

CHAPTER 12

LICENSES AND BUSINESS REGULATIONS*

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ARTICLE I. IN GENERAL**

Section 12-1. Pawnbrokers; Reports.

Every pawnbroker in the City is required to make reports, in writing, upon forms to be furnished and paid for by the City, to the Chief of Police. Said reports shall show the name, description, address and right thumb print of the person selling or pawning any article, giving complete description, serial number and identifying marks of said articles and purchase price or amount loaned.

Source: Code 1969, § 28-16

State Law Reference --- Records of pawnbrokers, Miss. Code 1972, §75-67-11 et seq.

Section 12-2. Petroleum Products; Self-Service Sale.

It shall be unlawful for gasoline, kerosene or diesel fuel to be bought, sold or dispensed at wholesale or retail where said gasoline, kerosene or diesel fuel is pumped and dispensed by the

***Cross References** --- Alcoholic beverages, Ch. 3; amusements, Ch. 4; animals and fowl, Ch. 5; aviation, Ch. 6; buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 9; food and food establishments, Ch. 10; motor vehicles and traffic, Ch. 13; drug paraphernalia, §16-21 et seq.; oil and gas, Ch. 16; railroads, Ch. 21; zoning, App. I; surety on performance bond of City officers, §2-1 et seq.; mobile home park license §13-26 et seq.; plumbers license, §21-26 et seq.; distribution of advertising material, §24-2.

State Law Reference --- Local privilege taxes, Miss. Code 1972, §27-17-1 et seq.

****Cross Reference** --- Arborist's license and bond, §26.1-18.

general public, unless there is at all times an attendant on the premises and the owners of said premises furnish to the City before commencing said operation a Certificate of Insurance with minimum limits of bodily injury liability in the amount of One Hundred Thousand Dollars (\$100,000.00), each person and Three Hundred Thousand Dollars (\$300,000.00), each accident, and property damage liability in the amount of One Hundred Thousand Dollars (\$100,000.00).

Source: Code 1969, §26-23; Ordinance No. 617-1972, § 1, 6-6-72

Section 12-3. Closeout or Fire Sale---Petition for License.

Any person desiring to conduct a sale of merchandise commonly known as a bankruptcy, insolvency, liquidation, closeout sale or a sale of goods damaged by fire, smoke or water, or otherwise shall, before engaging in such business in the City file with the City Council a sworn petition for a license to conduct such sale, showing:

- (1) The nature of the sale and the length of time required by the petitioner for conducting such sale.
- (2) The place of the sale and the approximate value of the goods to be sold.
- (3) Whether or not it is the purpose of the petitioner to replenish the stock of goods, wares and merchandise during the course of the sale and the extent thereof, together with the exact value of such stock to be replenished.

Source: Code 1969, § 37-10

State Law Reference --- Power of City to regulate going-out-of-business sales, etc., Miss. Code 1972, §21-19-37; going-out-of-business sales generally, Miss. Code 1972, §76-65-1 *et seq.*

Section 12-4. Same---License Fee.

The petitioner under Section 12-3 shall pay for each license the sum of One Hundred Dollars (\$100.00).

Source: Code 1969, § 37-11

Section 12-5. Expiration of Privilege Licenses.

The City of Laurel, Mississippi, shall issue annual privilege licenses which will be effective for one (1) year from the date of issuance. The date of issuance shall be on a license, and said license shall expire one (1) calendar year or period of twelve (12) calendar months from that date.

Source: Ordinance No. 1127-1988, 7-5-88

Section 12-6. Validity.

- (a) Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. All existing contracts between the City and private parties will take

precedence over this article.

- (b) Severability. The invalidity of any section, clause, sentence or provision of this article shall not affect the validity of any other parts of this article which can be given effect without such invalid part or parts.

Source: Ordinance No. 1127-1988, 7-5-88

Sections 12-7 --- 12-15. Reserved.

ARTICLE II. TRANSIENT VENDORS*

DIVISION 1. GENERALLY

Section 12-16. Definitions.

City Official: includes the Mayor, Councilperson, Chief Administrative Officer, City Clerk or Inspection Officer.

Person: means an individual, corporation, association, partnership or other entity.

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.

Transient vendor: means any person who transacts 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 purposes of carrying on such business hires, leases, uses or occupies any building, structure, motor vehicle, railroad car or real property.

Source: Ordinance No. 1442-2004, § 12-17, 7-20-04

Section 12-17. Application.

Applicants for a permit under this article shall file a sworn application with the City Clerk on a form to be furnished by the Clerk.

Applicants for a transient vendor's license shall pay a fee to the City with their application, in the sum of \$250. Said license is not transferable and is valid for a period of ninety (90) days. Said license may be renewed one (1) times during a 12 month period for a fee of \$25.00, after which a brand new license must be applied for as described above.

Source: Ordinance No. 1442-2004, § 12-17, 7-20-04

***State Law References** --- Power of City to regulate transient vendors, Miss. Code 1972, §21-19-35; privilege tax on transient vendors, Miss. Code 1972, §27-17-390; home solicitation sales, Miss. Code 1972, §75-66-1 et seq.

Section 12-18. Hours of Solicitation.

With the exception of door to door sales, it shall be unlawful for any transient vendor to personally make or attempt to make solicitations for the sale of goods, wares, merchandise or services except during the hours between sunrise and sunset, being the hours of daylight, on Monday through Saturday, unless a prior appointment has been made with the person solicited.

