

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

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. CABLE TELEVISION.
6. SHORT-TERM RENTAL OPERATIONS.
7. MOBILE FOOD VENDORS.

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

9-101. Restrictions on businesses having pinball machines, etc.

**9-101. Restrictions on businesses having pinball machines, etc.**

No owner, operator, manager, or person in charge of any store, establishment, place of business, or otherwise shall allow any person to play or operate after the hour of eleven p.m. any pinball machine, miniature game, or any mechanical amusement machine or device which is so constructed that the result of its operation depends upon chance, or upon the skill of the operator, or upon both, whether made payable by mechanical device or otherwise.

No owner, operator, manager, or person in charge of any store, establishment, place of business, or otherwise shall allow any person under the age of eighteen (18) years to play or operate during regular school hours or after the hour of eleven p.m. any pinball machine, miniature game, or any mechanical amusement machine or device which is so constructed that the result of its operation depends upon chance, or upon the skill of the operator, or upon both, whether made payable by mechanical device or otherwise. (1979 Code, § 5-101)

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<sup>1</sup>Municipal code references

Building, plumbing, wiring and housing 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.
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- 9-207. Loud noises and speaking devices.
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- 9-209. Exhibition of permit.
- 9-210. Policemen to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.

**9-201. Permit required.** It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the 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. (1979 Code, § 5-201)

**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. (1979 Code, § 5-202)

**9-203. Application for permit.** Applicants for a permit under this chapter must file with the city 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 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.

(10) At the time of filing the application, a fee of fifty dollars (\$50.00) shall be paid to the city to cover the cost of investigating the facts stated therein. (1979 Code, § 5-203, as amended by Ord. #01-18, Oct. 2001)

**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 city 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 city 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 city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1979 Code, § 5-204)

**9-205. Appeal.** Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the mayor 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 officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1979 Code, § 5-205)

**9-206. Bond.** Every permittee shall file with the city recorder a surety bond running to the city in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this city 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 citizen of the city 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 citizen of the city 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, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1979 Code, § 5-206)

**9-207. 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 city 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. (1979 Code, § 5-207)

**9-208. Use of streets.**<sup>1</sup> 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. (1979 Code, § 5-208)

**9-209. Exhibition of permit.** Permittees are required to exhibit their permits at the request of any policeman or citizen. (1979 Code, § 5-209)

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<sup>1</sup>Municipal code reference

Roadblocks by solicitor's, peddlers, etc.: § 16-113.

**9-210. Policemen to enforce.** It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1979 Code, § 5-210)

**9-211. 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.

(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 city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the 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. (1979 Code, § 5-211)

**9-212. 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. (1979 Code, § 5-212)

**9-213. Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire thirty (30) days from the date on the permit. Permits may be renewed by application and payment of a twenty-five dollar (\$25.00) fee, provided information on application has not changed from original application. (1979 Code, § 5-213, as amended by Ord. #05-06, May 2005)

## CHAPTER 3

### CHARITABLE SOLICITORS<sup>1</sup>

#### SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.

**9-301. Permit required.** No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1979 Code, § 5-301)

**9-302. Prerequisites for a permit.** The recorder shall issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1979 Code, § 5-302)

**9-303. Denial of a permit.** Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1979 Code, § 5-303)

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<sup>1</sup>Municipal code reference

Roadblocks by solicitor's, peddlers, etc.: § 16-113.

**9-304. Exhibition of permit.** Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1979 Code, § 5-304)

## CHAPTER 4

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

#### SECTION

- 9-401. Definitions; taxicab franchise and privilege license required.
- 9-402. Requirements as to application and hearing.
- 9-403. Proof of financial responsibility required.
- 9-404. Revocation or suspension of franchise.
- 9-405. Mechanical condition of vehicles.
- 9-406. Cleanliness of vehicles.
- 9-407. Vehicles shall display company insignia.
- 9-408. Annual reporting and inspection of vehicles.
- 9-409. Renewal of franchise; discontinuance of operations.
- 9-410. License and permit required for drivers.
- 9-411. Qualifications for driver's permit.
- 9-412. Expiration and renewal of driver's permit.
- 9-413. Revocation or suspension of driver's permit.
- 9-414. Drivers not to solicit business.
- 9-415. Parking restricted.
- 9-416. Driver to use direct routes.
- 9-417. Taxicabs not to be used for illegal purposes.
- 9-418. Miscellaneous prohibited conduct by drivers.
- 9-419. Transportation of more than one passenger at the same time.
- 9-420. Compliance with provisions; violation and penalty.
- 9-421. Trip meters and schedule of rates.
- 9-422. Transfer of franchise.

