

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

1. MISCELLANEOUS.
2. SOLICITATION.
3. CABLE TELEVISION.

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

- 9-101. Rental of flotation devices unlawful.  
9-102. Roadside vending unlawful.  
9-103. Amusement rides unlawful.

**9-101. Rental of flotation devices unlawful.** (1) It shall be unlawful for any person, firm or corporation to engage in the commercial activity in the Town of Pittman Center of renting or otherwise providing inner tubes, inflated rafts or other floating devices for the intended use by swimmers or others for floating on any portion of any river, creek or other watercourse in the Town of Pittman Center.

(2) Each person, firm or corporation advertising or otherwise holding themselves out to provide, for a consideration, inner tubes, inflated rafts or other flotation devices in the Town of Pittman Center for these purposes, and each person, firm or corporation (whether acting for themselves or for any other party) who, for a consideration, engages in renting or otherwise providing inner tubes, inflated rafts or other flotation devices for these purposes, shall be guilty of a civil offense. Upon conviction the violator shall be fined a sum not to exceed fifty dollars (\$50.00). Each day of the violation of this section shall constitute a separate and distinct offense. (2000 Code, § 9-101, modified)

**9-102. Roadside vending unlawful.** (1) No person outside a permanent building shall sell or offer to sell in any manner food produce, goods, wares, merchandise, services or anything of value alongside town streets, roadways or highways inside the town.

---

<sup>1</sup>Municipal code references

Building, plumbing, wiring and residential: title 12.

Noise reduction: title 11.

Zoning: title 14.

(2) Any person in violation of this section shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). (2000 Code, § 9-102, modified)

**9-103. Amusement rides unlawful.** (1) It shall be unlawful for any person or entity to have or operate any ferris wheel, merry-go-round, go-cart, roller coaster, bumper-car, flume ride, airplane ride, train ride or any similar amusement ride such as those used at fairs, midways, carnivals, amusement parks and theme parks when any portion of such equipment or ride is located within the town limits.

(2) Any person or entity violating this section shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). (2000 Code, § 9-103, modified)

## CHAPTER 2

### SOLICITATION

#### SECTION

9-201. Solicitation on public streets.

9-202. Door to door solicitation for sales.

9-203. Violations and penalty.

**9-201. Solicitation on public streets.** (1) All solicitations on the public streets from persons in motorized and non-motorized vehicles are prohibited, except at the following intersection within the town: The intersection of Highway 321, Old Hills Creek Road, and Greenbriar entrance to Great Smoky Mountain National Park.

(2) The following procedures shall be strictly adhered to by solicitors approved to solicit at the above location:

(a) "Roadblocks" for solicitations shall be permitted only on three (3) consecutive days of any week, and shall not begin until one (1) hour after daylight and shall end one (1) hour before dark.

(b) All of the outer clothing of every person soliciting contributions shall be brightly colored.

(c) Persons making solicitations shall position themselves in places and in a manner where they do not block or impede the flow of traffic. In no event shall they stand in the intersection itself, but only on the centerline of the highway or on the side of the highway and roads that feed into the intersection on the portion of the highway and roads immediately outside the intersection.

(d) No person shall solicit contributions on the public streets without first obtaining a permit from the town recorder. The town recorder shall issue permits only to organizations that have a current exemption certificate from the Internal Revenue Service issued under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, or which qualify as nonprofit tax-exempt organization under the laws of the State of Tennessee or similar laws of another state.

(e) The town recorder shall issue a permit upon his or her finding that:

(i) All the statements made in the application for a permit are true.

(ii) The solicitation will not be fraud upon the public.

(iii) The solicitation is not being conducted for private profit.

(f) The Town of Pittman Center shall issue no more than six (6) street solicitation permits in any one (1) calendar year.

(g) Only one (1) permit shall be issued to the organization. However, the permit shall be present at the site of the solicitation at all times while solicitations are occurring. The permit shall be shown to any police officer of the town upon the officer's request.

