

CHAPTER 2

PEDDLERS, ETC.

SECTION

- 9-201. Definitions.
- 9-202. Permit required.
- 9-203. Exemptions.
- 9-204. Application for permit.
- 9-205. Issuance or refusal of permit.
- 9-206. Appeal.
- 9-207. Bond.
- 9-208. Loud noises and speaking devices.
- 9-209. Limitations on use of streets and sidewalks.
- 9-210. Prohibitions.
- 9-211. Exhibition of permit.
- 9-212. Revocation or suspension of permit.
- 9-213. Reapplication.
- 9-214. Number of permits.
- 9-215. Permits for local farmers.
- 9-216. Requirements for certain products.
- 9-217. Conduct of solicitors.
- 9-218. Hours in which business may be conducted.
- 9-219. Trespassing.
- 9-220. Violation and penalty.
- 9-221. Deleted.

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

(1) "Goods," "wares" or "merchandise" shall mean all variety of merchandise items, whether handmade or manufactured, or services, whether personal or professional, but not necessarily limited to souvenirs, gifts, prizes, art, school supplies, cloth, clothing or wearing apparel, toys, balloons, novelties, small appliances, works of art or crafts, directional information and/or charts, street photographers, tools or mechanical devices of any nature, and farm produce.

(2) "Peddler" shall mean any person 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, and makes sales and delivery of merchandise or services concurrently and on-the-spot to a residential or commercial customer.

(3) "Solicitor" shall mean any person 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 whatsoever for future delivery.

(4) "Transient vendor" shall mean 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, parking 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 six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months. (Ord. # 092-17, Aug. 1992, as amended by Ord. #094-27, Feb. 1995, and replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-202. Permit required. It shall be unlawful for any peddler, solicitor or transient vendor to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter.

(1) An application for a "peddlers and solicitors permit" shall be submitted to the city clerk.

(2) An application for a "transient vendors permit" shall be submitted to the community development department along with written permission from the property owner of the location at which sales will be conducted.

(3) No permit shall be used at any time, or place, by any person other than the one to whom it is issued and, if applicable, the location issued for.

(4) An application must be filed at least five (5) working days prior to the event or sales activity.

(5) Each applicant shall submit to the city clerk or community development department a copy of their State of Tennessee "certificate of registration" per state law, except for isolated or incidental sales. (Ord. # 092-17, Aug. 1992, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-203. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers; nor to newsboys; nor to bona fide merchants who merely deliver goods in the regular course of business; nor to bona fide charitable, religious, patriotic, or philanthropic organizations; nor to a person receiving authorization to ply his trade at a county fair or special event, fair, festival or bazaar solely sponsored and conducted by a bona fide charitable, religious, patriotic, or philanthropic organization. (Ord. # 092-17, Aug. 1992, as

amended by Ord. # 094-27, Feb. 1995, and replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-204. Application for permit. Applicants for a peddlers and solicitors permit shall file with the city clerk, and applicants for a transient vendor permit shall file with the community development department, a sworn written application containing the following for each peddler, solicitor or transient vendor:

- (1) Name and physical description of the applicant;
- (2) Complete permanent home address and local address of the applicant and, in the case of transient vendors, the local address from which proposed sales will be made;
- (3) A brief description of the nature of the business and the goods to be sold or the nature of the solicitation;
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;
- (5) The length of time for which the right to do business is desired, not to exceed fourteen (14) days;
- (6) Two (2) means of identification, one (1) of which must be government issued identification that includes a clear photograph of the applicant;
- (7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate properly the applicant's moral reputation and business responsibility;
- (8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefore;
- (9) The last three (3) cities or towns, if that many, where the applicant carried on business immediately preceding the date of application and, in the case of transient vendors, the addresses from which such business was conducted in those municipalities;
- (10) An approval to use the property for the period specified, signed by the property owner.
- (11) A non-refundable fee of twenty-five dollars (\$25.00) shall be paid to the city at the time the application is filed; and
- (12) The applicant shall also submit as a part of the application, and at his/her cost, a criminal history record issued by the Tennessee Bureau of Investigation within the last thirty (30) days. (1981 code, § 5-204, as amended by Ord. # 094-27, Feb. 1995, and replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-205. Issuance or refusal of permit. (1) Within three (3) business days of receipt of a complete application and all applicable fees and taxes, the information presented on the application shall be investigated by the city.

