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 Mississippi.
- J.) Sales of agricultural services.
- K) Mobile services, domiciled in Alcorn County, Mississippi, serving residents of the City of Corinth, including, but not limited to, food trucks, vehicle and/or equipment servicing, washing, repairing which have valid business licenses issued by the City of Corinth, and all licenses and/or permits required by the city, state, and federal government and which are in compliance with any and all other governmental laws, regulations and ordinances.

None of the above exemptions shall be construed to authorize door-to-door solicitations except. in full compliance with this chapter.

A transient vendor, not otherwise exempted from this chapter, is not exempted from this chapter because of a temporary association with a local dealer, auctioneer, trader, contractor or merchant, or by conducting the transient business in connection with, or in the name of, any local dealer, auctioneer, trader, contractor or merchant.

SEC. 23-3. - license required.

A transient vendor may not transact business unless the vendor and the owner of the merchandise or provider of the service to be offered, if the merchandise is not owned or the services are not provided by the vendor, has secured a license in accordance with this chapter and has otherwise complied with this chapter and the laws of the State of Mississippi.

SEC. 23-4. - Application for license.

A transient vendor who desires to transact business in the City of Corinth shall apply for, and obtain, a license from the City of Corinth. The license application shall be filed with the Tax Collector of the City of Corinth and 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 required City, County and State permits and licenses. Such proof shall include a Mississippi Sales Tax number, and the City's sales tax diversion code.

If the applicant is an association, limited liability company, partnership or corporation, the applicant must also include the names and addresses of the members, managers, partners and officers of the entity. 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 an entity organized under the laws of another state, the applicant must state the date on which the entity qualified to transact business in this State.

SEC. 23-5. - Registered agent.

Each applicant for a transient vendor license shall designate a registered agent on the license application. The registered agent must be a resident of the City of Corinth and shall be the agent on whom any process, notice or demand required or permitted by law to be served on the licensee may be served. The registered agent must agree in writing to act as the agent. The license applicant shall file a copy of the agreement with the license application. If a transient vendor who does business in the City of Corinth fails to have, or to maintain, a registered agent in the City of Corinth or if the designated registered agent cannot be found at the **stated** permanent address, the City of Corinth Tax Collector is the agent of the transient vendor for service of process, notices or demands. Service upon the Tax Collector is made by delivering to his/her office, duplicate copies of the process, notice or demand. If such process, notice or demand is served upon the Tax Collector, he/she shall immediately forward one copy by registered or certified mail to the permanent address of the transient vendor. This section does not limit, or otherwise affect, the right of any person to serve a process, notice or demand in any other manner authorized by law.

SEC. 23-6. - license fee and bond requirements.

Each applicant for a transient vendor license shall include a license fee of \$250.00 or such sum as is designated as the maximum license fee by the statutes of the State of Mississippi now in existence and as hereinafter enacted which fee shall be deposited in the general fund of the City of Corinth.

The applicant shall also execute a cash bond or a surety bond issued by a corporate surety authorized to do business in the State in the amount **of** the lesser of Two Thousand Dollars (\$2,000.00) 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, the City, or other political subdivision of the State; (b) any fines assessed against the applicant or the applicant's agent or employees for a violation of this chapter and (c) any judgment rendered against the applicant or applicant's agents or employees in a cause of action commenced by a purchaser of merchandise or services not later than one 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 City of Corinth and for a period of one-year after the termination of the business. After the transient vendor furnishes satisfactory proof through the City of Corinth Tax Collector that the vendor has satisfied all claims of purchaser of merchandise from or services offered by the vendor and that all sales taxes and other applicable taxes have been paid to the proper entities, the bond shall be released.

SEC. 23-7. - Issuance of license, etc.

The City Tax Collector shall issue a transient vendor license under this chapter only if all requirements of this Chapter have been met. The license is not transferable and is valid only within the territorial limits of the City of Corinth. The license expires ninety (90) days after the date of issuance.

The license may be renewed upon payment of \$25.00 (or such greater sum as allowed by the statutes of the State of Mississippi now in existence and as hereinafter enacted) renewal fee and the filing for renewal with the City of Corinth Tax Collector of the expiration before the current license. A license may be renewed only one time after which a licensee must once again purchase a new license.

SEC. 23-8. - Posting sales tax number, etc.

While transacting his/her/its business, a transient vendor shall post in a prominent place, so that they may clearly be seen by purchasers of the merchandise or services, his/her/its state sales tax number, transient vendor license number, and a statement that he/she/it is required to give purchasers, at the time of payment, receipts for purchases that include sales tax. The postings required in this section shall be written in bold, legible letters and numbers not less than one inch in height. The transient vendor shall keep a running total of his/her/its sales.

SEC. 23-9. - Penalties.