(3) An application for a permit to solicit shall be made by an agent of the organization requesting the permit to the town recorder on forms provided by the town. The application shall be made and sworn to at least ten (10) days prior to the date/s on which the solicitation is to occur. The application shall include the following information:

(a) The name, address and headquarters of the organization applying for the permit, and the name and address of the agent of the organization actually making application for the permit.

(b) A copy of a resolution, letter, or other document showing on its face that the solicitation has been authorized by the organization, and that the agent of the organization applying for the permit is authorized to make the application for the permit.

(c) A copy of the 501(c)(3) exemption or other documentary evidence that the organization is a nonprofit tax-exempt organization under the laws of the State of Tennessee or similar laws of other states.

(d) The purpose for which the solicitation is to be made.

(e) The names and addresses of the person/persons who will actually be in charge of the solicitation at the scene of the solicitation.

(f) The times and locations at which the solicitation will be made.

(g) Any other information reasonably required by the town recorder to insure that the applicant for the permit complies with the provisions of this chapter.

(4) Permits issued under this chapter shall be in essentially the following form:

**STREET SOLICITATION PERMIT**

Permit Number: \_\_\_\_\_

Date: \_\_\_\_\_

The \_\_\_\_\_ (name of organization), is hereby authorized to solicit under the provision of § 9-201 of the Pittman Center Municipal Code, adopted on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

The issuance of this permit does not constitute an endorsement by the Town of Pittman Center or by any of its departments, officers or employees of the purpose or person/s conducting this solicitation.

---

(Recorder)

---

(Agent of Soliciting Organization)

(5) Appeal of denial of permit. Within five (5) days after receiving notification by registered mail that an organization's application for a permit has been denied, the authorized agent of the organization may file a written request for a public hearing on the denial before the board of mayor and aldermen. Upon the filing of an appeal, the board of mayor and aldermen shall fix a time and a place for the hearing. The hearing shall be held within ten (10) days after the request is filed. At the hearing, the agent of the organization, or any other interested person, may present evidence in support of or against the application. Within ten (10) days after the hearing, the board of mayor and aldermen shall either grant or deny the permit. A copy of the board's decision shall be sent by registered mail to the agent of the organization which made application for the permit.

(6) Permit fee. There shall be a permit application fee of fifty dollars (\$50.00). (2000 Code, § 9-201, modified)

**9-202. Door to door solicitation for sales.** (1) No person shall solicit or attempt to sell, peddle, hawk or vend goods, wares, merchandise, services or anything of value to occupants of private residences, motel rooms, apartment buildings, overnight rental units or camping vehicles, and no person shall go upon such premises or approach occupants of such premises for the purpose of soliciting orders for the sale of goods, wares, merchandise, services or anything of value or for the purpose of disposing of or peddling or hawking the same, provided the occupants have not previously invited or requested such visitations.

(2) Any person in violation of this section shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). (2000 Code, § 9-202, modified)

**9-203. Violations and penalty.** In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense.

## CHAPTER 3

### CABLE TELEVISION

#### SECTION

9-301. Federal regulations adopted.

9-302. Franchising authority.

9-303. Violation and penalty.

**9-301. Federal regulations adopted.** Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority of said Act certifying the town to regulate basic cable television service within the boundaries of the town and for the purposes of regulating the rates charged to customers of any cable television operator franchised by the town, the regulations contained in title 47 of the *Code of Federal Regulations*, part 76, subpart N, sections 76.900 through 76.985, are hereby adopted and incorporated by reference as a part of this code. (2000 Code, § 9-301)

**9-302. Franchising authority.** Whenever the regulations cited in § 9-301 refer to "franchising authority," it shall be deemed to be a reference to the governing body of the town. (2000 Code, § 9-302)

**9-303. Violation and penalty.** Any violation of this chapter shall subject the offender to a penalty up to fifty dollars (\$50.00) for each offense. Each day the violation shall continue shall constitute a separate offense. (2000 Code, § 9-303, modified)