

## MEMORANDUM

**TO:** Ocean Springs Merchants, Restaurants, Professional Services and Lounges  
**FROM:** Connie Moran, Mayor, and the OS Board of Aldermen (228) 875-4415  
**DATE:** October 5, 2016  
**SUBJECT:** Vendors permits at special events

Festival time is here – here are items regarding special permits/licenses for vendors at special events: Please note there are often times exceptions to these rules that are difficult to anticipate:

1. Most on-street vendors are licensed under the organizer of the venue.
2. Vendors NOT in the venue, but selling food must have a city privilege license which states that they sell food, and must pay taxes. If they operate in Ocean Springs less than 6 months per year, they must also have a transient vendor license from the City (currently \$250 for 90 days).

[Anyone not subject to the exceptions set out in 27-17-485 (basically clubs that promote canning, preserving, bottling, or the “art of cooking”) or 27-17 479 (certain elderly and disabled can operate ice cream carts without a license) should have a city privilege license to sell food. They only need a transient vendor license if they are a transient vendor and conducting “transient business” (less than 6 months per year) in the City. Also, there is the exemption to transient vendor licenses for agricultural, dairy, poultry, or seafood produced in Mississippi, and also an exemption for church and school bazaars, so St. Alphonsus would not be subject to this. While there is no legal requirement as to a letter from the property owner, we can ask for one so they can prove they are not trespassing.]

3. Vendors selling beer/alcohol must have a city privilege license stating they sell beer and/or alcohol. They must have a transient license if they operate in Ocean Springs less than 6 mo./year. They must sell from a commercial zoned property that is also licensed to sell beer/alcohol, and have a temporary off-site ABC permit if they are selling wine or alcohol on someone else’s commercial property.
4. NO beer or food may be sold from a residential zone. The only non-food items that may be sold from a residential zone can be a yard sale, unless the business is a registered “home business” and the city business privilege license allows these sales from the home.
5. No one may sell food or set up a grill and sell food unless their city business privilege license permits it and they have the applicable permits from the MS Department of Health.
6. Vendors of non-food items must sell from a commercial zone and have a transient vendor license (can be organized under property owner), and pay taxes (can be collected and paid by the property owner if they have a commercial business license). An exception to the transient vendor license is for crafts made by the person who is selling them. (So commercially zoned properties may have crafts/artists selling from their property so long as the artists are selling their own artworks.)
7. Vendors selling items from “rolling carts” (flags, souvenirs, etc.) should have a special “peddlers” transient license. The City attorney is preparing a draft ordinance for Board consideration.
8. No vendors may set up stands within the public right-of-way unless they are registered in the venue or have a special event permit application with resolution approved by the City. They must present a liability insurance certificate naming the City as an additional insured. If they are selling alcohol, they must also have all of the necessary permits from ABC, including off-site permit if applicable.