

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. TAXICABS.
4. CABLE TELEVISION.
5. YARD SALES.
6. MOBILE VENDORS AND MOBILE FOOD TRUCKS/TRAILERS.

**CHAPTER 1****MISCELLANEOUS****SECTION**

9-101. "Going out of business" sales.

**9-101. "Going out of business" sales.** It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1997 Code, § 9-101)

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<sup>1</sup>Municipal code references

Building, plumbing and residential regulations: title 12.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

**CHAPTER 2****PEDDLERS, ETC.**<sup>1</sup>**SECTION**

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Loud noises and speaking devices.
- 9-207. Use of streets.
- 9-208. Exhibition of permit.
- 9-209. Police officers to enforce.
- 9-210. Revocation or suspension of permit.
- 9-211. Reapplication.
- 9-212. Expiration and renewal of permit.

**9-201. Permit required.** It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit 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. (1997 Code, § 9-201)

**9-202. 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. (1997 Code, § 9-202)

**9-203. Application for permit.** Applicants for a permit under this chapter must file with the recorder a sworn written application containing the following:

- (1) Name and physical description of applicant;
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, 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;

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.

- (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;
- (6) A recent clear photograph approximately two (2) inches square showing the head and shoulders 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 properly evaluate 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 therefor;
- (9) 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; and
- (10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1997 Code, § 9-203)

**9-204. Issuance or refusal of permit.** (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the recorder 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 recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The recorder shall keep a permanent record of all permits issued. (1997 Code, § 9-204)

**9-205. Appeal.** Any person aggrieved by the action of the chief of police and/or the recorder in the denial of a permit shall have the right to appeal to the governing body. Such appeal shall be taken by filing with the mayor 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 appellant. 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 hearing, or shall be delivered by a police of-

ficer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1997 Code, § 9-205)

**9-206. 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 places of the municipality or upon private premises where sound of sufficient 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. (1997 Code, § 9-206)

**9-207. Use of streets.** No permittee 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, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1997 Code, § 9-207)

**9-208. Exhibition of permit.** Permittees are required to exhibit their permits at the request of any police officer or citizen. (1997 Code, § 9-208)

**9-209. Police officers to enforce.** It shall be the duty of all police officers to see that the provisions of this chapter are enforced. (1981 Code, § 9-209)

**9-210. 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 contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor;

(b) Any violation of this chapter;

(c) Conviction of any crime or misdemeanor; or

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant 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 revocation of a permit shall be given by the 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

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.

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1997 Code, § 9-210)

**9-211. 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. (1997 Code, § 9-211)

**9-212. Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. 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. (1997 Code, § 9-212)

## CHAPTER 3

### TAXICABS<sup>1</sup>

#### SECTION

- 9-301. Taxicab franchise and privilege license required.
- 9-302. Requirements as to application and hearing.
- 9-303. Liability insurance or bond required.
- 9-304. Revocation or suspension of franchise.
- 9-305. Mechanical condition of vehicles.
- 9-306. Cleanliness of vehicles.
- 9-307. Inspection of vehicles.
- 9-308. License and permit required for drivers.
- 9-309. Qualifications for driver's permit.
- 9-310. Revocation or suspension of driver's permit.
- 9-311. Drivers not to solicit business.
- 9-312. Parking restricted.
- 9-313. Drivers to use direct routes.
- 9-314. Taxicabs not to be used for illegal purposes.
- 9-315. Miscellaneous prohibited conduct by drivers.
- 9-316. Transportation of more than one passenger at the same time.
- 9-317. Fares.