Source: Ordinance No. 693-1974, §37-23, 6-25-74; Ordinance No. 1442-2004, § 12-18, 7-20-04

Section 12-19. Door to Door Sales.

Door to door sales may not be conducted at residential premises except during the hours of 8:00 A.M. to 6:00 P.M., Monday through Saturday. Transient vendors are not allowed to make any door to door sales at residential premises on Sundays, nor during any hours not set forth herein, without prior appointment from the resident.

Source: Ordinance 1442-2004, § 12-19, 7-20-04

Sections 12-20. Locations and Set-up.

- (1) Transient vendors are restricted to operating or conducting business in Zones C-2, General Commercial District, and C-3, Heavy Commercial District, except for door to door sales. In addition to these commercial Business zones, transient vendors are now prohibited from operating or conducting business in the City of Laurel corridors (which shall be defined and designated as property abutting the applicable road right-of-way) from Ellisville Boulevard also known as Highway 11 South intersecting at South 16th Avenue which becomes Highway 15 North at West 10th Street to the north city corporate limits: from West 5th Street at the intersection of Highway 15 N and Highway 84 W going East on Sawmill Road to Carroll Gartin Boulevard intersection; on Ellisville Boulevard (also known as Highway 11 South) from Central Avenue to Oak Park Boulevard; and, from Highway 59 South approaching Chantilly Street to Cross Street intersection.

Also, all articles of equipment to set up any transient vendor business, such as tents, canopies, blocks, and signs shall be removed from location at the end of each business day.

- (2) Transient vendors are prohibited from selling their products or services on any public right-of-way, or within 60 feet of any public right-of-way located within the City, or within 60 feet of any street corner located within the City.
- (3) Transient vendors may not sell any products or services on any property without having first obtained written permission from the owner or legal occupancy of the premises upon which sales of products or services may be offered, and said written authority shall be presented at the time of a request made by any City official or

agent thereof, or by the Laurel Police Department.

Source: Ordinance No. 1442-2004, § 12-20, 7-20-04, §12-20 Ordinance 1586-2012, 2-8-2012

Section 12-21. Bond.

Transient vendors shall execute and post a cash bond or surety bond in favor of the State,, issued by a corporate surety authorized to do business in the State of Mississippi, in the sum of \$2,000 or 5% of the wholesale value of any merchandise or service to be offered for sale by the applicant, as required by Sec. 75-85-13 of Mississippi Code of 1972, as amended, and such bond to be conditioned as set forth therein. Transient Vendors shall also execute and post a cash bond or surety bond in the sum of \$2,000 in favor of the City issued by a corporate surety authorized to do business in the State of Mississippi, conditioned that if said transient vendor shall comply with all the provisions of the municipal ordinances relating to transient vendors, said obligation shall be void, otherwise, to remain in full force and effect.

Source: Ordinance No. 1442-2004, § 12-21, 7-20-04, §12-21 Ordinance 1586-2012, 2-9-2012

Section 12-22. Vendor Identification.

All transient vendors not otherwise excluded, shall post in a prominent place, such that it can be clearly seen by a purchaser, his/its (1) state sales tax number, (2) transient vendor license number and (3) a statement that he is required to supply the purchaser with a sales receipt which includes sale tax at the time of the sale. (Sec. 75-85-17, Miss. Code Ann. 1972)

Source: Ordinance No. 1442-2004, § 12-22, 7-20-04

Section 12-23. Exclusions.

- (1) This Article does not apply to activities or organizations identified in Sec. 75-85-3 Miss. Code Ann. (1972), as amended, which include:
 - (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 Mississippi;
- (j) Sales of agricultural services.

- (2) This Article does not apply to City sponsored events and festivals.
- (3) A transient vendor not otherwise exempted from this Article pursuant Sec. 75-85-3 Miss. Code Ann. (1972), as amended, is not exempted from this Article 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.
- (4) While this Article does not specifically pertain to those excluded pursuant to Sec. 75-85-3 Miss. Code Ann. (1972), as amended, said events and organizations identified therein shall not conduct business on public property or right-of-way.

Source: Ordinance No. 1442-2004, § 12-23, 7-20-04

Sections 12-24--- 12-30. Reserved.

DIVISION 2. REGULATIONS APPLICABLE TO TRANSIENT
VENDORS WHO SELL FRESH AND FROZEN FISH, MEAT AND POULTRY
AND OTHER FOOD ITEMS

Section 12-31. General.

All transient vendors who engage in the selling of fresh or frozen fish, meat or poultry in the City of Laurel temporarily and who do not intend to become or do not become a permanent retailer at such place shall comply with the following regulations.

Transient vendors may not sell any products or services on any property without having first obtain written permission from the owner or legal occupancy of the premises upon which sales of products or services may be offered.

Source: Ordinance No. 1442-2004, § 12-31, 7-20-04

Section 12-32. Application.

Upon application for a transient vendor's license, the vendor shall present a valid retail food store license issued by the Mississippi Department of Agriculture and Commerce acknowledging that the vendor is in compliance with the Department's rules on retail sales of fresh and frozen fish, meat and poultry from motor vehicles.

Source: Ordinance No. 1442-2004, § 12-32, 7-20-04

Section 12-33. Identification.

- (1) Transient vendors' name, address and telephone number shall be visible on the vendor's vehicle.
- (2) The City's vendor's license and Department of Agriculture's retail food license must be conspicuously displayed on the vehicle during sales.