Any person who knowingly or intentionally operates a transient business without a valid license as provided in this chapter or who knowingly or intentionally advertises, offers for sale, or sells any merchandise or services in violation of this chapter shall, upon conviction, be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500.00) or such greater amount as is authorized by the statutes of the State of Mississippi now in existence and as hereinafter enacted, or be imprisoned in the County Jail for not more than 6 months or be both fined and imprisoned. Such person may also be proceeded against by suit and the Tax Collector of the City of Corinth 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. 23-10. - Remitting to City of Corinth City taxes.

Any transient vendor shall be obligated to the City of Corinth for any and all sales taxes and any and all other taxes applicable to sales within the City of Corinth and shall take any and all steps necessary to assure that any and all City of Corinth sales are properly reported as such and that all

steps are taken to assure that the City of Corinth receives **its** proper portion of sales taxes. The City of Corinth shall be entitled to its legal portion of any and all sales taxes and other taxes arising from sales of merchandise or services that occur in the City of Corinth as well as any and all sales resulting from contact initiated in the City of Corinth, regardless of where said sale is consummated.

SEC. 23-11. - Limitation as to location, times, days, etc. for sales by transient vendors.

Transient vendors operating from a location in the City shall be permitted to operate within the City limits of the City of Corinth as follows:

- A) Transient vendors shall be limited to operation in those districts of the City of Corinth bearing a designation of 1-2.
- B) Sales by transient vendors may be made on Monday - Saturday from 10:00 a.m. to 4:00 p.m.
- C) Any tent utilized in connection with transient vendor sales or solicitations shall comply with all Ordinances of the City of Corinth and all of the laws of the State of Mississippi and shall be limited to a size not greater than 400 square feet.
- D) The transient vendor shall not allow a camper, RV or any other type of apparatus containing sleeping quarters to be stationed on the property where the transient vendor is selling or soliciting sales of merchandise, goods or services,
- E) If the transient vendor is offering for sale or lease, automobiles, or motor vehicles of any nature, the transient vendor shall be permitted to have no more than 20 motor vehicles for sale or lease on the premises at one time.

Any signs on the property shall comply with all of the provisions of the Code of Ordinances of the City Corinth relative to signs.

- G) Transient vendors are prohibited from selling or soliciting sales of merchandise and/or services on any public right-of-way.
- H) The location from which the transient vendor operates must be in compliance with all codes of the City of Corinth as now exist or as hereafter exist, which shall include, but not be limited to, the provision of fully compliant public restroom facilities on-site.

SEC. 23-12. - Door to door Solicitations / Sales

All persons or entities that intend to engage in door-to-door sales or solicitations must obtain all licenses set forth in this chapter and pay all license fees and secures all bonds required by this chapter. Said individuals and entities shall be responsible for collection of all taxes as set forth

in this chapter. Said individuals and entities may make door-to-door sales and solicitations only after having complied with all the foregoing. Such sales and/or solicitations may be made only during the hours of 10:00 a.m. to 4:00 p.m. Monday through Friday. In the event that any resident of the City of Corinth posts a "No Solicitations" sign or sign of similar meaning, the salesperson / solicitor shall not contact said resident for the purpose of sales or solicitations. Persons listed on the "No Solicitations" list shall not be contacted. All persons making house-to-house sales or solicitations must be identified by name and address in the filing with the City. No one who has a felony conviction upon his/her record shall engage in house to house sales or solicitations. In the event that a resident requests a house-to-house sales person to leave the residence, the sales person shall then and there immediately leave. Failure of said sales person immediately to leave the property of the resident shall constitute criminal trespass and breach of the peace which shall be punishable in accordance with these Ordinances and the statutes of the State of Mississippi. Violation of these prohibitions may result in the City revoking the transient vendor license immediately. In such event, the transient house-to-house vendor may seek an audience before the Board of Mayor and Aldermen of the City of Corinth.

SEC. 23-13. - No solicitation list.

Residents of the City who do not wish to be contacted by transient vendors or door to door salespersons may place their name and address upon the "No Solicitations List" that will be maintained at the office of the Clerk of the City of Corinth. It shall be unlawful for any transient vendor or any door to door salesman to call upon any such resident whose name appears on said list at the resident's address appearing on said list. Violation of same shall be punishable in accordance with these Ordinances and the statutes of the State of Mississippi and shall also be grounds to consider rescinding any and all permits and licenses of the salesperson making such call and the licensee for whom the salesperson is making such call.

NO SOLICITATION LIST

The following individuals, at the addresses indicated, wish not to be subject to house-to-house solicitations/sales calls. As such, any transient vendor or employee of any transient vendor, including any person making house-to-house sales or solicitation calls, shall, pursuant to the Ordinances of the City of Corinth refrain from contacting the below listed individuals at the below listed addresses. The Ordinances of the City of Corinth provide penalties for violation hereof, including fines, imprisonment, and loss of license.

NAME

ADDRESS

RESOLVED FURTHER, that the said amended chapter of the Ordinances be certified by the Municipal Clerk, signed by the Mayor, recorded in the City Ordinance Book and published at least one time in the Daily Corinthian, a newspaper having general circulation in the City of

Corinth, Alcorn County, Mississippi and the said Ordinance shall not be enforced for a period of one month after its passage

