

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

CHAPTER

1. SOLICITORS, PEDDLERS, ETC.
2. GARAGE SALES.
3. CABLE TELEVISION.

CHAPTER 1

SOLICITORS, PEDDLERS, ETC.¹

SECTION

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9-101. 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 non-resident 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

¹Municipal code references

Junkyards: title 13, chapter 3.

Liquor and beer regulations: title 8, chapter 1.

Trespass by peddlers: § 11-101(5).

Zoning code: title 14, chapter 1.

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, merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions 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, for any charitable or religious organization. No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one (1) of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under § 501(c)(3) of the Internal Revenue Service Code of 1954, being 26 U.S.C. § 501(c)(3), as amended;

(b) Is a member of United Way, Community Chest or similar "umbrella" organizations for charitable or religious organizations; or

(c) Has been in continued existence as a charitable or religious organization in Williamson County for a period of two (2) years prior to the date of its application for registration under this chapter.

(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"¹ 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"

¹State law references

Tennessee Code Annotated, §§ 62-30-101, *et seq.* contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from *Tennessee Code Annotated*, § 62-30-101(3). Note also that *Tennessee Code Annotated*, § 67-4-710 prescribes that transient vendors shall pay a tax of fifty dollars (\$50.00) for each fourteen (14) day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in *Tennessee Code Annotated*, § 67-4-710.

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 of 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.

(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. (2002 Code, § 9-101, modified)

9-102. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, transient merchant, street barker, or transient vendor 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 person or business to whom it is issued. No permit shall be used other than between the hours of 9:00 A.M. to 6:00 P.M. Monday through Saturday of each week. (2002 Code, § 9-102)

9-103. 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 persons selling agricultural products, who, in fact, themselves produced the products being sold. (2002 Code, § 9-103)

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the recorder by each applicant for a permit as a peddler, transient vendor or solicitor, and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

- (a) The complete name and permanent address of the business or organization the applicant represents.
- (b) A brief description of the type of business and the goods to be sold.
- (c) The dates for which the applicant intends to do business or make solicitations.

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

(e) 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.

(f) Tennessee state sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor or solicitor shall submit with his application a nonrefundable fee of twenty dollars (\$20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant.

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

9-105. Issuance or refusal of permit. (1) Each applicant shall be subject to a background and/or criminal history investigation. The town reserves the right to deny a permit, all or in part, to any business or person(s) based on the best interest of the public welfare, safety, and protection of the citizens' life or property. The investigator shall report his findings within seventy-two (72) hours.

(2) If, as a result of such investigation, the applicant's moral reputation and/or business responsibility is found to be unsatisfactory, the applicant will be notified that their application is disapproved and that no permit will be issued.

(3) If the report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the permit will be issued upon the payment of all applicable privilege taxes, fees, or bond required by law or town code. The town shall keep a permanent record of all permits issued.

(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:

(a) Street barkers shall be allowed to cry out to call attention to his or her business or merchandise during parade or festival days recognized by the town;

(b) Transient vendors of food may be allowed to play music not to exceed ninety (90) dB between 10:00 A.M. and 8:00 P.M., as is to be stated on the solicitor's permit application; and

(c) Nothing contained in this section shall be construed to allow a mobile food vendor to be released or excused from compliance with the

requirements of *Tennessee Code Annotated*, § 55-8-193. (2002 Code, § 9-105)

9-106. Appeal. Any person denied a permit shall have the right to appeal to the board of commissioners. Such appeal shall be made by filing with the town, within five (5) business days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall schedule a hearing on such appeal for the next regularly scheduled meeting of the board of commissioners. Notice of the date, time, and place of such hearing shall be given to the appellant. The notice shall be in writing and shall either 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 may be delivered by a police officer or codes official in the same manner as a summons at least three (3) days prior to the date set for hearing. (2002 Code, § 9-106)

9-107. 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. (2002 Code, § 9-107)

9-108. Use of streets. (1) 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 permittee stand or sit in, or near, the entrance to any dwelling or place of business, nor shall any permittee be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets or sidewalks. 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.

(2) No permittee shall offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind, except as is otherwise approved at the discretion of the board of commissioners. (2002 Code, § 9-108)

9-109. Trespassing. (1) It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, transient vendor, street barker, or other person to fail to leave promptly the private premises of any person who requests or directs them to leave.