**9-401. Definitions; taxicab franchise and privilege license required.** (1) Definitions. (a) "Operating within the corporate limits of the City of White House" shall mean the pick-up of passengers with point of origin within the corporate limits of the City of White House to a destination either within or outside the city limits or operating a base of operations, headquarters, dispatch operation, or coordination center which directs, assigns, schedules, or otherwise controls the operation of taxicabs from its location.

(b) "Taxicab" shall include any motor vehicle for hire operating under the definitions of Tennessee Code Annotated, § 65-15-102, designed or constructed to accommodate and transport not more than fifteen (15) passengers, exclusive of the driver, operating within the city's corporate

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<sup>1</sup>Municipal code reference

Privilege taxes: title 5.



limits and suburban territory adjacent thereto and not operating on a fixed route or schedule. Includes airport limousines, limousines, sedans, and shuttles but excludes common carriers of more than fifteen (15) passengers and ridesharing pools as defined by Tennessee Code Annotated, § 65-19-202.

Excludes school and church vehicles used for transporting persons to or from school, religious education, church or religious services of any kind, upon special prearranged trips or excursions under the auspices of any religious or charitable organization.

(c) "Taxicab business" shall include the operation of one (1) or more taxicabs within the city limits of White House.

(2) It shall be unlawful for any person to engage in the taxicab business without a taxicab franchise from the city, a current business license and an effective privilege license.

(3) Persons owning more than one (1) taxicab business or operating a business under multiple names or identities must obtain a separate franchise, business, and privilege license for each listing, name or identity. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-402. Requirements as to application and hearing.** No person shall be eligible to apply for a taxicab franchise if he/she has been convicted of a felony within the last ten (10) years. Applications for taxicab franchise shall be made under oath and in writing to the city recorder. The application shall include the following:

- (1) Name and address of the applicant;
- (2) Applicant's education history;
- (3) Applicant's employment history;
- (4) Name and address for the proposed place of business;
- (5) Number of taxicabs the applicant desires to operate;
- (6) The makes and models of said taxicabs;
- (7) The name of the proposed taxicab franchise and the color scheme and insignia of the taxicab franchise;

(8) The names and addresses of two (2) residents of the City of White House who have known the applicant for a period of at least one (1) year and who will vouch for the sobriety, honesty and general character of the applicant; and

(9) Any such other pertinent information that may be required;

(10) A two hundred fifty dollar (\$250.00) application fee in the form of a certified check or money order to the City of White House. Within thirty (30) business days after a receipt of an application the city recorder and chief of police shall make a thorough investigation of the applicant, including a criminal background check in accordance with Tennessee Code Annotated, § 6-54-128; determine if there is a public need for additional taxicab service; and present the application to the board of mayor and aldermen with a recommendation to

either grant or refuse a franchise to the applicant. The board of mayor and aldermen will hold a public hearing, at which time witnesses for and against the granting of the franchise shall be heard. The applicant must appear at this hearing.

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, and whether zoning laws will allow the taxicab business in the requested location.

Franchises will be issued by the board of mayor and aldermen and shall be effective as of the date of issuance until midnight on August 31st of the year in which the franchise is issued. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-403. Proof of financial responsibility required.** No taxicab franchise shall be issued or continue in operation unless there is in full force and effect proof of financial responsibility for each vehicle authorized in an amount in accordance with the minimum limits set forth by the law of the State of Tennessee for financial responsibility for owners and operators of motor vehicles (Tennessee Code Annotated, § 55-12-102). Such security shall insure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a taxicab franchisee, his employees or agents. Proof of financial responsibility shall be established in accordance with the laws of the State of Tennessee. Proof of financial responsibility and any changes shall be filed with the City Recorder's Office of the City of White House.