Source: Ordinance No. 1442-2004, § 12-33, 7-20-04,

Section 12-34. Mobile Unit Requirements.

- (1) The vendor shall present the mobile vehicle to the City Clerk prior to licensing for inspection. The Laurel Police Chief or his/her designee may inspect the vehicle at any time during the hours of operation.
- (2) The storage areas of the vehicle shall be completely enclosed.
- (3) The floors and walls of the vehicle and the products contained shall be made of material having a smooth surface and cleaned and maintained in a sanitary condition with the use of a cleaning product recognized by the food industry and used in accordance with the manufacturer's labeling instructions.
- (4) The vehicle shall have adequate toilet facilities unless the licensee has a written agreement with a readily accessible facility to use that facility's toilet facilities during the licensee's hours of operation. Said agreement shall remain in the vehicle at all times during hours of operation.
- (5) The vehicle shall have lavatory facilities with hot and cold running water under pressure and cake, powder or liquid soap shall be made available with individual paper, individual cloth, or other type towels. In lieu of this requirement, licensees and its employees may use chemically treated towelettes for hand washing.

Source: Ordinance No. 1442-2004, § 12-34, 7-20-04,

Section 12-35. Food Storage and Maintenance.

- (1) All food products stored or offered for sale from mobile vehicles must have containers that are leak proof or placed in a leak proof container. Water accumulating from melting ice drained into a waste disposal holding tank (sized at least 15% larger than the food container or containers) for disposal later in an approved sewer treatment facility, such as a public sewage treatment plant or an individual sewage disposal system that is sized, constructed, maintained and operated according to the law unless the vehicle can be connected to an approved disposal system at each point of operation.
- (2) All fresh fish or poultry shall be maintained at 41 degrees Fahrenheit or less. This can be accomplished by maintaining adequate ice on fish or poultry without mechanical refrigeration or a combination of ice and mechanical refrigeration. All

meat shall be maintained at 41 degrees or less by mechanical refrigeration only. All products of transient vendors under mechanical refrigeration must be maintain at 41 degrees Fahrenheit temperature.

- (3) All meat, fish, or poultry shall be protected from contamination from dust, dirt, foreign or injurious contamination and from cross-contamination by other type food products, including other types of meat, fish or poultry.

Source: Ordinance No. 1442-2004, § 12-35, 7-20-04

Section 12-36. Food Sales.

- (1) Advertisements must be completely in accordance with the labeling of the containers. The price per pound of each product must be included in the advertisement, where applicable.
- (2) All phases of the retail transaction shall be accomplished within the enclosed vehicle. This would include obtaining the particular product requested by a customer from storage within the vehicle, weighing the product and packaging the product.
- (3) Sample boxes shall not be displayed out of refrigeration. Products sold to customers at locations other than the vehicle must be picked up by the customer from the vehicle.

Source: Ordinance No. 1442-2004, § 12-36, 7-20-04

Sections 12-37 – 12-40. Reserved.

DIVISION 3. VIOLATIONS AND ENFORCEMENT

Sections 12-41. General.

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), and every day that a violation of this Ordinance continues shall constitute a separate and distinct offense.

Source: Ordinance No. 1442-2004, § 12-41, 7-20-04

Section 12-42. Permit Required.

It shall be unlawful for any transient vendor as defined in Section 12-16 of this article to engage in such business without first obtaining a permit therefore in compliance with the provisions of this article.

Source: Ordinance No. 1442-2004, § 12-42, 7-20-04

Section 12-43. Enforcement.

- (1) Any City official, or agent thereof, or a Laurel Police officer, may inspect the premises utilized by a transient vendor and cite the occupant for any violation of this Article.
- (2) In addition to any fine and penalty herein prescribed, should the City official, police officer or Municipal Judge determine that occurring violation jeopardizes the health, safety and welfare of the general public he/she shall cause to be issued a cease and desist order temporarily revoking applicant's permit until such time as the permittee is in complete compliance with this ordinance.

Source: Ordinance No. 1442-2004, Sec. 12-43, 7-20-04

Section 12-44. Revocation.

- (a) Permits issued under the provisions of this article may be revoked by the City, after notice and hearing, for any of the following causes:
 - (1) Fraud, misrepresentation or any false statement made in the course of carrying on the business as a transient vendor.
 - (2) Fraud, misrepresentation or false statement contained in the application for permit.
 - (3) Any violation of this article.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.
 - (5) Conducting the business of a transient vendor in a unlawful manner as to constitute a menace to the health, safety or general welfare of the public.
- (b) Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his last known address at least five (5) days prior to the date set for the hearing.

Source: Ordinance No. 1442-2004, § 12-44, 7-20-04

Section 12-45. Appeal from Denial or Revocation.

Any person aggrieved by the denial or revocation of a permit as provided in Section 12-43, shall have the right of appeal to the City Council. Such appeal shall be taken by filing with the City Council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The City Council shall set a time and place for a hearing on such appeal and

notice of such hearing shall be given to the appellant in the same manner as provided in Section 12-45 for notice of hearing on revocation. The decision of the City Council on such appeal shall be final and conclusive.

Source: Ordinance No. 1442-2004, § 12-45, 7-20-04

Section 12-46. Records.

The Chief of Police or assigned designee shall report to the City Clerk all municipal court convictions for violation of this article, and the City Clerk shall maintain a record for each permit issued and record the reports of violations herein.