(2) No permittee shall 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," "No Soliciting," or similar language carrying the same meaning, is located. (2002 Code, § 9-109)

9-110. Exhibition of permit. Permit holders or representatives of the permit holder are required to exhibit their permits at the request of any police officer, codes official, town official, citizen, or person solicited. (2002 Code, § 9-110)

9-111. Enforcement. The provisions of this chapter shall be primarily enforced by the police department and codes department, and may be enforced by the mayor and his/her designee. (2002 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 commissioners, 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, misdemeanor, felony, or violation of town ordinance; and/or

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, 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 in writing, setting forth specifically the grounds of complaint and the date, time, and place of the hearing. The notice shall be in writing and shall either 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 may be delivered by a police officer or codes official in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) When it is reasonably necessary in the public interest, the mayor may suspend a permit pending the revocation hearing. (2002 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. (2002 Code, § 9-113)

9-114. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date provided in the permit, and shall be renewed without cost if the permittee applies for, and obtains, a new permit within thirty (30) days thereafter. Permits issued to permittees who

are not subject to a privilege tax shall be issued for a maximum six (6) months. 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. (2002 Code, § 9-114)

9-115. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled 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. (2002 Code, § 9-115)

9-116. Violations and penalty. In addition to any other action the city/town may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense.

CHAPTER 2

GARAGE SALES

SECTION

- 9-201. Definitions.
- 9-202. Property permitted to be sold.
- 9-203. Permit required.
- 9-204. Permit procedure.
- 9-205. Permit conditions.
- 9-206. Hours of operation.
- 9-207. Exceptions.
- 9-208. Display of sale property.
- 9-209. Display of permit.
- 9-210. Advertising.
- 9-211. Persons exempted from chapter.
- 9-212. Violations and penalty.

9-201. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Garage sales" means and includes all general sales, open to the public, conducted from, or on, any premises in any residential or non-residential zone, as defined by the zoning ordinance¹, 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 non-residential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold.

(2) "Personal property" means 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. (2002 Code, § 9-201)

9-202. 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. (2002 Code, § 9-202)

¹Municipal code reference

Zoning ordinance: title 14, chapter 1.

9-203. Permit required. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefor from the town recorder. Members of more than one (1) residence may join in obtaining a permit for a garage sale to be conducted at the residence of one (1) of them. (2002 Code, § 9-203)

9-204. Permit procedure. (1) Application. The applicant or applicants for a garage sale permit shall file a written application with the town recorder at least three (3) days in advance of the proposed sale setting forth the following information:

- (a) Full name and address of applicant or applicants;
- (b) The location at which the proposed garage sale is to be held;
- (c) The date or dates upon which the sale shall be held;
- (d) The date or dates of any other garage sales by the same applicant or applicants within the current calendar year;
- (e) A statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale; and
- (f) A statement that the applicant will fully comply with this and all other applicable ordinances and laws.

(2) Issuance of permit. Upon the applicant complying with the terms of this chapter, the town recorder shall issue a permit. (2002 Code, § 9-204)

9-205. Permit conditions. The permit shall set forth and restrict the time and location of such garage sale. No more than four (4) such permits may be issued to one (1) residential location, residence and/or family household during any calendar year. If members of more than one (1) residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences. No more than six (6) permits may be issued for any non-residential location during any calendar year. The issue of any permits shall be subject to the provisions of the zoning ordinance of the Town of Nolensville, Tennessee and its adopted building regulations, and no permit shall be issued in violation of these ordinances and/or regulations. (2002 Code, § 9-205)

9-206. Hours of operation. Garage sales shall be limited in time to no more than 7:00 A.M. to 7:00 P.M. on three (3) consecutive days or on two (2) consecutive weekends (Saturday and Sunday). (2002 Code, § 9-206)

9-207. Exceptions. (1) If sale not held because of inclement weather. If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the town recorder shall issue another permit to the applicant for a garage sale to be

conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee is required.

(2) Fifth sale permitted. A fifth garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the town recorder. (2002 Code, § 9-207)

9-208. 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 at a garage 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. No more than three (3) vehicles and/or cars may be sold at any one (1) sale with the maximum amount of vehicles and/or cars sold at permitted sales by any permittee not exceeding six (6) vehicles per calendar year. (2002 Code, § 9-208)

9-209. Display of permit. Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public, or any town officer. (2002 Code, § 9-209)

9-210. Advertising. (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

(a) Two (2) 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 non-residential site where the garage sale is being conducted.

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

(2) Time limitations. 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) Removal of signs. Signs must be removed each day at the close of the garage sale activities, except that signs may remain overnight when the sale continues the following day. (2002 Code, § 9-210)

9-211. Persons exempted from chapter. 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; and

(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 regulations of the Town of Nolensville, or under the protection of the non-conforming 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. (2002 Code, § 9-211)

9-212. Violations and penalty. In addition to any other action the town may take against any act in violation of this chapter, such violation shall be punished by a penalty of up to two hundred fifty dollars (\$250.00) for each offense. Each day a violation occurs shall constitute a separate offense. (2002 Code, § 9-212)

CHAPTER 3

CABLE TELEVISION

SECTION

9-301. To be furnished under franchise.

9-301. To be furnished under franchise. Cable television service shall be furnished to the Town of Nolensville and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the Town of Nolensville 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.¹

¹Complete details relating to the cable television franchise agreements are available in the office of the town recorder.