In addition, each franchisee shall be required to maintain liability insurance on all vehicles in the amount of one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per incident. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-404. Revocation or suspension of franchise.** The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentation or false statements made in the application thereof for traffic violations, or for failure or refusal to comply with the provisions of this chapter by the taxicab franchisee or any taxicab driver driving a taxicab under his franchise. A taxicab franchise shall not be revoked or suspended unless the franchisee has received notice and has had an opportunity to present evidence on his or her behalf. The chief of police shall have the authority to summarily suspend the right of the franchisee to do business pending a hearing on revocation or suspension, upon a finding that the franchisee's continuing to do business in the interim constitutes an immediate

danger to the health, safety and welfare of the citizens of White House. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-405. Mechanical condition of vehicles.** It shall be unlawful for any person to operate any taxicab in the city unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, passenger seat belts, and rear mirror. All taxicabs 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 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. All vehicles shall also be equipped with a two-way radio or cellular telephone for communications between the taxicab and the taxicab company's base of operations. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-406. Cleanliness of vehicles.** All taxicabs operated within the city 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. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-407. Vehicles shall display company insignia.** All taxicabs operating under a franchise shall display the name of the taxicab franchise under which they are licensed as well as the company insignia and colors. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-408. Annual reporting and inspection of vehicles.** (1) All taxicabs shall be inspected at least annually by an Automotive Service Excellence (ASE) certified technician. The owner/operator must present a completed city inspection form for each vehicle, signed by an ASE technician, indicating the vehicle complies with the requirements of this chapter with respect to mechanical condition, cleanliness, etc., and any federal or state law. The owner/operator shall also provide a copy of the technician's current ASE certification. If a new vehicle is added to the franchisee's fleet between the dates of annual inspection, then such vehicle shall not be placed into service until such inspection is performed and the vehicle passes.

(2) At the time of inspection of the taxicab the franchisee shall submit to the city recorder a report indicating the license plate of each taxicab operating under his/her franchise. The city recorder shall assign a number to each taxicab that passes inspection and shall distribute a window decal to the franchisee that

shall be displayed on the lower left portion of the front windshield, indicating the taxicab has passed inspection.

(3) Inspections shall be completed annually on or before the 31st of August. Vehicles that do not pass inspection will be in violation of this section and may not operate within the city limits. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-409. Renewal of franchise; discontinuance of operations.** Each franchise shall be issued for a period of one (1) year, or any part thereof, with all franchises expiring on August 31st of each year.

(1) A renewal franchise may be granted upon written request of any franchisee and the tender of a one hundred fifty dollar (\$150.00) franchise renewal fee on or before August 31st shall be substituted in lieu thereof. Before any franchise may be renewed, the chief of police shall conduct a thorough background check in accordance with Tennessee Code Annotated, § 6-54-128. After the chief of police conducts an investigation, the franchisee may be recommended for renewal or denial of the franchise. This section does not relieve the franchisee of the requirements of § 9-408.

(2) If a renewal application with franchise renewal fee is not timely received, then the franchise shall be subject to revocation by the board of mayor and aldermen, after public notice and hearing at its next regularly scheduled meeting.

(3) If a franchisee has discontinued operations for a period of greater than thirty (30) days during any period in which a valid franchise was in force, then the franchise shall be subject to revocation. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-410. License and permit required for drivers.** (1) No person shall drive a taxicab without a valid Tennessee Class D license with an "F" endorsement (for hire) or CDL and a taxicab driver's permit issued by the city recorder.

(2) The taxicab driver's permit shall be displayed prominently and in full view of the passenger area, near the trip meter of the vehicle (if applicable), along with a photograph of the driver, not less than passport photo size, of a full front facial image of the driver, from the neck up. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-411. Qualifications for driver's permit.** No person shall be issued a taxicab driver's permit unless he/she complies with the following:

(1) Makes a written application to the city recorder and pays an application fee of thirty-five dollars (\$35.00) plus the cost of a current background check.

(2) Is at least eighteen (18) years of age and holds a valid Tennessee driver's license, with an "F" endorsement (for hire) or a CDL.

(3) Undergoes 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 may render him/her unfit for safe operation of a public vehicle.

(4) Is clean in dress and person and is not addicted to the use of intoxicating beverages or drugs.