**9-301. Taxicab franchise and privilege license required.** It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1997 Code, § 9-401)

**9-302. Requirements as to application and hearing.** No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.

service; present the application to the board of mayor and aldermen; and make a recommendation to either grant or refuse a franchise to the applicant. The board of mayor and aldermen shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the board of mayor and aldermen shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional taxicab franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1997 Code, § 9-402)

**9-303. Liability insurance or bond required.** No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in *Tennessee Code Annotated*, title 55, chapter 12. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1997 Code, § 9-403)

**9-304. Revocation or suspension of franchise.** The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1997 Code, § 9-404)

**9-305. Mechanical condition of vehicles.** It shall be unlawful for any person to operate any taxicab in the municipality unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1997 Code, § 9-405)

**9-306. Cleanliness of vehicles.** All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day.

At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1997 Code, § 9-406)

**9-307. Inspection of vehicles.** All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1997 Code, § 9-407)

**9-308. License and permit required for drivers.** No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1997 Code, § 9-408)

**9-309. Qualifications for driver's permit.** No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1997 Code, § 9-409)

**9-310. Revocation or suspension of driver's permit.** The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-309. (1997 Code, § 9-410)

**9-311. Drivers not to solicit business.** All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1997 Code, § 9-411)



**9-312. Parking restricted.** It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1997 Code, § 9-412)

**9-313. Drivers to use direct routes.** Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1997 Code, § 9-413)

**9-314. Taxicabs not to be used for illegal purposes.** No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1997 Code, § 9-414)

**9-315. Miscellaneous prohibited conduct by drivers.** It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1997 Code, § 9-415)

**9-316. Transportation of more than one passenger at the same time.** No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1997 Code, § 9-416)

**9-317. Fares.**<sup>1</sup> The fares for taxicab service within the Town of Estill Springs shall be fixed by ordinance of the board of mayor and aldermen from time to time. (1997 Code, § 9-417)

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<sup>1</sup>Administrative ordinances are of record in the recorder's office.

CHAPTER 4

CABLE TELEVISION

SECTION

9-401. To be furnished under franchise.

**9-401. To be furnished under franchise.** Cable television service shall be furnished to the Town of Estill Springs and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Estill Springs and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>1</sup> (1997 Code, § 9-501)

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. #280 dated November 4, 2004 in the office of the recorder.

## CHAPTER 5

### YARD SALES

#### SECTION

- 9-501. Definitions.
- 9-502. Property permitted to be sold.
- 9-503. Restrictions as to time and location of such yard sales.
- 9-504. Hours of operation.
- 9-505. Exceptions.
- 9-506. Fourth sale permitted.
- 9-507. Display of sale property.
- 9-508. Advertising.
- 9-509. Persons exempted.
- 9-510. Violations and penalty.

**9-501. Definitions.** For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein.

(1) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her 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.

(2) "Yard sales" shall mean and include 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 operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. (1997 Code, § 9-601)

**9-502. 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. (1997 Code, § 9-602)

**9-503. Restrictions as to time and location of such yard sales.** No more than three (3) such sales may be conducted at any one (1) residential location, residence and/or family household during any calendar year. No more than six (6) such sales may be conducted from any nonresidential location during any calendar year. (1997 Code, § 9-603)

**9-504. Hours of operation.** Yard sales shall be limited in time to no more than 8:00 A.M. to 6:00 P.M. on three (3) consecutive days or on two (2) consecutive weekends (Saturday and Sunday). (1997 Code, § 9-604)

**9-505. Exceptions.** If yard sale is not held on dates advertised, or is terminated during the first day of sale because of inclement weather conditions, another sale may be held at same location within thirty (30) days from the date when the first sale was to be held. (1997 Code, § 9-605)

**9-506. Fourth sale permitted.** A fourth yard sale may be held in a calendar year if there is a change of ownership of the real property, or tenant vacating the property. (1997 Code, § 9-606)

**9-507. Display of sale property.** Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale for sale at a yard sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. (1997 Code, § 9-607)

**9-508. Advertising. Signs permitted.** Only the following specified signs may be displayed in relation to a pending yard sale:

(1) **Two signs permitted.** Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the yard sale is being conducted.

(2) **Directional signs.** Two (2) signs of not more than four (4) square feet shall be permitted, provided that the premises on which the yard sale is conducted is not on a major thoroughfare, and permission to erect such signs is received from the property owners on whose property such signs are to be placed.