Source: Ordinance No. 1442-2004, § 12-46, 7-20-04

Sections 12-47 --- 12-50. Reserved.

ARTICLE III. DEALERS IN PRECIOUS METALS, STONES OR GEMS*

DIVISION 1. GENERALLY

Section 12-51. Definitions.

As used in this act, the following words and phrases have the meanings ascribed in this section unless the context clearly indicates otherwise:

- (a) “*Dealer*” means any person, corporation or partnership that engages in business of purchasing precious items for the purpose of reselling such items in any form. The term “*dealer*” does not include a manufacturer, retail merchant, pawnbroker licensed under the Mississippi Pawnshop Act (Article 7, Chapter 67, Title 75, MS Code of 1972) or person in the wholesale business, nor does it include any person who purchases precious items at a social gathering in a private residence.
- (b) “*Local law enforcement agency*” means the chief of police and/or his /her designee for business located within the jurisdiction of municipality and the county Sheriff and/or his/her designee located outside the Jurisdiction of a municipality.
- © “*Permanent place of business*” means a fixed premises either owned by the dealer or leased by the dealer for at least one (1) year.

*State Law Reference --- Auctioneers of jewelry, Miss. Code 1972, §75-61-1 et seq.

(d) "Precious item" means any of the following:

1. An article made, in whole or in part, of , silver, nickel, copper, platinum, palladium, iridium, or any combination or alloy thereof and in whatever form used, including but not limited to jewelry, silverware, coins, ingots, dental alloys, tools or instruments.
2. Precious or semiprecious stones, whether mounted or unmounted, of diamonds, sapphires, rubies, opals, emeralds, jade, topaz, garnet, turquoise, pearls, agate or any other stone or gem that has a cash market value as a precious stone or gem.

(e) "Purchase" means the acquisition of a precious item or items for a consideration of cash, goods or another Precious item.

This act shall not apply to any person who purchases precious items for a retail merchant, pawnbroker licensed under the Mississippi Pawnshop Act, manufacturer or wholesale dealer, nor does it apply to any person who purchases precious items at a social gathering in a private residence.

For purposes of this section, the term "private residence" means a separate dwelling or a separate apartment in a multiple dwelling, which is occupied by members of a single-family unit.

Source: Ordinance No. 918-1980, §1(10A-1), 12-16-80, this Ordinance abolished and replaced with Ordinance No. 1581-2011, 9-21-2011-

Section 12-52. Responsibility of Dealers

(1) A dealer desiring to engage in the business of purchasing precious items for the purpose of reselling those items must purchase a privilege license Under Section 27-17-9 of MS Code of 1972 which authorizes him or her To engage in that business. A dealer may not operate in the State of Mississippi unless he or she has a current privilege license to engage in The business of purchasing precious items for the purpose of reselling Those items.

(2) A dealer may operate only from the permanent place of business listed on the privilege license. The dealer must forward a copy of each privilege license to the local law enforcement agency within five (5) days of receipt of the license.

Source: Ordinance No. 918-1980, §1(10A-31), 12-16-80, this Ordinance abolished and replaced with Ordinance No. 1581-2011, 9-21-2011

DIVISION 2. RECORDS REQUIRED

Section 12-53. Records Required.

- (1) Each dealer shall keep the following information for six (6) months
From the date of purchase of a precious item:
- (a) The name, current address, date of birth, and signature of the person from whom the dealer purchased the item.
 - (b) A description of the person, including height, Weight, race, complexion and hair color.
 - © A copy and the serial number of a valid Identification card number, as required under Subsection (2).
 - (d) A list describing the items purchased From that person.

Upon the request of a local law enforcement agency, the dealer must make available any information required under this subsection.

- (2) Before making a purchase, a dealer shall require the person from Whom he or she is purchasing the precious item to identify himself or Herself with a valid driver's license, non-driver's identification card, Armed services identification card or other valid photo identification Sufficient to obtain the information required under subsection (1). The Photo identification must contain a traceable serial number, which must Be recorded by the dealer. The local law enforcement agency shall Make available to each dealer a list of the forms of photo identification that are acceptable under this law.
- (3) Each dealer, at least once each week in which he or she makes a Purchase, shall make out and deliver to the local law enforcement agency a true, complete and legible list of all items purchased during the period since the last report. If the local law enforcement agency has issued forms for the making of the reports, the dealer must use those forms to meet the requirements of the subsection. The list of items must include the following:
- (a) The brand name and serial number, if any, of the item or items purchased.
 - (b) An accurate description of each item sufficient to enable the law enforcement agency to identify the item.
 - (c) The date and time when the item was received.
 - (d) The amount paid for each item.
 - (e) All Information required under subsection (1) of this section.

Section 12-54. Holding of Items Purchased.

- (1) Any item purchased must be held in the dealer's custody in the same shape and form for which it was receipted for fifteen (15) business days after delivering the list of items required under Section 12-53 of this act to the local law enforcement agency.
- (2) A dealer may make payment to a seller only by check made payable to a named actual intended seller.
- (3) It is presumptive evidence of intent to violate this act if the items purchased are not listed or fail to agree with the description contained in the required list.
- (4) On notification by a law enforcement agency or district attorney's office that the items purchased are the fruits of a crime, a dealer may not dispose of those items.
- (5) A dealer may not purchase items from any person under eighteen (18) years of age unless the person is accompanied by a parent or guardian who submits the identification required under Section 12-53 of this act.

Section 12-55. Display of Statute on Premises.