(5) Produces letters of good character from two (2) reputable residents of the city who have known him/her personally and have observed his/her conduct for at least two (2) years preceding the date of application.

(6) Has not been convicted of a felony, driving under the influence of an intoxicant or drug, or of frequent traffic violations.

(7) Is familiar with the state and local traffic laws. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-412. Expiration and renewal of driver's permit.** Each driver's permit shall be issued by the city recorder for a period of one (1) year or any part thereof. All permits issued shall expire on August 31st of each year. A permit or renewal permit for a one (1) year period (or any portion thereof) shall be issued upon the payment of thirty-five dollars (\$35.00) plus the costs of a current background check unless the permit for the preceding year has been revoked or the applicant no longer meets the criteria required in this chapter. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-413. Revocation or suspension of driver's permit.** The board of mayor and aldermen, after notice and hearing, may revoke or suspend any taxicab driver's permit for violations of traffic regulations, for violations of this chapter of when the driver ceases to possess the qualifications as prescribed in § 9-411. The chief of police shall have the authority to summarily suspend a driver's permit pending a hearing on revocation or suspension, upon finding that the driver's continuing to operate in the interim constitutes an immediate danger to the health, safety and welfare of the citizens of White House. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-414. Drivers not to solicit business.** All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage for their taxicabs. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-415. Parking restricted.** It shall be unlawful to park any taxicab in an area not designated for parking. Taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in a manner as not to unreasonably interfere with or obstruct other traffic and provided that passenger loading and discharging is promptly accomplished. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-416. Driver to use direct routes.** Taxicab drivers shall always deliver their passengers to their destinations by the shortest and most direct route available from point of pick-up to point of destination unless requested otherwise by the passenger. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-417. 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. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-418. 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 city in any way. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-419. 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 passenger. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-420. Compliance with provisions; violation and penalty.**

(1) Every applicant granted a permit or franchise under this chapter shall comply with all City of White House, state and federal laws. Failure to do so may subject the permit to suspension or revocation by the board of mayor and aldermen.

(2) Failure to comply with any provision of this chapter shall be considered a violation for which a minimum fifty dollar (\$50.00) civil penalty shall be assessed for each violation. Each day the violation exists shall constitute a separate violation. City police officers may inspect a taxicab for compliance with these provisions at any time and may cite the driver and/or franchise owner to the city court for violations.

(3) The court clerk shall communicate to the chief of police and city recorder, appearances by franchise owners and/or operators, the alleged violations for which they appear, and the disposition of the charges. (Ord. #95-04, March 1995, as replaced by Ord. #09-21, Nov. 2009)

**9-421. Trip meters and schedule of rates.** (1) Stops initiated by the driver or franchisee, other than for routine traffic congestion or in order to obey traffic control devices on the road, shall not be charged to the passenger(s) on the trip meter. Stops due to police initiated traffic stops shall not be charged nor shall breaks in service due to mechanical failure of the taxicab be charged to the passenger(s).

(2) Rates shall be reasonable in accordance with market demand and shall be clearly posted and at all time visible, next to the trip meter, if applicable. (as added by Ord. #09-21, Nov. 2009)

**9-422. Transfer of franchise.** No franchise shall be sold, transferred, or the legal ownership thereof modified in anyway without the prior consent of the board of mayor and aldermen. (as added by Ord. #09-21, Nov. 2009)

**CHAPTER 5****CABLE TELEVISION****SECTION**

9-501. To be furnished under franchise

**9-501. To be furnished under franchise.** Cable television shall be furnished to the City of White House and its inhabitants under franchise granted to Tele-Media Company of Green River, a Kentucky Limited Partnership by the board of mayor and aldermen of the City of White House, Tennessee. The rights, powers, duties and obligations of the City of White House and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.<sup>1</sup>

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<sup>1</sup>For complete details relating to the cable television franchise agreement see ordinance no. 96-03 dated April 18, 1996 in the office of the city recorder.



## CHAPTER 6

### SHORT-TERM RENTAL OPERATIONS

#### SECTION

9-601. Permitting process.

9-602. Appeals process.

