

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

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CHAPTER 1

TRANSIENT DEALERS AND SOLICITORS

SECTION

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9-101. Definitions. The following definitions are applicable to this chapter:

- (1) "Merchandise," means any consumer item or goods that is or is represented to be new or not previously owned by a customer.
- (2) "Person" means an individual, partnership or corporation.

¹Municipal code references

Building and plumbing codes: title 12.

Liquor and beer regulations: title 8.

Zoning: title 14.

(3) "Solicitor" means a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above.

(4) "Temporary premises" means any public or quasi-public place, including but not limited to a hotel, motel, storeroom, outbuilding, tent, vacant lot, warehouse, railroad car or motor vehicle, temporarily occupied and/or in any manner for the purpose of exhibiting and/or selling merchandise to the public. Premises are not considered temporary if the same person has conducted business at the 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.

(5) "Transient dealer" means any person who brings into a temporary premises and exhibits to the public merchandise for the purpose of selling or offering to sell such merchandise to the public. (2005 Code, § 9-101, as amended by Ord. #13-17, Aug. 2013)

9-102. Permit required. It shall be unlawful for any transient dealer or solicitor to ply his trade within the town's corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (2005 Code, § 9-102, as amended by Ord. #13-17, Aug. 2013)

9-103. Exemptions. This chapter shall not be applicable to:

- (1) Persons selling at wholesale to retail merchants;
- (2) Wholesale trade shows wherein there are no sales made to retail customers, and all purchases, if any, are made by licensed retail merchants;
- (3) A person operating a permanent business but occupying a temporary premises and thereon prominently displays the business name and address; or
- (4) Yard sales. (2005 Code, § 9-103)

9-104. Application for permit. Applications for a permit must be made at least fourteen (14) days prior to exhibiting or offering for sale any merchandise. Applicants for a permit must file with the town administrator a sworn written application containing the following:

- (1) Name;
- (2) Permanent address;
- (3) Local address of applicant;

- (4) Address of temporary premises;
- (5) Brief description of nature of business and merchandise to be sold;
- (6) Dates and times during which business will be conducted;
- (7) Description, state of registration and license number of motor vehicle used to make sales or solicitations;
- (8) Name and address of employer, if any;
- (9) Criminal record, if any;
- (10) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities;
- (11) Names and address of those who will conduct business of applicant;
- (12) Name and address of true owner of merchandise if applicant is not true owner;
- (13) Statement of gross sales from businesses conducted in the Town of Chapel Hill for three (3) years immediately preceding the application and estimate of gross receipts to be received from business conducted in the Town of Chapel Hill for the first year subsequent to the application;
- (14) If a corporation, a copy of certificate of existence issued by the Secretary of State of Tennessee and the name and address of agent for service of process;
- (15) A recent photograph of applicant; and
- (16) At the time of filing of the application, a non-refundable fee in an amount provided by resolution of the board of mayor and aldermen shall be paid to the town to cover the cost of investigating the facts stated therein. (2005 Code, § 9-104, modified)

9-105. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report the findings to the town administrator within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the town administrator shall notify the applicant that his application is disapproved and no permit will be issued.

(3) If the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the town administrator shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-107 of this chapter. The town administrator shall keep a permanent record of all applications and permits issued. (2005 Code, § 9-105)

9-106. Appeal. Any person aggrieved by the action of the town administrator 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

town administrator within seven (7) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The town administrator shall set a time and place for a hearing of such appeal and written notice of the time and place of hearing shall be mailed, postage prepaid, to the applicant at the local address in the application at least five (5) days prior to the date set for 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. (2005 Code, § 9-106)

9-107. Bond. Before the issuance of a permit, the applicant shall file with the town recorder a surety bond approved by the town administrator running to the town in the amount of one thousand dollars (\$1,000.00). The bond shall be issued on the condition that the permittee shall comply fully with all the provisions of the ordinances of the town and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any purchaser and the town that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any purchaser and the town doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit 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. (2005 Code, § 9-107)

