

## Chapter 17

### **PEDDLERS, SOLICITORS AND OTHER ITINERANT MERCHANTS**

Art. I. In General, secs. 17-1 --- 17-10

Art. II. Reserved.(Ord. 3084)

#### **Article I. In General**

##### **Sec. 17-1. Use of streets and sidewalks as places of trade or business.**

It shall be unlawful for any person to use the streets or sidewalks of the city as places of trade or business or as stands from which to conduct any trade or business.

This section shall not be construed as preventing the temporary stopping or parking of vehicles on the streets for the purpose of making the sale of ice cream products to pedestrians, or of making sale or delivery of goods, wares, merchandise or produce on private premises to occupants of the buildings or dwellings thereon where such sale or delivery is not prohibited by other ordinances of the City of Hattiesburg; but shall be construed as prohibiting the stopping or parking of vehicles or other forms of conveyance on the streets for the purpose of selling and delivering from vehicles to the general public any goods, wares, merchandise or produce or otherwise engaging in trade or business therefrom with the general public. (Ord. 3084, sec. 1, 2-21-12;Ord. 2174, sec. 1, 1-29-85; Ord. 1782, sec. 2, 2-21-73)

##### **Sec. 17-2. Use of streets and sidewalks for solicitation, etc. for purpose of selling wares, merchandise, etc.**

It is hereby declared to be a public nuisance and it shall be unlawful for any person to solicit, accost or canvas persons on the streets or sidewalks of the city for the purpose of selling any books, wares, merchandise or articles of any description. Such practice is hereby declared to be obnoxious to the personal rights, convenience and privileges of the public and is further declared as impeding orderly traffic on streets and sidewalks. (Ord. 3084, sec. 2, 2-21-12;Ord. No. 1782, sec. 3, 2-21-73)

##### **Sec. 17-3. Application of section 17-2 to charitable, civic or service organizations.**

The provisions of the preceding section [sec. 17-2] shall not apply to persons soliciting funds in drives sponsored by and solely for charitable, civic or service organizations, except that any solicitation or canvassing on the streets of the City of Hattiesburg by pedestrians or otherwise is declared to be a public nuisance, danger and hazard and punishable as a misdemeanor. (Ord. 3084, sec 3, 2-21-12;Ord. 1782, sec. 4, 2-21-73)

#### **Sec. 17-4. Transient vendors in general.**

Transient vendors may not conduct sales of any of their products or services 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 sales of any products or services at residential premises on Sundays, nor during any hours not set forth herein.

Transient vendors are prohibited from selling their products or services on any public right-of-way of the city, state or county.

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

Each applicants for a transient vendor's license shall designate a registered agent on the license application. The registered agent must be a resident of the city 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.

The tax collector shall maintain an alphabetical list of all transient vendors in the municipality, and the names and addresses of their registered agents.

If a transient vendor fails to have or to maintain a registered agent in the City of Hattiesburg or if the designated registered agent cannot be found at the stated permanent address, the tax collector, is the agent of the transient vendor for service of process, notices or demands. Service on the tax collector is made by delivering to his office duplicate copies of the process, notice or demand. If such a process, notice or demand is served on the tax collector, he shall immediately forward one (1) copy by registered or certified mail to the permanent, address of the transient vendor pursuant to the provisions of Section 75-85-11, Mississippi Code of 1972, Annotated.

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.

Applicants for a transient vendor's license shall pay a fee to the City with their application, in the sum of \$250. Applicants who are licensed businesses permanently located in the City of Hattiesburg and have a current Mississippi Sales Tax Number shall pay a fee of Twenty-Five Dollars (\$25.00). The tax collector shall issue a transient license under this section only if all requirements of this section have been met. The license is not transferable and is valid only within the territorial limits of the issuing city. A license expires ninety (90) days after the day of issuance.

A license may be renewed on payment of a Twenty five Dollar (\$25.00) renewal fee and filing for renewal with the tax collector, before the expiration of the current license. A license may be renewed only one (1) time after which a licensee must once again purchase a new license pursuant to the provisions of Section 75-85-13 of the Mississippi Code of 1972, Annotated.

Transient vendors shall execute and post a penal bond or surety bond in favor the City, 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 authorized by Section 75-85-13 of the Mississippi

Code of 1972, as amended, such bond to be conditioned as set forth therein. No bond shall be required for a transient vendor license for those applicants who are licensed businesses permanently located in the City of Hattiesburg and have a current Mississippi Sales Tax Number.