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

(4) **Placement of signs.** No signs shall be placed on utility poles, traffic signs or any municipal sign or property. Signs shall not be placed in such a way as to obstruct vision at intersections or along right-of-way.

(5) **Removal of signs.** All signs must be removed on final day at conclusion of sale. (1997 Code, § 9-608)

**9-509. Persons exempted.** The provisions of this chapter shall not apply to or affect the following:

(1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any sale conducted by any merchant or mercantile 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 regulation of the Town of Estill Springs or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances. Those conducting such sales shall be deemed a business operation, and shall secure proper licenses from the Town of Estill Springs. (1997 Code, § 9-609)

**9-510. Violations and penalty.** Any person found guilty of violating the terms of this chapter shall be subject to a penalty of up to twenty-five dollars (\$25.00) for each offense, up to two (2) offenses. Each subsequent offense shall be subject to a penalty of two hundred fifty dollars (\$250.00) each.

## CHAPTER 6

### MOBILE VENDORS AND MOBILE FOOD TRUCKS/TRAILERS

#### SECTION

- 9-601. Definitions.
- 9-602. Requirements.
- 9-603. Sales on streets and public property.
- 9-604. Mobile vendors on private property.
- 9-605. Permit.
- 9-606. Permit renewal.
- 9-607. Permit display.
- 9-608. Inspections.
- 9-609. Exemptions.
- 9-610. Penalties.

**9-601. Definitions.** (1) "Mobile vendor" is defined as any person selling food and/or drink or other products from a mobile vehicle, including a truck, trailer and/or ice cream truck.

(2) "Mobile vendor vehicle" is defined as a vehicle that returns daily to its base of operations and is used either in the preparation or sale of food or drink products, or other products not food related.

(3) "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.

(4) "Food trailer" is defined as a detached trailer that is equipped with facilities for preparation, cooking and selling various types of food and/or drink products.

(5) "Ice cream truck" is defined as a motor vehicle containing a commercial freezer from which a vendor sells food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water and similar frozen items. (as added by Ord. #21-450, June 2021 *Ch1\_12-01-22*)

**9-602. Requirements.** (1) Licenses and permits. It shall be unlawful for any person to engage in business as a mobile vendor in the Town of Estill Springs without first obtaining a mobile vendor or mobile food vendor/trailer permit. Any permits, licenses, and certifications required by the Franklin County Department of Health and/or State of Tennessee for operation of the business are also required. Upon being granted a mobile vendor permit, a mobile food vendor/trailer must comply with the rules and regulations herein.

(2) Insurance. At the time of the application for a mobile vendor permit, the mobile vendor must provide proof of valid automobile liability insurance in an amount required by law for operation of the applicable mobile

vendor vehicle(s). Failure to maintain this insurance when acting as a mobile vendor will result in immediate revocation of the mobile vendor permit.

(3) Trash receptacles. Each permitted mobile food vendor must maintain for customer use a trash receptacle of sufficient size to accept the litter being generated by the sales from the vendor's mobile food vehicle. 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 trash shall be basis for suspension or revocation, by the city recorder, of the mobile vendor permit. if the mobile vendor feels the city recorder's decision is not warranted, they may appeal the decision to the board of mayor and aldermen.

(4) Alcoholic beverages. The sell, storage, distribution, and/or manufacturing of any alcohol or beer by a mobile vendor is prohibited and is grounds for immediate revocation of vendor permit.

(5) 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.

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

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

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

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

(10) Signs. Signs which are permanently affixed to the mobile 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 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 truck or 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. (as added by Ord. #21-450, June 2021 ***Ch1\_12-01-22***)

**9-603. Sales on streets and public property.** (1) Ice cream trucks can operate between 11:00 A.M. and sunset. 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) **Mobile vendors.** Food trucks and food trailers are prohibited from selling food or other products on any public street, sidewalk, alley, trail, park, right-of-way or any town owned or controlled property unless approved as part of a town approved special event. All mobile vendors must comply with all rules, regulations and requirements related to town approved special events. (as added by Ord. #21-450, June 2021 *Ch1\_12-01-22*)

**9-604. Mobile vendors on private property.** All mobile vendors shall be subject to the following regulations on private property:

(1) **Existing businesses.** No mobile vendor shall operate within three hundred feet (300') of a lawful establishment that is open for business (other than another mobile vendor vehicle) unless the mobile vendor provides documentation which is signed by the business owner or operator that the business owner or operator has no objection to the close proximity.