9-108. Loud noises and speaking devices. No permittee, 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 or quasi-public places of the town or upon private premises where sound of volume is emitted or produced therefrom 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 permittee proposes to sell. (2005 Code, § 9-108)

9-109. Use of streets. No permittee shall have any exclusive neither right to any location in the public streets, nor be permitted a stationary location thereon, nor be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (2005 Code, § 9-109)

9-110. Exhibition of permit. Permittees are required to exhibit their permits at the temporary premises so as to be visible to the public. (2005 Code, § 9-110)

9-111. Police officers to enforce. It shall be the duty of all police officers to see that the provisions of this chapter are enforced. (2005 Code, § 9-111)

9-112. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement of the material fact contained in the application for permit or made in the course of carrying on the business of a transient dealer;

(b) Any violation of this chapter;

(c) Conviction of any crime or misdemeanor;

(d) Conducting the business of a transient dealer in any unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public; and

(e) Material misrepresentation of quality of merchandise.

(2) Notice of the hearing for revocation of a permit shall be given by the town recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at the local address in the application 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.

(3) When necessary, in the public interest, the town administrator may suspend a permit pending the revocation hearing. (2005 Code, § 9-112)

9-113. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (2005 Code, § 9-113)

9-114. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire ten (10) days from the date issued. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. Renewal application shall be accompanied by a non-refundable fee in an amount provided by resolution of the board of mayor and aldermen. (2005 Code, § 9-114)

9-115. Fee waived for certain businesses. Business conducted exclusively for religious, charitable, scientific or educational purposes and the sale of agricultural and handicraft products shall not be required to pay the ten dollar (\$10.00) non-refundable fee as required in § 9-104(16) or file the bond as required in § 9-107. (2005 Code, § 9-115)

9-116. Violations and penalty. Any violation of this chapter shall subject the offender to a penalty under the general penalty provision of this code. (2005 Code, § 9-116)

CHAPTER 2

MISCELLANEOUS

SECTION

9-201. Roadblocks, advertising or promotional activities on streets.

9-201. Roadblocks, advertising or promotional activities on streets.

(1) Definitions. (a) "Solicitation roadblock" or "roadblock" shall mean the solicitation by any person of money on or in the right-of-way of any street, road, highway, or any other public way and place generally open to, and used by, the public for travel in or upon motor vehicles.

(b) "Street," "road," "highway," and "public way and place" shall include the paved or unpaved surface of any such street, road, highway or public place, the entire width of the public right-of-way extending laterally therefrom, dividers, medians, and abutting or adjoining sidewalks or other pedestrian pathways generally open to the public for pedestrian traffic.

(2) No individual or organization may conduct a roadblock without a permit issued by the town. Permits for roadblocks are restricted to recognized 501(c)(3) organizations that meet and are based within the municipal limits of, or providing public services in the town. Governmental entities or agencies located within the town, including public school sponsored groups within the local school district, may also apply for roadblock permits. Applicants for roadblock permits shall file their request with the police chief on a form established by the town not less than ten (10) days before the proposed roadblock. Permits shall be issued by the town administrator.

(3) The following restrictions shall apply to all permitted roadblocks:

(a) Persons participating in the roadblock shall be at least fourteen (14) years of age and must be supervised by an adult at all times. The permitted organization shall be responsible for obtaining the parental consent of any minor participating in a roadblock;

(b) Roadblocks shall only be allowed at the specific location(s) approved by the police chief and may only be held on Saturdays between the hours of 7:00 A.M. and 12:00 P.M.

(c) The permitted organization shall be solely responsible for taking all safety precautions reasonable to protect the participants and the public. The town will not provide any special assistance or provide security for roadblocks; however, the police chief may terminate a roadblock immediately at any time if in his or her opinion such roadblock is unsafe for the either the participants or the public. Decisions concerning the safety of roadblocks are at the sole discretion of the police chief and are final.