**9-601. Permitting process.** The planning and codes director shall review a use permit application for short term rental uses defined per the City of White House Zoning Ordinance only after the board of zoning appeals has reviewed and approved a special exception and applicable building and fire inspections are completed and approved and the owner has submitted a city business license for applicable hotel and motel taxes. The permit shall be valid for one (1) year and renewals shall not require additional review and approval by the board of zoning appeals unless determined by the board of zoning appeals as defined and included in the original approval motion. The permits are not permitted to be transferred to subsequent property owners and the permit approval does run with the property. The director shall issue the permit within two (2) weeks of the permit application submittal once the conditions of the approval process listed above are completed. Tennessee Code Annotated, §§ 13-7-601 through 13-7-606. (as added by Ord. #20-31, Dec. 2020 *Ch19\_01-20-22*)

**9-602. Appeals process.** Appeal of the director's decision shall be submitted and reviewed by the city's board of mayor and aldermen, The written appeal shall be submitted to the city recorder's office. All complaints with the short-term rentals uses and applicable property shall be reviewed, and administered through the city's municipal compliant process including initial written submittal to the city's police department. Per Tennessee Code Annotated, sections referenced above, the planning and codes director shall submit all requests to rescind permit approval to the board of mayor and aldermen when the property has three (3) or more separate violations of generally applicable local laws or if the applicant is not meeting the original permit conditions including any specific requirements defined by the board of zoning appeals in the special exception approval motion. The board of mayor and aldermen may act to rescind the permit approval. Appeals of the board of mayor and aldermen decision are defined in the above referenced Tennessee Code Annotated sections. (as added by Ord. #20-31, Dec. 2020 *Ch19\_01-20-22*)

## CHAPTER 7

### MOBILE FOOD VENDORS

#### SECTION

- 9-701. Purpose.
- 9-702. Definitions.
- 9-703. Permit required for engaging in mobile food vending.
- 9-704. General regulations.
- 9-705. Hours of operation.
- 9-706. Location of operations.
- 9-707. Enforcement.
- 9-708. Revocation of mobile food vendor vehicle permits.
- 9-709. Suspension of mobile food vendor vehicle permits.
- 9-710. Suspension terms.

**9-701. Purpose.** The city finds that allowing mobile food vendors to operate, subject to practical regulations and limitations, is beneficial to persons living and working within the city. This chapter recognizes the unique physical and operational characteristics of mobile food vending, establishes standards for mobile food vending operations and promotes practices that serve the health, safety and welfare of the public. (as added by Ord. #21-15, Aug. 2021 *Ch19\_01-20-22*)

**9-702. 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:

(1) "Canteen truck" is defined as a vehicle that operates to provide food services to workers at locations where access to such services is otherwise unavailable or impractical (e.g., a construction site); from which the operator sells food and beverages that require no on-site preparation or assembly other than heating of pre-cooked foods; and is not advertised in any form to the general public except by virtue of signage on the vehicle. Products sold from canteen trucks may include fruits, vegetables, pre-cooked foods such as hot dogs, pre-packaged foods and pre-packaged drinks.

(2) "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.

(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) "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.

(5) "Location" is defined as any single property parcel or any combination of contiguous parcels that are owned or controlled by a single entity or affiliated entities.

(6) "Mobile food vendor" is defined as any person selling food and/or drink from a mobile vehicle, including a canteen truck, food truck, food trailer, ice cream truck, or a non-motorized vehicle from which such products are sold.

(7) "Mobile food 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 both.

(8) "Operate" is defined as to sell food, beverages, and other permitted items from a mobile food service vehicle and includes all tenses of the word.

(9) "Operator" is defined as any person operating or permitted to operate a mobile food vendor vehicle.

(10) "Permit administrator" is defined as a person designated by the city administrator to oversee the issuance, suspension and revocation of mobile food vendor permits.

(11) "Vehicle" is defined as every device in, upon or by which any person or property may be transported or drawn upon a street, including devices moved by human power. (as added by Ord. #21-15, Aug. 2021 *Ch19\_01-20-22*)

**9-703. Permit required for engaging in mobile food vending.**

(1) Required. The designated permit administrator shall oversee the issuance, suspension and revocation of mobile food vendor permits. No mobile food vendor vehicle may operate within the city without a mobile food vendor vehicle permit issued by the city. A mobile food vendor vehicle permit authorizes the holder only to engage in the vending of products from a mobile food vendor vehicle in compliance with this code and as specified on the permit. The permit must be prominently displayed when the mobile food vendor vehicle is in operation. This section shall not apply to contractual arrangements between a mobile food vendor vehicle operator and any individual, group or entity for pre-arranged catering at a specific location for a period of not more than four (4) hours, provided that the mobile food vendor vehicle is not open to or serving the general public.