Each dealer must display prominently a copy of this statute in a conspicuous place on the premises of the business.

Section 12-56. Issuance; Effect.

After receipt of the application to obtain a privilege license in the municipality, the City Clerk and/or his/her designee, if satisfied of the correctness of the information given in the application and of the qualification of the applicant to do business in the State, shall issue a license to the applicant upon payment to the City of a license fee of Two Hundred Fifty Dollars (\$250.00)

Section 12-57. Penalties.

A violation of this act is a misdemeanor punishable by a fine on not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both fine and imprisonment. If any violation is continuing, each day the violation occurs shall be deemed a separate offense.

Section 12-58---12-85. Reserved.

Source: Ordinance No. 918-1980, §1(10A-30), 12-16-80, This Ordinance abolished and replaced with Ordinance No. 1581-2011, 9-21-2011

ARTICLE IV. JUNK DEALERS*

Section 12-86. Purchases---From Minors.

It is unlawful for any junk dealer in the City to buy any article of junk or scrap metal

*Cross Reference --- Solid waste, Ch. 22.

State Law Reference --- Junkyards, Miss. Code 1972, §49-25-1 et seq.

from any person under the age of twenty-one (21) years.

Source: Code 1969, §22-11

Section 12-87. Same---Record.

Every junk dealer in the City is hereby required to keep a record of all scrap metal or junk of other description purchased, showing the name of the vendor, his place of residence, his general description and his age, with a description of the article purchased and the amount paid therefor. The record kept by junk dealers shall be open for inspection by the Mayor or the Chief of Police or any member of the police force of the City.

Source: Code 1969, §22-10

Section 12-88. Reports.

Every junk dealer in the City is hereby required to make reports, in writing, upon forms to be furnished and paid for by the City, to the Chief of Police. Said reports shall show the name, description, address and right thumb print of the person selling or pawning any article, giving complete description, serial number and identifying marks of said articles and the purchase price or amount loaned.

Source: Code 1969, §22-22

Sections 12-89 --- 12-100. Reserved.

ARTICLE V. GARAGE, CARPORT AND RUMMAGE SALES*

Section 12-101. Definition.

For the purpose of this article, “*garage, carport and rummage sales*” shall mean the display, sale or offering for sale of any type of goods, wares, merchandise, food or drink at any location within the City of Laurel, and said terms shall be accorded their common meaning, but shall not include limited home occupations as may be authorized under the City of Laurel Comprehensive Zoning Ordinance, nor any other business activity for which a privilege license is required by any law.

Source: Ordinance No. 800-1977, §1, 11-15-77

Section 12-102. Permit Generally---Required.

No person shall hold a garage, carport or rummage sale within the City Limits without first obtaining a permit therefor from the City Clerk.

Source: Ordinance No. 800-1977, §1, 11-15-77

*Cross Reference --- Housing and property maintenance, Ch. 11.

Section 12-103. Same---Application; Fee.

Any person desiring to carry on a garage, carport or rummage sale shall first make application for a permit to the City Clerk for such privilege, but no permit shall be valid for a period of more than one (1) week. There shall be no fee for such permit.

Source: Ordinance No. 800-1977, §1, 11-15-77

Section 12-104. Special Permit.

No permit for a garage, carport or rummage sale shall be issued for any one (1) location in the City nor to any one (1) person, regardless of the location, for more than one such sale during any six (6) month period, except by petition to the City Council for a special permit. Such petition shall be filed with the City Clerk and shall be accompanied by a filing fee of Twenty Dollars (\$20.00). The City Council shall consider said petition at a regular meeting as soon after filing as is reasonably practicable.

Source: Ordinance No. 800-1977, §1, 11-15-77

Section 12-105. Penalty.

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than Three Hundred Dollars (\$300.00) for each such violation.

Source: Ordinance No. 800-1977, 11-15-77

Sections 12-106 --- 12-149. Reserved.

ARTICLE VI. NONRESIDENT VENDORS OF MERCHANDISE

DIVISION 1. GENERALLY

Section 2-150. Definition.

For the purpose of this article, a “*nonresident vendor of merchandise*” is defined as any person, firm or corporation not a resident of or domiciled within Jones County, Mississippi, for at least three (3) months, who temporarily enters or resides within the City of Laurel, Mississippi, with a stock of goods, wares or merchandise for the purpose of selling or attempting to sell said stock of goods, wares or merchandise, either by selling door-to-door or from a temporary location.

Source: Ordinance No. 1001-1984, §1, 2-7-84

Section 12-151. Exceptions.

The provisions of this article shall not apply to the following:

- (1) Solicitations, sales or distributions made by civic, educational or religious organizations which have their principal place of activity within Jones County, Mississippi.
- (2) Solicitations, sales or distributions of milk, dairy products, vegetable, poultry, eggs or other farm and garden produce, excluding meat, seafood and fish produced or grown by the vendor or members of the vendor's family.
- (3) Sales or distributions of arts and crafts manufactured or fabricated by the vendor or members of the vendor's family.

Source: Ordinance No. 1001-1984, §1, 2-7-84

Sections 12-152 --- 12-159. Reserved.

DIVISION 2. PERMIT

Section 12-160. Required.

It shall be unlawful for any nonresident vendor of merchandise as defined in Section 12-150 to sell or attempt to sell any merchandise within the City of Laurel, Mississippi without first obtaining a privilege license from the City and obtaining a permit from the City in compliance with this article.