Prior to offering any merchandise or services for sale, transient vendors must report to the Tax Collector and the Land Development Code Administrator of the City of Hattiesburg and obtain written approval in order to insure that the terms and provisions of the Mississippi Code and City of Hattiesburg Code of Ordinances regulating transient vendors and this ordinance have been met (Ord. 3084, sec 4, 2-21-12;Ord. 2748, sec 1,2,3,4,5,6, 2-20-01;Ord. 2535, Sec.5-6, 10-3-95).

**Sec. 17-5 Report by hotel keeper.**

The owner, proprietor or manager of any hotel, motel, rooming house, or other place of public accommodation shall report, within six (6) hours after renting, to the tax collector the name of any person who has rented a room or other space for the sale and display of merchandise of a transient merchant, giving the location of the room so rented. (Ord. 3084, sec. 5, 2-21-12;Ord. 2030, sec. 5, 10-7-80)

**Sec. 17-6. Regulations applicable to transient vendors who sell fresh and frozen fish, meat and poultry.**

All transient vendors who engage in the selling of fresh or frozen fish, meat or poultry at any place in the City of Hattiesburg 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.

Prior to offering any merchandise for sale, transient vendors must report to the Land Development Code Administrator of the City of Hattiesburg and obtain written approval in order to insure that the terms and provisions of the Mississippi Code and City of Hattiesburg Code of Ordinances regulating transient vendors and this ordinance have been met. Once issued, the permit to do business shall be effective for a period of six months.

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 Departments rules on retail sales of fresh and frozen fish, meat and poultry from motor vehicles.

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

The vendor shall present the mobile vehicle to the City prior to licensing for inspection. City personnel may inspect the vehicle at any time during the hours of operation.

The storage areas of the vehicle shall be completely enclosed.

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.

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.

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.

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.

All fresh fish or poultry shall be maintained at 41 degrees Fahrenheit or less. This can be accomplished by maintaining adequate ice on the 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 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.

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.

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.

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.

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. In addition to any fine and penalty herein prescribed, should the Land Code Administrator determine that a violation jeopardizes the health, safety and welfare of the general public he 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. (Ord. 3084, sec 6, 2-21-12; Ord. 2748, 2-20-01; Ord. 2483, 5-17-94; Ord. 2535, Sec.5-6, 10-3-95)

**Sec. 17-7. Definitions ---Transient vendors.**

Transient vendor is a retailer who engages in the selling of any product of service at any place in the City of Hattiesburg temporarily and who does not intend to become or does not become a permanent retailer of such place.

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.

Registered Agent must be a resident of the City of Hattiesburg. (Ord. 3084, Sec. 7, 2-21-12)

Mobile vehicle is any land vehicle that is capable of being moved from place to place and is not stationary.

Fish means fresh or saltwater finfish, crustaceans, and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber and sea urchin) other than birds or mammals, and all mollusks if such animals are intended for human consumption.

Meat means the flesh of animals intended for human consumption including the dressed flesh of cattle, swine, sheep, or goats and other edible animals or ruminants with the exception of fish and poultry.

Poultry means an domesticated bird intended for human consumption including chickens, turkeys, ducks, geese, guineas or exotic birds.(Ord. 3084, sec. 7, 2-21-12; Ord. 2748,2-20-01)

**Secs. 17-8 Certificate of Zoning Compliance.**

Anyone conducting transient business, including non-profits and others exempt from licensing requirements, shall obtain a Certificate of Zoning Compliance from the Land Development Division. The zoning district must be compatible with the type business to be conducted and may be subject to approval by the Site Plan Review Committee. (Ord. 3084, sec. 8, 2-21-12)

**Secs. 17-9. Penalties**

Any person who knowingly or intentionally operates a transient business without a valid license as provided by this section or who knowingly or intentionally advertises, offers for sale, or sells any merchandise or services in violation of this section shall, upon conviction, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500) or be imprisoned in the county jail not more than six (6) months, or be both fined and imprisoned. Such person may also be proceeded against by suit, and the tax collector may sell any property of the person liable for the tax and penalty in the manner as maybe detained and sold pursuant to the provisions of Section 75-85-19, Mississippi Coded of 1972, annotated. This section shall be enforced by the Land Code Enforcement Department and the Police Department. (Ord. 3084, sec. 9, 2-21-12).

**17-10. Reserved.**

**Article II. Repealed Transient precious metal and gem purchasers  
(Ord. #3084)**

**Sec. 17-11.—17-17 Repealed. (Ord. # 3084)**

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*Cross reference--Precious metal and gem dealers generally, sec. 16-43 et seq.*

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