

**AN ORDINANCE AMENDING AN ORDINANCE OF THE BOARD OF SUPERVISORS OF RANKIN COUNTY,
MISSISSIPPI PROVIDING FOR THE REGULATION OF TRANSIENT BUSINESS SALES
IN THE UNINCORPORATED AREAS OF RANKIN COUNTY, MISSISSIPPI**

**AMENDMENT EFFECTIVE MARCH 2, 2015
ORIGINAL ORDINANCE DATED MARCH 1, 2004**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF RANKIN COUNTY, MISSISSIPPI:

**SECTION 1. THE REGULATION OF TRANSIENT BUSINESS SALES IN THE UNINCORPORATED AREAS OF
RANKIN COUNTY, MISSISSIPPI.**

**PRIOR TO CONDUCTING TRANSIENT BUSINESS SALES IN THE UNINCORPORATED AREAS OF
RANKIN COUNTY, MISSISSIPPI, THE APPLICANT SHALL:**

- A. Obtain a registration application from the Rankin County Tax Collector's office.
- B. Complete the application in full with complete, accurate, and truthful responses. The application, as provided to the applicant, is incorporated by reference in this ordinance and the information on said application is required as part of this ordinance.
- C. Upon completion of the application, submit the completed application to the Sheriff of Rankin County, or his appointed designee.
- D. Participate in an interview with the Sheriff of Rankin County, or his appointed designee.
- E. Obtain the approval of the Sheriff of Rankin County, or his appointed designee, as evidenced by the signature of the appropriate person on the application.
- F. Upon approval of the application by the Sheriff of Rankin County, or his appointed designee, pay an application fee of \$500.00 to the Tax Collector of Rankin County.
- G. Upon approval of the application by the Sheriff of Rankin County, or his appointed designee, pay a cash bond of \$5,000.00 to the tax collector of Rankin County.
- H. Pay a renewal fee of \$100.00 if the renewal is filed before the license expires.
- I. Only conduct business sales during the hours of 9:00 a.m. to 5:00 p.m. (local time), Monday through Saturday. Sunday sales are not allowed.
- J. Submit a signed authorization from an agent of the applicant, with such agent being a resident of Rankin County, Mississippi. (Sheriff of Rankin County approval may serve this requirement).

SECTION 2. CONDUCT OF THOSE SELLING ITEMS SUBJECT TO THIS ORDINANCE.

THE SALES PERSON SHALL:

- A. Not conduct the sale of any items without successfully complying with Section 1 above.
- B. Only conduct sales between the hours of 9:00 a.m. and 5:00 p.m. (local time), on Monday through Saturday. No Sunday sales are allowed.
- C. Notwithstanding the issuance of a license under this Ordinance, the sales person shall refrain from conducting any sales activity on property where signage is posted declaring that solicitation is not allowed. Signage posted at the entrance or entrances to platted subdivisions located outside municipal boundaries in Rankin County indicating that solicitation is not allowed shall be deemed to be signage applicable to each and every parcel of property located within the platted subdivision and no solicitation may take place therein.
- D. Not act so as to constitute a nuisance to the homeowner on which such salesperson is calling.
- E. Immediately leave the person's property on which they are conducting business when so directed by the homeowner or their representative.
- F. Not park any vehicle used during the business sales on any public street or highway in any manner so as to restrict or hinder traffic, nor upon any private property without permission from the owner thereof.

SECTION 3. EXEMPT ORGANIZATIONS.

- A. Subject to the limitations set forth in Section 3, Paragraphs B, C, and D the following individuals and/or organizations are exempt from this ordinance:
 - 1. Religious organizations, as defined in Section 5, Paragraph C, with a physical presence in Rankin County or whose official membership is composed of at least 50% residents of Rankin County.
 - 2. Recognized Civic Clubs, as defined in Section 5, Paragraph D, that have a local chapter meeting in Rankin County (such as Rotary, Lion's Club, Garden Club, etc.)
 - 3. Students as defined in Section 5, Paragraph F, who reside in Rankin County that are currently enrolled in Rankin County public schools, Rankin County private schools, Rankin County home schools, or Mississippi colleges and/or universities.
 - 4. Rankin County Firefighters (whether volunteers or employees) whose affiliation is current with a Rankin County fire department.

- B. No organization or individuals granted exempt status may assign or transfer the exemption to any third party. Any solicitation by exempt organizations or individuals pursuant to this ordinance must be conducted by the exempt individual or members of the exempt organization. No third party may assist with solicitation on behalf of an exempt individual or organization unless accompanied in person by an exempt individual or a member or members of the exempt organization at the time of solicitation. The Rankin County Sheriff has discretion to authorize limited deviation from the accompaniment requirement for Rankin County Firefighters;
- C. Even though individuals or organizations may be classified as Exempt Organizations hereunder, each individual and/or organization so classified must nonetheless complete an application with the Rankin County Sheriff and be approved by the Rankin County Sheriff for authorization under this Ordinance. The Rankin County Sheriff is given discretion to, but is not required to, waive the registration fee, cash bond requirement, and/or the renewal fee set forth in Section 1, Paragraphs F, G and H above for persons assisting exempt individuals or organizations;
- D. Exempt individuals and organizations may conduct business sales during the hours of 9:00 a.m. to Apparent Sunset (as defined in Section 5, Paragraph G below), Monday through Saturday. Sunday sales by exempt organizations are not allowed.

SECTION 4. TERM OF LICENSE.