Source: Ordinance No. 1001-1984, §1, 2-7-84

Section 12-161. Application for Permit.

Applicants for a permit under this article shall file a sworn application with the City Clerk on a form to be provided by the Clerk.

Source: Ordinance No. 1001-1984, §1, 2-7-84

Section 12-162. Permit Fees.

At the time of the filing of an application required by this article, the applicant shall pay a filing fee of One Hundred Fifty Dollars (\$150.00) to the City Clerk to cover the costs incurred in the administration of this article.

Source: Ordinance No. 1001-1984, §1, 2-7-84

Section 12-163. Investigation; Issuance.

- (a) Upon receipt of the application for a permit under this article, the original shall be referred to the Chief of Police, who shall within three (3) days after receipt thereof cause such investigation to the applicant's business and moral character as he deems necessary for the protection of the public good.
- (b) If as a result of such investigation the applicant's character or business

responsibility is found to be unsatisfactory, the Chief of Police shall endorse upon such application his disapproval and his reasons for same and return the application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit will be issued.

- (c) If the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse his approval on the application and return same to the City Clerk, who shall issue a permit for a period of thirty (30) days upon the applicant's posting of the bond required by Section 12-170 of this article.

Source: Ordinance No. 1001-1984, §1, 2-7-84

Section 12-164. Appeal from Denial.

Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of a permit as provided in Section 12-163 shall have the right of appeal to the City Council. Such appeal shall be taken by filing with the City Council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The City Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in Section 12-166(b) for notice of hearing on revocation. The decision of the City Council on such appeal shall be final and conclusive.

Source: Ordinance No. 1001-1984, §1, 2-7-84

Section 12-165. Exhibition.

Nonresident vendors are required to exhibit their permit at the request of any citizen.

Source: Ordinance No. 1001-1984, §1, 2-7-84

Section 12-166. Revocation.

- (a) Permits issued under the provisions of this article may be revoked by the City Council, after notice and hearing, for any of the following causes:
 - (1) Fraud, misrepresentation or any false statement made in the course of carrying on the business as a nonresident vendor.
 - (2) Fraud, misrepresentation or false statement contained in the application for permit.
 - (3) Any violation of this article.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.

- (5) Conducting the business of a nonresident vendor in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- (b) Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his last known address at least five (5) days prior to the date set for the hearing.

Source: Ordinance No. 1001-1984, §1, 2-7-84

Sections 12-167 --- 12-169. Reserved.

DIVISION 3. BOND

Section 12-170. Required.

No permit shall be issued under this article unless the applicant shall first file with the City Clerk a Five Thousand Dollar (\$5,000.00) bond executed by a surety company authorized to do business in the State of Mississippi, conditioned upon the faithful performance of any express or implied warranties made by the vendor in connection with the sale of its goods, wares or merchandise, and said bond to inure to the benefit of any purchaser of goods.

Source: Ordinance No. 1001-1984, §1, 2-7-84

Sections 12-171 --- 12-179. Reserved.

DIVISION 4. PENALTIES

Section 12-180. Penalties for Violation.

Any person, firm or corporation convicted of a violation of this article shall be fined not more than Five Hundred Dollars (\$500.00). Each day a violation occurs shall constitute a separate offense.

Source: Ordinance No. 1001-1984, §1, 2-7-84

ARTICLE VII. - MOBILE FOOD VENDING

Sec. 12-190. - Applicability.

This article shall apply to all mobile food vendors licensed to sell food and/or beverages in the

City of Laurel where permitted to do so and hereby may be referred to as the Mobile Food Vending Ordinance.

Sec. 12-191. - Definitions.

The following words and phrases, whenever used herein, shall be construed as defined in this section:

Mobile food vendor means any person who sells food and/or beverages from a mobile pushcart or motorized mobile food preparation vehicle on a consistent basis and for a period of more than 15 days each calendar year.

Mobile pushcart means any portable vending device, pushcart or other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Transportation, used for the displaying, storing or transporting of food offered for sale by a vendor. Said cart may be up to four feet in width, six feet in length, excluding auxiliary items such as handles or fenders, or otherwise the cart shall not occupy space greater than a total of 24 square feet.

Mobile food preparation vehicle means any motorized vehicle that includes a self-contained kitchen in which food is prepared, processed or stored and used to sell and dispense food to the consumer. The unit must be on wheels (excluding boats and trailers) at all times. This definition does not include pushcarts.

Sec. 12-192. - Permits required to use public sidewalks for mobile food vending.

(a) All mobile food vendors must obtain and maintain a permit for mobile pushcart or mobile food preparation vehicle operated. All applications for permit renewal must be filed yearly. The application shall be made with the signs and licenses division of the office of code services in the planning and development department. The application may be reviewed by any department of the city as may be necessary or convenient to determine whether the application is complete or whether the permit should be granted. Permit applications shall contain the following information:

(1) The name, mailing address, physical address, telephone number(s), and email address of the applicant(s). If any applicant is anything other than a natural person, then all documents related to the creation and maintenance of the entity such as articles of incorporation and any similar relevant documents shall be included.

(2) A valid City of Laurel business permit.

(3) A food vending permit from the Mississippi Department of Health.

(4) A scaled sketch plan or photographs showing the proposed mobile pushcart

or mobile food preparation vehicle dimensions, along with the applicable license or registration and vehicle identification number of any vehicle licensed or registered with the state.

(5) A list of products to be sold.

