

ORDINANCE #

AN ORDINANCE BY THE TOWN OF ASHLAND CITY, TENNESSEE TO AMEND THE MUNICIPAL CODE DELETING TITLE 9, CHAPTER 2: PEDDLERS IN ITS ENTIRETY AND AMENDED

WHEREAS, the Mayor and City Council have determined that the chapter has become outdated; and

WHEREAS, it is the Town of Ashland City Mayor and City Council's specific intention to delete this chapter in its entirety and amended.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ASHLAND CITY, TENNESSEE, that Title 9, Chapter 2: Peddlers be deleted in its entirety and amended as follows:

CHAPTER 2

PEDDLERS, SOLICITORS, ETC.

9-201. Definitions

9-202. Exemptions.

9-203. Permit required

9-204. Permit procedures

9-205. Restrictions on peddlers, street barkers, and solicitors

9-206. Restrictions on transient vendors

9-207. Display of permit

9-208. Suspension or revocation of permit

9-209. Expiration and renewal of permit

9-210. Violation and penalty

9-201. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm, or corporation, either a resident or a nonresident of the town, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature for future delivery or delivery of product at the time.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation, or organization who or which solicits contributions from the public on the streets of the town for any charitable or religious organization. No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one of the following conditions: (1) Has a current exemption certificate from the Internal Revenue Service issued under section 501(c)(3) of the Internal Revenue

Service Code of 1954, as amended. (2) Is a member of United Way, Community Chest, or similar "umbrella" organizations for charitable or religious organizations. (3) Has been in continued existence as a charitable or religious organization for a period of two (2) years prior to the date of its application for registration under this chapter. (4) Is associated with a school located in Cheatham County. (5) Is a recognized non-profit community group, including, but not limited to athletic leagues, community service organizations/clubs and volunteer fire departments.

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the town, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Transient vendor" means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks or merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than eleven (11) consecutive months or has occupied the premises as his or her permanent residence for more than eleven (11) consecutive months. For the purpose of this definition "yard sale or garage sale" means a sale of used pre-owned household goods on private property for no more than four (4) consecutive days consisting of Thursday, Friday, Saturday, and Sunday, and no more than ten (10) days in a calendar year. "Yard sale or garage sale" is not considered to be a transient vendor.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the town and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

9-202. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely delivery goods in the regular course of business.

9-203. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor, or street barker, and no solicitor for charitable or religious purposes on the streets of the town or solicitor for subscriptions shall solicit within the town unless the same has obtained a permit from the town in accordance with the provisions of this chapter.

9-204. Permit procedures. (1) Application form. A sworn application containing the following information shall be completed and filed with the city recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(1) The complete name and permanent address of the business or organization the applicant represents.

(2) A brief description of the type of business and the goods to be sold.

(3) Location of operation, if applicable.

(4) The dates for which the applicant intends to do business or make solicitations.

(5) The names and permanent addresses of each person who will make sales or solicitations within the town.

(6) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(7) Tennessee State sales tax number, if applicable.

(8) A copy of the applicant's driver's license.

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor, street barker, or solicitor for subscriptions shall submit with his application a non-refundable fee of twenty-five dollars (\$25.00). Each applicant for a permit as a solicitor for charitable or religious purposes shall submit with his application a non-refundable fee of ten dollars (\$10.00).

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, the recorder shall issue a permit on a form approved by the mayor to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the permit.

9-205. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk within the town.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "roadblock" of any kind, except for solicitors for charitable or religious purposes as provided for herein.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the town.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

9-206. Restrictions on transient vendors.

(1) A transient vendor shall not advertise, represent, or hold forth the sale of merchandise as defined in § 9-101(5), as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, canceled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

(2) Renewal of permits for transient vendors shall not exceed eleven (11) within a calendar year permit for a period of three (3) years.

9-207. Display of permit. Every applicant shall maintain either an original or copy of the permit on their possession.

9-208. Suspension or revocation of permit.

(1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the city recorder for any of the following causes: (1) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or (2) Any violation of this chapter.

(2) Revocation by the Mayor and city council. The permit issued to any person or organization under this chapter may be revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in subsection (1) above. Notice of the hearing for revocation of a permit shall be

given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

9-209. Expiration and renewal of permit. The permit of peddlers, solicitors, transient vendors, and solicitors for subscriptions shall not exceed thirty (30) days. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the chapter. The permit of solicitors for religious or charitable purposes shall expire on the date provided in the street solicitation permit. Renewal of permits for transient vendors shall not exceed six (6) within a calendar year and permits for street solicitation shall not be issued more than once every six (6) months to each club, charity, religious organization, etc.

9-210. Violation and penalty. In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation occurs shall constitute a separate offense.

BE IT FURTHER ORDAINED, this Ordinance shall be effective twenty (20) days after the final passage, to the public welfare requiring it.

1st reading _____

Public hearing _____

2nd reading _____

Mayor JT Smith

City Recorder Alicia Martin, CMFO