(2) If as a result of such investigation the applicant's moral reputation and/or business responsibility is found to be unsatisfactory, the city clerk or community development department shall notify the applicant that his application is disapproved and that no permit will be issued. If, on the other hand, the moral reputation and business responsibility of the applicant are satisfactory, a revocable permit shall be issued by the city clerk or community development department upon the payment of all applicable fees and taxes and the filing of the bond required. A permanent record shall be kept of all permits issued. (1981 code, § 5-205, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-206. Appeal. Any person aggrieved by the action of the city clerk or community development department in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the mayor or city manager, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the applicant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for the hearing, or 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. (1981 code, § 5-207, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-207. Bond. Every applicant for a permit shall file with the city clerk or community development department a surety bond running to the city in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permit holder shall comply fully with the provisions of the ordinances of the city and the statutes of the state and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permit holder, and further guaranteeing to any citizen of the city doing business with said permit holder that the property purchased will be delivered according to the representations of the permit holder. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1981 code, § 5-208, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-208. Loud noises and speaking devices. No permit holder, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any

sound amplifying device upon any of the sidewalks, streets, alleys, parks, or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permit holder proposes to sell. (1981 code, § 5-209, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-209. Limitations on use of streets and sidewalks. No permit holder shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer or code enforcement officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1981 code, § 5-210, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-210. Prohibitions. The following activities shall be declared unlawful:

(1) Soliciting by a parked vehicle or movable receptacle on public streets, highways, sidewalks, rights-of-way, and public places.

(2) The erection of stands or similar contrivances on public streets, highways, sidewalks, rights-of-way, and public places for the purpose of giving away, displaying and/or buying or selling of goods, wares or merchandise.

(3) Sale of drinks or other prepared foods and/or edible items upon public streets, sidewalks, highways and rights-of-way, except as may be regulated elsewhere in this code. (1981 code, § 5-211, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-211. Exhibition of permit. Permit holders are required to exhibit their permits for inspection at all times and upon the request of any police officer, code enforcement officer, city official or citizen. Failure to exhibit a permit shall constitute a violation of this section. (1981 code, § 5-212, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-212. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the governing body, after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit or made in the course of carrying on the business of peddler, solicitor or transient vendor;

(b) Any violation of this chapter;

(c) Conviction of any crime or misdemeanor;

(d) Conducting the business of peddler, solicitor or transient vendor, as the case may be, in an unlawful manner or in such a manner

as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for the 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 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 the hearing.

(3) The city manager may suspend a permit pending the revocation hearing when reasonably necessary in the public interest. (1981 code, § 5-213, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-213. Reapplication. No permit holder whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (Ord. # 092-17, Aug. 1992, as amended by Ord. # 094-27, Feb. 1995, and replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-214. Number of permits. Each peddler, solicitor or transient vendor making application for a permit is only eligible to receive one (1) permit during a calendar year, and is valid for a fourteen (14) day consecutive day period. Transient vendor permits shall not be required for the Springfield-Robertson County Farmers Market, or for events hosted or sponsored by the City of Springfield or Robertson County Chamber of Commerce. A permit may not be extended. (1981 code, § 5-305, as replaced by Ord. #08-32, Feb. 2009, Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-215. Permits for local farmers. Robertson County farmers selling agricultural products, grown and produced on their own land, shall be required to have a "transient vendors" permit, but the permit shall be valid from April through October. The same twenty-five dollar (\$25.00) transient vendor permit fee applies, as well as the written consent from the property owner. Such farmers shall also have an exemption from the bond and criminal history record requirements of this chapter. Agricultural products include fruits, vegetables, farm-fresh eggs, butter, herbs, honey, jams, jellies, sauces, nuts, bread, meat, poultry, fish, cheese, cider, syrup, flowers, potted plants, and similar items. (as added by Ord. #08-32, Feb. 2009 and replaced by Ord. #10-05, April, 2010, Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-216. Requirements for certain products. Baked goods, farm fresh eggs, jams, jellies, sauces, cider, breads, meat, poultry and fish offered for sale by transient vendors shall have been prepared in legal, licensed, approved and inspected facilities by the Tennessee Department of Agriculture or the United States Department of Agriculture (USDA). Proof of inspection shall be required and must be prominently posted at the location of sale. (as added by Ord. #08-32,

Feb. 2009, and replaced by Ord. #10-05, April 2010, Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-217. Conduct of solicitors. It shall be unlawful for any person receiving a permit under this chapter to use any force, threat, harassment, coercion, or misrepresentation of the truth to solicit contributions or anything else of value. It shall also be unlawful for any permit holder to block, impede, hinder, interfere with, or slow the progress of the orderly flow of vehicular or pedestrian traffic. (as added by Ord. #08-32, Feb. 2009, and replaced by Ord. #10-05, April 2010, Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-218. Hours in which business may be conducted. No permit holder shall conduct business before the hour of 8:00 A.M. or after the hour of 8:00 P.M. (as added by Ord. #08-32, Feb. 2009, and replaced by Ord. #10-05, April 2010, Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-219. Trespassing. It shall be unlawful and deemed to be a trespass for any peddler, solicitor or transient vendor to fail to promptly leave the private premises of any person who requests him to leave. (as added by Ord. #08-32, Feb. 2009, and replaced by Ord. #10-05, April 2010, Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-220. Violation and penalty. Any person violating any of the provisions of this chapter, or filing, or causing to be filed, an application for a permit or certificate under this chapter containing false or fraudulent statements shall be subject to the penalty provisions of this code. (as added by Ord. #10-05, April 2010, and replaced by Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-221. Deleted. (as added by Ord. #12-13, Dec. 2012, and deleted by Ord. #17-13, Oct. 2017)