(6) Proof of a valid insurance policy that provides minimum liability coverage of \$500,000.00 per mobile food preparation vehicle and \$500,000.00 per mobile pushcart, with the city named as an additional insured.

(7) A written indemnity agreement that will hold harmless the city, its officers, and employees, for any loss or liability or damage, including costs, for bodily injury or property damage sustained by a person as a result of the negligent installation, use, or maintenance of a permitted space.

(8) Copies of all letters and other notices from any governmental, quasi-governmental, professional, or business association or entity, related directly or indirectly to alleged or actual improper conduct in the food service business, issued to applicant or any person who will have responsibility for operations of the mobile pushcart or mobile food preparation vehicle for which a permit is requested. This shall include all related response and follow up documents showing any results, findings or actions.

(9) The dates, jurisdiction, court, and disposition of the following:

- a. All felony charges related to the applicant or any principal of the applicant; and
- b. All misdemeanors and violations directly or indirectly related to food, food preparation, permit operations, and/or business operations, related to the applicant or any principal of the applicant.

(10) Such other additional information required by law, rule, or ordinance, or that any department of the city or city council, or the permit applicant reasonably deems appropriate to assist the city in determining whether the permit should be granted. The applicant shall be provided reasonable time to supplement the application.

(a) No public vending permit or public vending management contract shall convey any interest in the real property under the jurisdiction of the City of Laurel which is identified in any permit or contract and such permit shall only convey the right to use the property for the purposes allowed in this article.

(b) Permits cost of \$250.00 per year which covers the administrative cost of processing the application and regulating each mobile pushcart or mobile food preparation vehicle.

(c) Permit holders may be required to remove private materials or accessories to allow

street, sidewalk, or utility access for emergency and maintenance operation or both.

(d) This permit does not allow permit holders to operate within 300 feet of any public space during city appointed special events without proper notarized written authorization from the special event organizers. This notarized written authorization shall be posted while operating during the special event.

(e) The vendor shall not receive compensation for relocating.

(f) The permit must be displayed on the mobile pushcart or mobile food preparation vehicle at all times.

(g) Permits are non-transferable.

(h) A damaged or destroyed mobile pushcart or mobile food preparation vehicle may be replaced if and only if approval for its replacement is obtained from the department of planning and development. Any such replacement pushcart or vehicle must be of substantially the same type, size, and dimension and with the same general characteristics as the original. Such replacement may be disallowed if the original vendor permit would not have approved the use of the replacement pushcart or food preparation vehicle.

(i) Any permit granted pursuant to this article shall be nonexclusive. The city may grant any number of such permits as the city deems appropriate. The grant of a permit shall not limit or abridge any power or authority of the city and shall not limit the authority of the city to commence appropriate civil, criminal, or other enforcement actions. The city retains full authority to amend the ordinances, rules and regulations that apply to any permit.

(j) The city may revoke and terminate the permit in the event the vendor violates any term, condition, or provision of the permit, the Laurel Code of Ordinances and/or zoning ordinances, state and/or federal law, or if the business license issued by the city for the permitted activity is revoked. The procedures for revoking or terminating a permit shall be the same as revoking or terminating a business license. The revocation may be sought as a remedy in a civil action. The vendor may terminate or surrender the permit at will any time prior to the expiration of the permit by providing written notice to the signs and license division of the office of code services in the planning and development department. Termination of the permit shall not operate to relieve the vendor of the obligation to release, hold harmless, and indemnify the city and its officers, agents, and employees.

Sec. 12-193. - Location and operation.

Mobile pushcarts shall only conduct business in C-4, Central Business District, only and shall

only be located in designated areas approved by the Department of Public Works and the Inspection Department. Mobile Food Preparation Vehicles shall only conduct business in designated areas approved by the Department of Public Works and the Inspection Department within the following Zoning Districts C-1B, Medical Professional District; C-1, Restricted Commercial District; C-2, General Commercial District; C-3, Heavy Commercial District; C-4, Central Business District; I-1, Restricted Industrial District; I-2, Light Industrial District; and I-3, Heavy Industrial District. All other areas must receive prior approval by the Department of Public Works and the Inspection Department. The mobile food vendor is responsible for initiating a request to utilize such locations, and the Department of Public Works and the Inspection Department shall have complete discretion as to which locations to approve considering the needs of traffic, pedestrians, public safety, public works, public convenience, the general uses of adjacent private property, and any other factor that is proper and lawful for the city to consider in approving or disapproving such locations. The City of Laurel Police and Fire Departments shall have concurrent authority to oversee locations and setup of mobile pushcarts and mobile food preparation vehicles. If an applicant is denied and wishes to appeal his grievance, he/she/they may file in writing a request for an appeal hearing before the City Council to approve or disapprove the application. Appeal request may be filed with the Inspection Department. Appeal will be heard at a regular scheduled meeting of the City Council and said item will be considered "approved or disapproved."

(b) Mobile pushcarts and mobile food preparation vehicles shall conform to the following regulations regarding location and operation:

(1) Mobile pushcarts and mobile food preparation vehicles must be located at least 300 feet in all directions from the entrance to any non-mobile business selling food unless the owner of the other business gives notarized written permission for the infringement of the no-vending area. Proof of said permission must be filed with the signs and licenses division.

(2) Mobile pushcarts and mobile food preparation vehicles must not be locked or attached to trees, garbage receptacles, or street furniture.