(4) Any person violating this section shall be subject to punishment under the general penalty provision of the Chapel Hill municipal code of ordinances. (Ord. #14-08, Feb. 2015)

CHAPTER 3

GARAGE SALE REGULATIONS

SECTION

- 9-301. Purpose.
- 9-302. Definitions.
- 9-303. Exemptions from chapter.
- 9-304. Right of entry--authority of inspector.
- 9-305. Property permitted to be sold.
- 9-306. Duration of sale.
- 9-307. Display of property.
- 9-308. Signs.
- 9-309. Responsibility for maintaining order.
- 9-310. Parking.
- 9-311. Yard and garage sales--registration required.
- 9-312. Means of advertisement of yard sales--obstructing traffic.
- 9-313. Violations and penalty.

9-301. Purpose. The council finds and declares that unregulated garage sales and yard sales are causing annoyance to the citizens in residential areas in the town and congestion of the streets in residential areas in the town. The purpose of this chapter is to regulate the term and frequency of garage sales and yard sales, for the safety and welfare of the town's citizens. (2005 Code, § 9-401)

9-302. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "shall" is always mandatory and not merely directory.

(1) "Community yard sale" means the inclusion of five (5) or more surrounding neighbors in combination for the sole purpose of the sale of goods, wares, merchandise, personal property of such kind as household articles, utensils, jewelry, clothing, furniture, or other articles of this kind and may be also known as a garage sale.

(2) "Garage sale" means and includes all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone as defined by the zoning ordinance, for the purpose of disposing of personal property, including but not limited to all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market" or "rummage" sale. This definition does not include the legal operation of licensed businesses carried on in a nonresidential zone where the person conducting the sales does so, on a regular day-to-day basis. This definition shall not include a situation where no more than three (3) specific items or articles are held out for sale and where all advertisement of such sale specifically names those items to be sold.

(3) "Personal property" means property which is owned, utilized and maintained by an individual or members of its residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

(4) "Yard sales." A yard sale is defined as a sale of goods, wares, merchandise, personal property of such kind as household articles, utensils, jewelry, clothing, furniture, or other articles of this kind and may be also known as a garage sale. Such a sale is usually held by a private citizen or citizens on property owned by the citizen and/or property occupied as rental property, and may be held on a space rented for the sale. (2005 Code, § 9-402)

9-303. Exemptions from chapter. The provisions of this chapter shall not apply to or affect the following:

- (1) Persons selling goods pursuant to court order.
- (2) Persons acting within their powers and duties as public officials.
- (3) Any sale conducted by any merchant or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the town or under the protection of the nonconforming use provisions thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises and which is not otherwise prohibited by other ordinances.

(4) Any bona fide charitable, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution or organization and the goods or articles are not sold on a consignment basis. (2005 Code, § 9-403)

9-304. Right of entry--authority of inspector. A police officer or any other public official shall have the right of entry to any premises showing evidence of a garage sale or yard sale for the purpose of enforcement or inspection. (2005 Code, § 9-405)

9-305. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property. (2005 Code, § 9-406)

9-306. Duration of sale. Garage sales and yard sales shall be registered with the building official as provided for in § 9-312 of this chapter at no cost and shall be limited as follows:

- (1) A period during a week not greater than four (4) consecutive days.
- (2) Each property address shall be limited to four (4) yard sales annually with persons holding more than four (4) yard sales per year being subject to application for a license for the commissioner of finance and revenue under the Business Tax Act, shall be subject to sales tax, and may be required

to keep an inventory of items on hand for the sale for inspection by the commissioner of finance and revenue.

(3) The hours of operation for any such sales shall be within the hours of 7:00 A.M. to 7:00 P.M on Thursdays, Fridays, Saturdays and Sundays only. (2005 Code, § 9-407)

9-307. Display of property. No personal property offered for sale at a garage sale or yard sale shall be displayed in any public right-of-way. (2005 Code, § 9-408)

9-308. Signs. (1) Only the following specified signs may be displayed in relation to a pending garage sale or yard sale; provided however, that such signs shall be subject to any other applicable ordinance of the town relating to the placement of signs:

(a) Two (2) signs of not more than twelve (12) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the garage sale or yard sale is being conducted.

(b) Directional signs of not more than two (2) square feet each are permitted, provided that the premises on which the garage sale or yard sale is conducted is not on a major thoroughfare and that written permission to erect such signs is received from the property owners on whose property such signs are to be placed.