The license issued under this ordinance will be valid for a period of 90 days from the date of issuance. After said date, the license issued under this ordinance is void and continued solicitation beyond said date will subject the bearer to the penalty provisions of this ordinance.

SECTION 5. DEFINITIONS.

- A. "Person" shall mean any individual, firm, association, syndicate, partnership or corporation.
- B. "Transient Business Sales" shall mean the sale of any item with such sales being temporary or seasonal, not conducted from an established building and those items sold "door to door".
- C. "Religious organizations" shall mean those Rankin County based organizations which are typically recognized as religiously based and do not typically attempt sales, but rather the imparting of information.
- D. "Civic Clubs" shall mean groups or individuals that have a local chapter in Rankin County, Mississippi.
- E. "Public/Private/Schools" shall mean public and private schools located in Rankin County that are accredited by the State of Mississippi Department of Education or comparable

organization. This also includes students that are part of a home school curriculum. This shall also include Mississippi based colleges or universities

- F. "Students" shall mean those persons, under 21 years of age, currently enrolled in a public/private school located in Rankin County, Mississippi. This also includes those persons, under 21 years of age, currently a part of a home school curriculum. It shall also include those persons currently enrolled in an accredited college or university based in the State of Mississippi, on a least "part time" status (i.e. currently taking a minimum of six (6) semester hours).
- G. "Apparent Sunset" shall mean the time of day calculated and defined as "Sunset" for Brandon, Mississippi, on the relevant dates on which solicitation services are to be performed using the sunset calculation services provided by the United States Naval Observatory at the website http://aa.usno.navy.mil/data/docs/RS_OneDay.php

SECTION 6. PENALTIES.

Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be fined not less than \$100.00 nor more than \$500.00 and be subject to imprisonment by a court of competent jurisdiction for a period not to exceed six (6) months. Additionally, the cash bond that is submitted with the application may be forfeited if so directed by a court of competent jurisdiction. Each and every day that the same acts shall continue shall constitute a separate and distinct offense. Each and every individual violation shall constitute a separate and distinct offense.

SECTION 7. CONSTITUTIONALITY.

Should any section or provision of this ordinance for any reason be held void, unconstitutional or invalid, it shall not affect the validity of any other section or provision hereto which is in itself not void, unconstitutional or invalid.

SECTION 8. EFFECTIVE DATE.

This ordinance becomes effective immediately.

ORDERED this the 2nd day of March, 2015.



ATTEST:

Larry Staples
Chancery Clerk

RANKIN COUNTY BOARD OF SUPERVISORS

BY:

Jared K Morrison
Jared Morrison, President of the Board

REGISTRATION APPLICATION FOR PRIVILEGE LICENSE TO OPERATE A TRANSIENT BUSINESS
RANKIN COUNTY, MISSISSIPPI

Applicant must complete all spaces

New License _____ (\$500.00)

Renewal License _____ (\$100.00)

1. Applicant's Name _____
2. Applicant's Permanent Address _____
City State Zip
3. Telephone Number () _____
4. SSN or Federal ID# _____
5. List other Counties and Municipalities where licensed to operate transient business and permit or license number.

6. State of Mississippi Sales Tax Number _____
7. Kind of Product or Service _____
8. Location where business will be conducted _____
9. Length of time business will be conducted _____
10. Name of registered agent _____
11. Address of agent _____
12. Telephone Number of Agent () _____

(Agent must be a resident of county or municipality from which license is obtained. Signed authorization from agent must be attached to this form)

13. If applicant is an association or corporation, complete the following:

A. Names and addresses of members of Association or officers of the Corporation:

Name	Address	Title	SSN
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Name	Address	Title	SSN
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B. Corporation organized under the laws of State of _____

C. Year of incorporation _____

14. List the name and address of each and every person who will be conducting sales activities pursuant to this application:

Name	Address	Title	SSN
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(Attach additional sheets if needed)

A vendor must secure a license before beginning business for each county and municipality in which business will be conducted. License is valid for ninety days from date issued and is not transferrable. Renewal fee is \$100.00 if renewal is filed before license expires. The transient vendor license number, state sales tax number, and a statement that vendor is required to give purchasers a receipt which includes sales tax, must be displayed in a prominent place. This posting is required to be written in bold, legible letters not less than one inch in height. A cash bond made in favor of Rankin County, Mississippi in the amount of \$5,000.00 or 5% of wholesale value of inventory, whichever is greater, must accompany this application. Vendor must maintain a running total of all sales and pay all applicable sales taxes and any other taxes that may apply. Violators of this act or any of the associated ordinances can be convicted of a misdemeanor, fined up to \$500.00 per act and/or imprisoned for up to six (6) months.

I DECLARE UNDER THE PENALTIES OF PERJURY, THAT THIS APPLICATION AND ALL ITS SUPPORTING DOCUMENTATION, IS TO MY KNOWLEDGE TRUE AND CORRECT. I ALSO ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF THE CURRENT COUNTY ORDINANCE CONCERNING TRANSIENT BUSINESS SALES AND THAT I HAVE READ, UNDERSTOOD, AND WILL ABIDE BY SAME.

Signature of Applicant

Date of Application

OFFICE USE:

Signature of Sheriff of Rankin County (or his designee)
After successful interview

Signature of Tax Collector Office signifying collection
Of appropriate fees (\$500.00 application fees;
\$5,000.00 cash bond; \$100.00 renewal fee)

License Number

Date Issued