(3) Mobile pushcarts and mobile food preparation vehicles may not locate within 20 feet of any bus stop.

(4) Mobile pushcarts and mobile food preparation vehicles may not locate within three feet of a building or structure unless the sidewalk is not less than 11 feet wide.

(5) Mobile pushcarts and mobile food preparation vehicles may not locate within any area which would block the view of traffic or traffic signals or traffic signs.

(6) Mobile pushcarts and mobile food preparation vehicles may not locate within ten feet of any fire hydrant.

(c) In no event shall any mobile pushcart or mobile food preparation vehicle, display device, or accessory container be located inside any public building or structure or at any place the general public is prohibited.

(d) Mobile pushcarts and mobile food preparation vehicles may only be operated between the hours of 6:00 a.m. and 9:00 p.m. Cleanup and removal of the pushcart or vehicle must be completed by 9:30 p.m.

(e) The operators must be present at all times.

(f) Mobile food vendors are responsible for all waste and trash removal. The containment area must be kept clear of grease, trash, paper, cups or cans associated with the operation. No liquid waste or grease is to be disposed of in tree pits or onto sidewalks, streets, or other public places.

(g) Mobile food vendors shall not vend from mobile vending units within 300 feet of elementary, middle or high school grounds from 1 hour before schools starts, during the time school is in session, or 1 hour after regular school hours ends.

(h) The mobile food vendor shall contain all refuse, trash and litter within the mobile food service unit or within a small moveable trash can maintained by the vendor, and located adjacent to the mobile pushcart or mobile food preparation vehicle in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic. The vendor shall be responsible for the proper disposal of such refuse, trash, and litter, and shall place it in the public trash container, or in any private container with proper permission. The vendor is responsible for all litter and trash within 15 feet of the mobile pushcart or mobile food preparation vehicle at any time the vendor is selling or offering to sell any merchandise or service.

(i) The mobile pushcart or mobile food preparation vehicle must have self-contained utilities and shall not use the city's utilities or private utilities that are not self-contained and integral to the vendor unit.

(j) No mobile food vendor shall sell or attempt to sell any item to the occupant of any motor vehicle, unless it is parked in a lawful parking space. Parking a mobile vending unit on commercially zoned, private property is permitted with written, notarized, permission from the owner and with toilet facilities that are available and convenient. The mobile vending unit must be moved daily.

(k) Every mobile food vendor shall keep records utilizing generally accepted accounting practices for the purposes of compliance with all federal, state and local tax laws.

(l) All approved mobile pushcarts and mobile food preparation vehicles must pay the two percent sales tax required by all food providers in the City of Laurel, along with all other tax and licensing fees required by the State of Mississippi.

(m) All approved mobile pushcarts and mobile food preparation vehicles must be licensed businesses within the City of Laurel with all operations pertinent to the mobile pushcart or vehicle operated within the City of Laurel.

(n) All mobile pushcarts and mobile food preparation vehicles must be issued a State tax number by the Mississippi Department of Revenue designating them as a City of Laurel business.

Sec. 12-194. - Design standards.

All mobile pushcarts and mobile food preparation vehicles must meet the following design standards:

(1) All mobile pushcarts and mobile food preparation vehicles must be self-contained. This requires that the pushcart or food preparation vehicle is not connected or attached to any building or structure, and does not receive power from any building by means of wires, hoses, or other connections.

(2) Umbrellas or canopies must be attached to the pushcart or vehicle and must not exceed eight feet in height above grade. Maximum diameter of canopies and umbrellas shall not exceed six feet and shall not interfere with pedestrian movement. No mobile pushcart or mobile food preparation vehicle shall have more than two umbrellas.

(3) All signage on mobile pushcarts and mobile food preparation vehicles shall comply with the City of Laurel Sign Ordinance. No free standing signage is permitted.

(4) Mobile pushcarts and mobile food preparation vehicles must comply with all local, state, and federal rules regarding sanitation and protection of food from airborne contamination.

(5) Sales of goods are limited to food and beverage.

(6) Mobile food vendors may place a maximum of three coolers within their containment area so long as the coolers are neatly stacked to avoid visual clutter.

(7) No accessory container shall be more than three feet from the unit.

(8) Accessory containers must be made of hard substances such as hard plastic or a metal and may not be made by expanded polystyrene plastic, paper, paperboard, or cardboard.

(9) Mobile pushcarts and mobile food preparation vehicles may not be stored, parked or left overnight on city property.

(10) All permit applicants must operate an existing licensed restaurant within the City of Laurel or have a central kitchen approved by the Mississippi Department of Health for food service.

Sec. 12-19566-81. - Violations and penalties.

(a) All mobile food vending must be performed in compliance with said ordinance. Failure to abide by said ordinance shall result in the following:

(1) A fine not exceeding \$150.00 for a first violation.

(2) A fine not exceeding \$250.00 for a second violation within one year of any prior violation.

(3) A fine not exceeding \$500.00 for a third or more violation within one year of the first.

(b) Any offense shall be considered a misdemeanor and is subject to being cited by any authorized law enforcement official in the City of Laurel or with authority to do so in the City of Laurel.

(c) Violation of this article may result in the suspension or revocation of any city permit or license issued to the owner or operator of the mobile pushcart or mobile food preparation vehicle.

(d) Each day on which an infraction of the ordinance occurs shall be considered a separate and distinct violation.

(e) All fines collected shall go to the city's general fund.

Source: Ordinance 1627-2015 11/2015