(2) No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

(3) Signs must be removed at the conclusion of the garage sale or yard sale activities. (2005 Code, § 9-409)

9-309. Responsibility for maintaining order. The individual to whom a permit is issued under this chapter and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on the premises or permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the police or fire department of the town in order to maintain the public health, safety and welfare. (2005 Code, § 9-410)

9-310. Parking. All parking of vehicles at sales regulated under this chapter shall be conducted in compliance with all applicable laws and ordinances. The police department may enforce such temporary controls as necessary to alleviate any special hazards and congestion created by any garage sale or yard sale. (2005 Code, § 9-411)

9-311. Yard and garage sales--registration required. All persons who hold or engage in a garage sale or yard sale within the town limits shall be residents of the town at the time of the sale and shall register such sales at town hall at least three (3) days prior to the sale. (2005 Code, § 9-412)

9-312. Means of advertisement of yard sales--obstructing traffic. It shall be unlawful for any person or persons holding or engaged in a garage sale or yard sale to cause congestion of traffic in the areas where the sale is being held. It shall be unlawful for any person or persons holding or intending to hold a garage sale or yard sale to post advertisement of the sale on telephone poles, utility poles, or in any manner anywhere except for temporary signs within the yard or space where the sale is being held or is to be held as set forth in other sections of this chapter. Advertising also may be given to the local news media for publication or other means of informing the public. (2005 Code, § 9-413)

9-313. Violations and penalty. (1) Every article sold and/or every day a sale is conducted in violation of this chapter shall constitute a separate offense.

(2) Any person found guilty of violating the terms of this chapter shall be subject to punishment by a civil penalty of not less than fifty dollars (\$50.00) per day. (2005 Code, § 9-404)

CHAPTER 4

MOBILE FOOD VENDORS

SECTION

- 9-401. Definitions.
- 9-402. Permit required.
- 9-403. Permit application.
- 9-404. Requirements.
- 9-405. Sales on streets and public property.
- 9-406. Mobile food vendors on private property.
- 9-407. Permit renewal.
- 9-408. Inspections.
- 9-409. Violations and penalty.

9-401. Definitions. (1) "Mobile food vendor" is defined as any person selling food and/or drink from a mobile vehicle, including a food truck, food trailer and ice cream truck.

(2) "Food truck" is defined as an enclosed motor vehicle equipped with facilities for preparing, cooking and selling various types of food and/or drink products other than exclusively ice cream and related frozen products.

(3) "Ice cream truck" is defined as a motor vehicle containing a commercial freezer from which a vendor sells only frozen, pre-packaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water and similar frozen items. (Ord. #2021-005, Oct. 2022)

9-402. Permit required. It is unlawful for any person, firm, corporation, or association to engage in or carry on the business of a mobile food vendor or operate a food truck within the Town of Chapel Hill without first having secured a permit or permits as required by this chapter. (Ord. #2021-005, Oct. 2022)

9-403. Permit application. Applicants for a permit under this section shall file with the town recorder a sworn application in writing on a form to be furnished by the town recorder. Submission of false or misleading information will result in revocation of the permit and a ban on receiving future permits. The application shall provide the following:

- (1) The name and contact information of the applicant.
- (2) The applicant's permanent street address, mailing address and email address.
- (3) The applicant's telephone numbers including a cell phone number if available.
- (4) A brief description of the nature of the business and of the goods to be sold.

(5) A copy of the vehicle registration for any mobile food vendor vehicle and proof of automobile insurance for the mobile food vendor vehicle.

(6) A copy of the business license, proof of State of Tennessee sales tax registration, and any health department license or certification required by Marshall County Department of Health or the State of Tennessee.

(7) State of Tennessee and Town of Chapel Hill transient vendor licenses will be required for businesses based outside of the State of Tennessee and/or for owners of businesses residing outside the State of Tennessee.

(8) Color photograph(s) of the mobile food vendor vehicle's interior and exterior.

(9) Permission to obtain a background check of owner(s) of mobile food vendor vehicles.

