

**ORDINANCE ESTABLISHING
REGULATIONS FOR TRANSIENT VENDORS**

WHEREAS, the Mayor and Board of Aldermen of the City of Saltillo, Mississippi find that it in order to promote and protect the health, safety and welfare that it is reasonable and necessary to establish an Ordinance Establishing Regulations for Transient Vendors, pursuant to Miss. Code Ann. § 21-19-35 (1972), as amended. It is the intent of the governing authorities for the City of Saltillo, Mississippi to adopt and provide reasonable regulations for transient vendors which are not inconsistent with the provisions of Sections 75-85-1 through 75-85-19 of the Mississippi Code. This ordinance is in addition to said provisions for specific regulations within the City of Saltillo, Mississippi.

**BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SALTILLO, MISSISSIPPI, AS FOLLOWS:**

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

Section I. Definitions.

- (A) “Transient vendor” means any person who transacts transient business in the City of Saltillo, Mississippi by traveling from place to place in said City or through said City.
- (B) “Transient business” means any business conducted for the sale of merchandise or services that is carried on at a particular location for 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.

Section II. Exemptions.

Those exemptions set forth in Miss. Code § 75-85-3 (1972), as amended, shall likewise be and are hereby exempted from the application of this Ordinance.

Section III. Registration.

All transient vendors shall register with the City of Saltillo’s City Clerk prior to conducting any business in the City. Registration shall be made on a form provided by the City Clerk. All information required shall be supplied by the vendor prior to acceptance of the registration. At the time of registration, each transient vendor shall provide a copy of a valid form of identification and a valid, current tax ID certificate and shall agree to submit to an

electronic background check performed by the City of Saltillo Police Department. The registration shall be approved within three (3) business days of submission.

In the event a sole proprietorship, partnership, limited liability company, corporation or other entity registers as a transient vendor, and such business entity has more than one employee who is performing activities of a transient vendor as defined herein, a separate permit shall be required for each employee of said business entity. Each employee shall carry identification that they are employed by the business entity and such identification shall specifically refer to the transient vendor registration number issued by the City to the business entity and each individual employee.

Section IV. Conduct, Hours of Operation and Violations.

No transient vendor shall conduct public solicitation in the City in such a manner that their conduct is contrary to the public interest. No solicitation tactics shall be employed which are coercive, abusive or misleading. No effort may be made by any transient vendor to defraud any individual through the solicitation process. Repeated contact with the same household shall be considered harassment unless invited to return by the homeowner, and such conduct shall be and is hereby prohibited. Except as otherwise approved by the City of Saltillo Police Department, no sales or solicitation shall be conducted in the right of way of any public road.

Door to door solicitation shall be made only between the hours of 9:00 a.m. and 6:00 p.m. from November through April and 9:00 a.m. and 7:00 p.m. from May through October. Each transient vendor shall carry on his or her person a copy of the registration issued by the City at all times while selling or traveling about the City for the purposes of selling or soliciting orders. Individuals may not solicit as a team using another person's registration. A transient vendor registration may be revoked by the Chief of Police for any of the following causes:

- (A) Fraud, misrepresentation, or false statements contained in the registration application or in the course of carrying on sales solicitation;
- (B) Any violation of any provisions of this Ordinance or applicable state law; and
- (C) Conducting business in an unlawful manner, or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

A registration which is revoked may be appealed before the City of Saltillo Board of Aldermen and shall not conduct business until said appeal has been heard.

It shall be unlawful for any person, whether registered or unregistered, while conducting the business of a transient vendor, canvasser, or any other business solicitation, to enter upon any residential premises in the City where the owner, or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Solicitors" or words of similar import.

Section V. Penalties.

Any person who violates any provision herein shall be guilty of a misdemeanor, and shall be fined no more than Two Hundred and Fifty Dollars (\$250.00) upon the first conviction and no more than Five Hundred Dollars (\$500.00) upon any second or subsequent conviction under this ordinance.

Section VI. Severability, Conflict, Effective Date, and Publication & Recording.

(A) Severability. Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any court of competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

(B) Conflict. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Saltillo, Mississippi, existing on the effective date of the ordinance, the provisions of this ordinance shall take precedence.

(C) Effective Date. This Ordinance shall become effective upon passage for the immediate and temporary preservation of the public peace, health and safety. It is necessary for this ordinance to become effective immediately due to the numerous complaints by the citizens of the City of Saltillo, Mississippi, including but not limited to, the senior citizens of the City of Saltillo, Mississippi for the unreasonable hours of operation and persistent unsolicited methods and modes of sales tactics by transient vendors.

In the event this ordinance does not pass by a unanimous vote of all members of the governing body, this Ordinance shall become effective upon publication and after one (1) month from the date of passage.

(D) Publication & Recording. The City Clerk is instructed to publish this ordinance one time in the Northeast Mississippi Daily Journal and to obtain proof of publication thereof and record this ordinance in the ordinance book.

Section VII. Adoption and Certification.

UPON MOTION of Alderman Scott Knight, duly seconded by Alderman Jewell Webb, the aforesaid ordinance was put to a vote with Aldermen voting as follows:

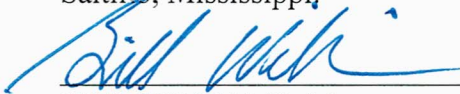
ALDERMEN VOTING "YEA":

Mitch Brazeal
Scott Knight
Terry Glidewell
Jewell Webb
Brad Woodcock

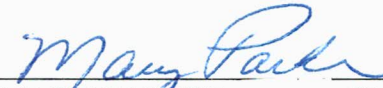
ALDERMEN VOTING "NAY":

ALDERMEN ABSENT OR NOT VOTING:

ORDAINED AND ADOPTED this the 24th day of June, 2011,
at the Special Called Meeting of the Mayor and Board of Aldermen of the City of
Saltillo, Mississippi.



BILL WILLIAMS, Mayor
City of Saltillo, Mississippi



MARY PARKER, City Clerk
City of Saltillo, Mississippi



NOTE: This ordinance was approved and adopted by the Mayor and Board of Alderman at their Special Called Meeting on June 24th, 2011 and appears in Minute Book 3 at pages 62.