

**CITY OF DAPHNE
ORDINANCE NO.: 2005-25**

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SCHEDULE OF LICENSES AND FEES AMENDMENT

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WHEREAS, the City Council of the City of Daphne, Alabama hereto adopted Ordinance Number 2002-26 which provides a schedule of license fees and other requirements within the City, and;

WHEREAS, the City Council of the City of Daphne, Alabama has amended said Ordinance by virtue of that Ordinance No. 2004-16, amending certain portions of said Ordinance, and

WHEREAS, the City Council of the City of Daphne, Alabama wishes to amend certain portions of Ordinance Number 2002-26:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THAT ORDINANCE NO. 2002-26 SHALL BE AMENDED AS FOLLOWS:

SECTION I. AMENDMENT TO SECTION 22 OF ORDINANCE No. 2002-26

Section 22 of Ordinance 2002-26 entitled License Classifications is hereby amended to include the following:

CODE NAICS	TITLE AND SUGGESTED LICENSE GROUPING	SCHEDULE
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454329	<i>Concession Stand (Food) Yearly License-</i> There shall be allowed no more than two (2) concession stands to be operated in front of any freestanding business provided that the owner or operator of the concession stand obtains written consent and permission from the business owner or operator. There shall be no more than 3 concessions stands to be operated in any strip mall or shopping mall provided, provided that said vendor shall first obtain written permission from the mall management office plus the owner/operator of the individual store in front of where the vendor will operate. In any event, said vendor shall comply with all local ordinances and state laws applicable to the operation of it's business and present proof of compliance prior to the issuance of the requested business license.	T
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NAICS
CODE

454329 A, *Temporary Vendors (Less than 1 year) –*
B & C

VENDOR DESCRIPTION

W

(a) DEFINITION: Temporary Vendor shall mean any seller or provider of goods or services operating out of a non-permanent structure, or out of a trailer, vehicle, cart or other described apparatus capable of being transported from one location to another.

(b) No temporary structure will be granted a full year license, and in no event shall a temporary license be granted for a period of time greater than 6 months in duration. There shall be allowed no more than two (2) concession/vendor stands allowed in front of any freestanding business provided that the owner or operator of the concession/vendor stand obtains prior written consent and permission from the business owner or operator. There shall be no more than 3 concession/vendor stands allowed in any strip mall or shopping mall. Said concession/vendor operator shall first obtain written permission from the mall management office plus the owner/operator of the individual store in front of where the vendor will operate.

(c) All concession/vendor operators shall comply with all local ordinances and state laws applicable to the operation of it's business and present proof of compliance prior to the issuance of the requested business license.

(d) All Temporary concession/vendor operators must obtain prior written approval from the City of Daphne Community Development Department and written permission from any store owner upon whose property said Vendor is to operate. In the event said vendor desires to set up in front of a store located in a strip mall or other similar style shopping center, said vendor shall first obtain written permission from the mall management office plus the owner/operator of the individual store where the operation will take place, in addition to compliance with any and all local ordinances and applicable state laws. Proof of such compliance must first be presented prior to the issuance of said requested license.

(e) Signage for such temporary vendors shall be attached to the vendor's vehicle or trailer.

SECTION II. AMENDMENT TO SECTION 23 OF ORDINANCE NO. 2002-26

Section 23 of Ordinance 2002-26 License Fee Schedules is hereby amended to include the following:

Schedule "W" - Temporary Vendors

NAICS CODE	DESCRIPTION	AMOUNT DUE
454329 A	Commercial Promoted Special Events (i.e., Rodeo, Wrestling, Boat Show, Car Shows, etc.)*	
	One Day	\$250.00
	Two Days	\$350.00
	Three to seven days	\$500.00

* Each event requires separate license, limited to four (4) per calendar year.

454329 B	<p><i>Temporary Vendors</i> (Concession Stands, Food, Plants, Souvenir, etc.)</p> <p>(a) DEFINITION: Temporary Vendor shall mean any seller or provider of goods or services operating out of a non-permanent structure, or out of a trailer, vehicle, cart or other described apparatus capable of being transported from one location to another.</p> <p>(b) Each Temporary Vendor shall deposit against sales tax, the amount of \$100.00 (non-refundable) to the City in addition to the license fee prescribed herein, and for each solicitor or vendor, said deposit shall be credited to any sales tax owing, and subsequently returned to the licensee if the City determines that all sales tax due has been paid, or applied by the licensee as his or her deposit for licenses issued in future months.</p>	
	ONE MONTH	\$50.00
454329 C	Mardi Gras Parade Cart, Vendors (per cart)	\$250.00
	Mardi Gras Vendor Trailers, Tents, Street side (i.e., Food, Memorabilia, T-Shirts, etc)	\$500.00
	NOTE: Said business license shall be in lieu of any sales tax due, and shall be valid during the Mardi Gras parade season.	

- Each event requires separate license, limited to four (4) per calendar year.

SECTION III. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV. FULL FORCE AND EFFECT

All remaining provisions of Ordinance 2002-26 and all amendments thereto shall remain in full force and effect.

SECTION V. REPEALER

All other Ordinances or parts thereof conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION VI. EFFECTIVE DATE

The provisions of this ordinance shall become effective upon their approval and adoption by the City Council and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this 17th day of May, 2005.


**GREG BURNAM
COUNCIL PRESIDENT**

Date & Time Signed: 5-17-05 7:35


**FRED SMALL
MAYOR**

Date & Time Signed: 5-18-05 8:05

ATTEST:


DAVID COHEN, CITY CLERK, MMC