

City of Waveland Solicitors, Transient and Mobile Vendors Ordinance

Adoption by reference
Privilege taxes, permit, bond required
Permit application and fee
Investigation of applicant, issuance of permit
Duty to exhibit permits
Permits nontransferable
Altering permits prohibited
Expiration of permits
Revocation of permits
Appeals
Identification badge
Parking of vehicles restricted
Soliciting after sunset prohibited
Separability

State law references – Authority to regulate transient vendors MCA 1972,
21-19-35; transient vendors generally, MCA 75-85-1 et. Seq.

Solicitors, Transient and Mobile Vendors Ordinance

Adoption by reference

MCA 1972, 75-85-1 et seq. Concerning transient vendors is adopted by reference in this section as if fully set out. (Code 1965, 18-1)

Privilege taxes, permit, bond required.

Transient or mobile vendors shall pay all privilege taxes required by state law, shall obtain a permit in the manner hereinafter provided and shall furnish a good and sufficient penal bond a/k/a surety bond in the amount of \$2,000.00, conditioned that if such transient vendors shall comply with the provisions of this chapter and other ordinances relating to them, such obligation shall be void, otherwise to remain in full force and effect. Initial permit is Three Hundred Fifty and No/100 Dollars (\$350.00).

Permit application

Applicants for transient or mobile vendors permits must file with the city clerk sworn application giving the following information

- (1) Name and description of applicant;
- (2) Address, legal and local;
- (3) A brief description of the nature of the business and the goods to be sold;
- (4) If employed, the name and address of the employer, together with license number or other means of identification;
- (5) If a vehicle is to be used, a description of the same, together with license number or other means of identification;
- (6) Evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- (7) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.
- (8) If the vendor intends to sell or market food items from a vehicle or any other location which is not permanent in nature, then in addition to 1-7, he shall provide proof of:
 - a) driving license
 - b) proof of liability insurance (\$100,000.00 minimum)
 - c) comply with all health department law and regulations
 - d) pay additional fee of Three Hundred Fifty and No/100 Dollars (\$350.00) annually for each vehicle
 - e) Shall appoint a person or company residing in the city limits of Waveland as an agent.

(Code 1965, 18-3)

Cross reference-Clerk, 2-111 et seq.

Investigation of applicant, issuance of permit.

Upon receipt of an application for a permit under the chapter, the original shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. If, as a result of such investigation, the applicant's character or business responsibility is found to be satisfactory, the chief of police shall endorse on such application his approval and return the application to the tax collector, who shall, upon the payment of the proper license fees and filing of the proper bond as required by this chapter, issue such permit. The tax collector shall keep a permanent record of all permits issued.

(Code 1965, 18-4)

Duty to exhibit permits.

Transient or mobile vendors are required to exhibit their permits at the request of any citizen.

(Code 1965, 18-6)

Permits not transferable.

No transient or mobile vendor's permit shall be used at any time, by any person other than, the one to whom it was issued.

(Code 1965, 8-5)

Altering permits prohibited.

It shall be unlawful for any person to alter or deface any permit issued pursuant to this chapter.

(Code 1965, 18-7)

Expiration of permits.

It shall be unlawful for any person to alter or deface any permit issued pursuant to this chapter.

(Code 1965, 18-8)

Revocation of permits.

- a) Transient or mobile vendor permits may be revoked by the mayor and council after notice and hearing, for any of the following causes;
 - (1) Fraud, misrepresentation, or false statement contained in the application for permit;

- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as a transient vendor;
- (3) Any violation of this Code or any ordinance of the city;
- (4) Conviction of any felony or crime involving moral turpitude;
- (5) Conducting business 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 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 hearing.

(Code 1965, 18-9)

Appeals.

Any person aggrieved by the action of the chief of police or the clerk in the denial of an application for a transient or mobile vendor permit, or in the decision with reference to the revocation of such permit as provided herein shall have the right of appeal to the mayor and council. Such appeal shall be taken by filing with the mayor and 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 mayor and 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 this chapter for notice of hearing on revocation.

(Code 1965, 18-10)

Identification badge.

Every transient or mobile vendor licensed under the provisions of this chapter shall be issued an identification badge, which shall be worn by such transient or mobile vendor at all times. Such badge shall have thereon the name of such vendor, the date his license shall expire, the license number, and the signature of the tax collector. Such badge may be in the form of a card inserted into a cellophane lapel badge.

Parking of vehicles restricted.

It shall be unlawful for any person to park or leave standing any wagon, truck, automobile or other vehicle or conveyance, or construct any temporary structure from which vegetables, fruits, goods, or other commodities or things are being retailed on any public right-of-way in the city.

(Code 1965 18-15)

Soliciting after sunset prohibited.

It shall be unlawful for any transient or mobile vendor to solicit orders, take orders or otherwise pursue the business of selling between the hours of sunset and 8:00 a.m. on any day.

(Code 1965 18-14)

Separability.

Should any section or provision of the Ordinance be declared by the Courts to be unconstitutional or invalid, such declaration shall not effect any other portion or provision of this Ordinance

The foregoing City of Waveland Solicitors, Transient, and Mobile Vendors Ordinance, Ordinance #315 having been presented, Alderman Mitchell moved for the adoption of said ordinance, and the subsequent rescission of Ordinance #169, which motion was duly seconded by Alderman Geoffrey at the regularly scheduled May 6, 2003 meeting, where upon the Mayor called motion to roll call vote, the results of which were as follows:

Voting Yea: Mitchell, Geoffrey, Schmitt and Saucier

Voting Nay: None

Whereupon the Mayor declared the Ordinance #315 adopted.

John "Tommy" Longo
Mayor

Attest:
Lisa B. Planchard
City Secretary