(10) Payment of an application fee of one hundred fifty dollars (\$150.00) which will be prorated by month for the first year of the permit at a rate of twelve dollars fifty cents (\$12.50) per month of operation. No refunds will be issued. Any day in the month where the permit is in place will require payment for that entire month.

(11) Such other relevant information as may be reasonably requested by the town after review of submission of the material in order to assure full review of the information needed to assess the impact of the proposed operation on the health, safety and well-being of the public. (Ord. #2021-005, Oct. 2022)

9-404. Requirements. (1) Licenses and permits. It shall be unlawful for any person to engage in business as a mobile food vendor in the Town of Chapel Hill without first obtaining a business license and a mobile food vendor's license with a decal evidencing such license. Any permits, licenses, and certifications required by the Marshall County Department of Health and/or State of Tennessee for operation of the business are also required. Upon being granted a mobile food vendor license, a mobile food vendor must comply with the rules and regulations herein.

(2) Insurance. At the time of the application for a mobile food vendor license, the mobile food vendor must provide proof of valid automobile liability insurance in an amount required by law for operation of the applicable mobile food vendor vehicle(s). Failure to maintain this insurance when acting as a mobile food vendor will result in immediate revocation of the mobile food vendor license.

(3) Litter receptacles. Each licensed mobile food vendor must maintain for customer use a litter receptacle of sufficient size to accept the litter being generated by the sales from the vendor's mobile food vehicle at the point of sales. The receptacle must be maintained in such a manner as to preclude an overflow of refuse. Each mobile food vendor shall pick up litter which is associated with the vendor's sale in the vicinity of the vendor's mobile food vehicle prior to departing a sales location. A pattern of leaving excessive litter caused by product

packaging shall be basis for suspension or revocation of the mobile food vendor license.

(4) What can be sold. Mobile food vendors shall be limited to selling edibles and hot and cold beverages containing no alcohol. The sale of non-food or drink items from the mobile food vendor vehicle shall be limited to hats, t-shirts and sweatshirts displaying the mobile food vendor logo and/or branding.

(5) No seating and tables. There shall be no benches, tables, chairs or other furniture which may be used for eating or sitting provided by or associated with a mobile food vendor vehicle.

(6) Fire extinguishers and fire suppression systems. All food trucks and food trailers must be equipped with a fire extinguisher that is certified annually by a licensed company. Additionally, food trucks and food trailers that produce grease laden vapors (i.e. units with deep fat fryers or flat-top griddles) must have a fire suppression system certified bi-annually by a licensed company.

(7) Placement. Mobile food vendor vehicles shall not obstruct or impede pedestrian or vehicular traffic, access to driveways, and sight distance for drivers.

(8) Pedestrian only. Mobile food vendor vehicles shall serve pedestrians only; drive-through or drive-in services are hereby prohibited.

(9) Health regulations. All mobile food vendors and their mobile food vendor vehicles must be in compliance with all applicable health regulations for Marshall County and the State of Tennessee relating to food safety and preparation.

(10) Noises. Other than ice cream trucks being able to play a song associated with its business at a reasonable level of sound, no mobile food vendors shall sound any device which produces an offensive or loud noise to attract customers, and mobile food vendors shall not use a public address system on the vehicle to broadcast and advertise products.

(11) All exterior bodywork and mechanical equipment of a mobile food vendor vehicle shall be maintained in good condition, free of excessive wear, tear or damage. All exterior paint work shall be maintained in good condition, free of substantial scratches, chips, rust, dents and abrasions. All windshield and window glass of mobile food vendor vehicles shall be maintained free of cracks, scratches, pitting, abrasions and other conditions that may cause a hazard or reduce clarity of vision.

(12) No parking in fire lanes. No mobile food vendors shall park in fire lanes.

(13) Signs. Signs which are permanently affixed to the mobile food vendor vehicle shall extend no more than six inches (6") from the vehicle. Except as stated herein, all signs shall be attached or painted on the mobile food vendor vehicle. Electronic signs are prohibited as are signs that flash, reflect motion pictures, emit smoke or vapor, or produce any rotation, motion or movement. Each food truck or food trailer is permitted one sandwich board type sign located

within ten feet (10') of the applicable food truck or food trailer for advertisement purposes while the food truck or food trailer is open for business. Such sandwich board sign shall be no more than forty-eight inches (48") high and contain no more than seven (7) square feet.

