

**Amendment to Ordinance No. 1018-07 (Business License Ordinance) and
Ordinance No. 16-2005 relating to Special Event Vendors**

WHEREAS, pursuant to Code of Alabama, 1975, Section 11-51-90 to 11-51-185, the City of Foley adopted Ordinance No. 1018-07 levying and assessing business license fees for doing any kind of business, trade or profession or other activity in the municipality or its police jurisdiction, and

WHEREAS, in an effort to promote the City's festivals and special events, the City of Foley adopted Ordinance No. 16-2005 which set forth fees for certain vendors and exempted certain vendors from licensing and,

WHEREAS, it has become a necessity for the City of Foley to amend Ordinance No. 16-2005 in order to create fair and equitable license fees for vendors who attend limited duration events. This will allow the Revenue Department to have a record, for taxation purposes, of vendors who attend limited duration events and,

WHEREAS, the City of Foley would like to create a Public Service business license for vendors who offer services to the City of Foley and gross less than two thousand dollars (\$2,000.00).

BE IT ORDAINED that the Foley City Council as follows:

Section 1. Amends Ordinance No 1018-07, Section 25 and Ordinance No. 16-2005, Section 25(i) as follows:

Vendors leasing stalls at the Coastal Alabama Farmers and Fishermen's Market, who are not exempt from licensure under agricultural provisions, and whose annual gross revenue for sales at the market does not exceed five thousand dollars (\$5,000.00), shall be issued a special license for sales at the market. The cost of this license shall be a flat rate of thirty two dollars (\$32.00) per year. This license is location specific and will only allow for sales at the Coastal Alabama Farmers and Fishermen's Market.

Vendors participating in limited-duration special events, whose presence is limited only to participation in these limited-duration special events, with no regular or continuing presence in the city, shall pay a flat rate of twenty dollars (\$20.00) per event. Vendors participating in limited-duration special events, who have a current full-rate business license will not be required to purchase an additional license for the event. Limited-duration special event vendors may choose to purchase a full year business license at the regular rate.

Limited-duration special events shall be defined as an event with a duration of less than five (5) days; an event held for purposes of promoting the social or economic climate within the City of Foley; and is limited to rental facilities, Public parks (with approval from Mayor and Council) and/or locations where promoting social or economic climate in Foley is a general occurrence.

Temporary vendors are defined as vendors or businesses who operate temporarily in Foley at locations not owned by temporary vendor and not located inside a facility/building or public park; and vendors who operate separate apart from a limited-duration special event. ARTICLE IX, Section 9.1.1, Subsection a & b of the City of Foley Zoning Ordinance lists the requirements for Temporary Mobile Vendors and Mobile Food vending.

Public service business licenses for vendors who provide services to the City of Foley or for City of Foley residents through programs held by the Senior Center, Library, Civic Center and/or Sports and Recreation and gross less than two thousand dollars (\$2,000.00) per year may be eligible for a reduced business license fee of twenty dollars (\$20.00) per year or may be exempt from licensing at the discretion of the Revenue Officer or his/her designee.

In the event of an uncertainty, it shall be at the discretion of the Revenue Officer or his/her designee to determine the status of any business which has a presence deemed to be on-going or outside the scope of limited-duration special events, temporary vendors and licensing for public service. All licenses in this section shall include the issue fee.

Section 2. The terms and provisions of this ordinance are severable. If any part or portion of this ordinance is declared invalid, void, or unconstitutional, that portion shall be deemed severed, and the remaining portions of the ordinance shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its publication as required by law.

PASSED, APPROVED AND ADOPTED this 21st day of February, 2022.