(2) **Location.** Mobile vendors will be permitted on private property in the town according to the terms and conditions herein. A mobile vendor under this section must have written permission from a private property owner. The mobile vendor must provide a copy of such written permission upon demand to the city recorder. No mobile vendor on private property shall do business or operate within fifty feet (50') of any property line of any lot used for residential purposes. (as added by Ord. #21-450, June 2021 *Ch1\_12-01-22*)

**9-605. Permit.** Applicants for a permit under this section shall file with the city recorder a sworn application. 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) A valid driver's license.
- (3) The applicant's permanent street address, mailing address and email address if available.
- (4) The applicant's telephone numbers including a cell phone number.
- (5) A brief description of the nature of the business and of the goods to be sold.
- (6) A copy of the vehicle registration and proof of auto insurance for the mobile vendor vehicle and/or trailer.
- (7) A copy of the Estill Springs and Franklin County business license, proof of State of Tennessee sales tax registration, and any health department license or certification required by Franklin County Department of Health or the State of Tennessee.



(8) Permission to obtain a background check of owner(s) and operators of mobile vendor vehicles. The town reserves the right to reject an applicant if he or she (or in the case of an LLC or corporation, its owner(s)),

(a) Is a registered sex offender;

(b) Has been convicted of a felony in the past ten years;

(c) Has a chronic history of an unreasonable number and kind of moving vehicle violations as determined by the chief of police; or

(d) Presents an unreasonable public health and safety risk based on past criminal history as determined by the chief of police

(9) Payment of an application fee of two hundred fifty dollars (\$250.00). No refunds will be issued.

(10) Such other relevant information as may be reasonably requested by the town after review of application and supporting material. Full review of the information is needed to assess the impact of the proposed operation on the health, safety and well-being of the public. (as added by Ord. #21-450, June 2021 *Ch1\_12-01-22*)

**9-606. 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 before January 1 of each year. A new application must be completed upon renewing vendor permit along with the permit fee of two hundred fifty dollars (\$250.00). A permit shall be valid for only one (1) mobile vendor vehicle. Each operator and/or applicant shall file additional applications and pay an additional permit fee for each additional mobile vendor vehicle. No refunds will be issued for renewed permits and no renewed permits for partial years will be issued. (as added by Ord. #21-450, June 2021 *Ch1\_12-01-22*)

**9-607. Permit display.** Permits issued under this section must be displayed where it is visible on each mobile vendor vehicle. (as added by Ord. #21-450, June 2021 *Ch1\_12-01-22*)

**9-608. Inspections.** 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. The town police shall have the right at any time, after displaying proper identification, to enter into or upon any mobile vendor vehicle for the purpose of ascertaining whether or not any provisions of this section are being violated and for general inspection purposes. Any mobile vendor vehicle which is found after any town inspection to be unsafe or not compliant with this section may be directed to cease operation until the deficiency is corrected. (as added by Ord. #21-450, June 2021 *Ch1\_12-01-22*)

**9-609. Exemptions.** Mobile vendors that are part of and participating in a town sponsored special event will not be required to comply with the requirements of this chapter as far as participation in such special event is concerned. (as added by Ord. #21-450, June 2021 *Ch1\_12-01-22*)

**9-610. Penalties.** Violation of any section of this chapter shall subject the offender to a penalty under the general penalty provisions of this code. Each day the violation continues shall constitute a separate offense. (as added by Ord. #21-450, June 2021 *Ch1\_12-01-22*)