(14) Electricity. Any mobile food vendor vehicle shall not be attached to or use any temporary electrical pole and shall be ineligible for any permanent electrical service. (Ord. #2021-005, Oct. 2022)

9-405. Sales on streets and public property. (1) Ice cream trucks. The hours of operation for ice cream trucks are between 9:00 A.M. and sunset as stated for that day for the Town of Chapel Hill area by the National Weather Service. Ice cream trucks may vend on public streets so long as they remain mobile and only make stops of ten (10) minutes or less at one (1) location.

(2) Food trucks and food trailers. Except as set forth herein, food trucks and food trailers are prohibited from selling food on any public street, sidewalk, alley, trail or right-of-way or any town owned or controlled property, including, but not limited to, parks, unless approved by the town as part as a town permitted special event. The above prohibition will not apply to the parking lot and related areas at public schools within the town if permission is obtained by the mayor for placement of food trucks or food trailers on such property. All mobile food vendors must comply with all rules, regulations and requirements related to any town permitted special event, including, but not limited to, provision as to where mobile food vendors will be located, how long the mobile food vendors can be present at the location, and how many and which food trucks can participate in the town permitted special event.

9-406. Mobile food vendors on private property. All mobile food vendors shall be subject to the following regulations on private property:

(1) Existing restaurants. Other than an ice cream truck, no mobile food vendor shall operate within fifty feet (50') of a door intended for regular public use of a lawfully established eating establishment that is open for business (other than another mobile food vendor vehicle) unless the mobile food vendor provides documentation which is signed by the restaurant owner or operator that the restaurant owner or operator has no objection to a closer proximity.

(2) Location. A mobile food vendor under this section must have written permission from a private property owner for setting up for each location. The mobile food vendor must provide a copy of such written permission upon demand to town officials. No mobile food vendor on private property shall do business or operate within fifty feet (50') of any property line of any lot used for residential purposes.

(3) Hours of operation. No mobile food vendor shall operate outside the hours of 8:00 A.M. to 10:00 P.M. At the end of each business day's operation, the mobile food vendor shall remove from the property the mobile food vendor vehicle and all materials associated with the business, unless participating in

a town permitted special event that allows the overnight parking of mobile food vendor vehicles during the special event. (Ord. #2021-005, Oct. 2022)

9-407. Permit renewal. A permit issued under this section shall be valid for the remainder of the calendar year from the date of issuance and shall be renewed on an annual basis on or by January 1 of each year upon proper application and payment of the permit fee of an additional one hundred twenty dollars (\$120.00) per year. A permit shall be valid for only one (1) mobile food vendor vehicle. Each operator and/or applicant shall file additional application and pay an additional permit fee for each additional mobile food vendor vehicle. No refunds will be issued for renewed permits and no renewed permits for partial years will be issued. (Ord. #2021-005, Oct. 2022)

9-408. Inspections. (1) Department of health primary. Nothing in this section shall be construed as limiting or replacing the role of the Tennessee Department of Health which has the primary task of inspecting mobile food vendor vehicles.

(2) Entry. The town police and other officials shall have the right at any time after displaying proper identification to enter into or upon any mobile food vendor vehicle for the purpose of ascertaining whether or not any provisions of this section are being violated and for general inspection purposes.

(3) Shut down. Any mobile food vendor vehicle which is found after any town inspection to be unsafe or not compliant with this section may be directed to be out of operation until the deficiency is corrected. (Ord. #2021-005, Oct. 2022)

9-409. Violations and penalty. Violations of this chapter are subject to the general penalty clause for the Town of Chapel Hill. The town may also suspend or revoke a permit issued hereunder for violation of this chapter. In the event of such suspension or revocation, the permit holder may appeal such decision to the board of mayor and aldermen within thirty (30) days of such action. (Ord. #2021-005, Oct. 2022)