(2) Application. (a) An application must be submitted for each mobile food vendor vehicle.

(b) Submittal of an application for an annual mobile food vendor vehicle permit must be accompanied by payment of an application fee in the amount of one hundred twenty dollars (\$120.00) which will be prorated by month for the first year of the permit. Any day in the month where the permit is in place will require payment for that entire month. No refunds will be issued.

(c) Submittal of an application for a temporary mobile food vendor vehicle permit must be accompanied by payment of an application fee in the amount of fifty (\$50.00). The temporary permit shall be valid only for a maximum consecutive three (3) day period. Temporary mobile food vendor vehicle permits can only be approved two (2) times during a calendar year.

(d) Submittal of an application for a City of White House and partnering non-profit organization special event will require no application fee or permit fee.

(3) Issuance. A mobile food vendor vehicle permit shall be issued upon verification that an application has been completed, except that no such permit will be issued to a mobile food vendor vehicle that has an expired or invalid vehicle registration, does not have proof of valid automobile liability insurance in an amount required by law for operation of the applicable mobile food vendor vehicle, does not have proof of a one million dollar (\$1,000,000.00) general liability insurance policy naming the City of White House as an additional insured if planning to operate on city property, provide a copy of the business license, and proof of a valid vehicular operator's license. If the permit administrator denies the application, such denial shall be in writing and provided to the applicant within fifteen (15) days of receipt of the application.

(4) Expiration. All mobile food vendor vehicle permits shall expire on December 31 of each year. A mobile food vendor vehicle permit may be renewed for the next twelve (12) month period, provided that all applicable requirements are met and the permit is not currently suspended or has been revoked within the preceding twelve (12) months. The fee for renewal shall be the same as the application fee for a new mobile food vendor vehicle permit.

(5) Transferability. A mobile food vendor permit may be transferred to another vehicle owned by the mobile food vendor if the current vehicle permitted is taken out of service. The permit may also be transferred as part of the sale of a controlling interest in a business holding the permit or a sale of substantially all of the assets of a business holding the permit. The operator of the mobile food vendor vehicle shall notify the city within thirty (30) days of any transfer or sale to update information that has changed or prior to the vendor operating the mobile food vendor vehicle in the city. (as added by Ord. #21-15, Aug. 2021 *Ch19\_01-20-22*)

**9-704. General regulations.** (1) It is a violation to operate a mobile food vendor vehicle at any location in the City of White House except in compliance with the requirements of this chapter.

(2) Mobile food vendor vehicle operators must comply with all federal, state and local licensing and permitting regulations and all business tax, sales tax, and other tax requirements.

(3) Electricity. Any mobile food vendor vehicle shall not be attached to or use any temporary electrical pole or permanent electrical service.

(4) What can be sold. Mobile food vendors shall be limited to selling edibles and hot and cold beverages. Alcoholic beverages, except as may be specifically allowed by applicable state law and city ordinance shall not be sold. The sale of non-food or drink items from the mobile food vendor vehicle is not permitted.

(5) Litter receptacles. Each permitted mobile food vendor vehicle must maintain for customer use a litter receptacle of sufficient size to accept the litter being generated by the sales at the point of sales. The receptacle must be maintained in such a manner as to preclude an overflow of refuse. A pattern of leaving excessive litter caused by product packaging shall be basis for suspension or revocation of the mobile food vendor vehicle permit.

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

(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 Robertson County, Sumner County, or both and the State of Tennessee relating to food safety and preparation.

(10) Noises. Other than ice cream vehicles being able to play a song associated with its business at a reasonable level of sound, no mobile food vendor vehicle shall sound any device which produces an offensive or loud noise to attract customers. Public address system on the vehicle to broadcast and advertise products is prohibited.

(11) Support methods. No mobile food vendor vehicle may use stakes, rods or any other method of support that must be drilled, driven, or otherwise fixed into or onto asphalt, pavement, curbs, sidewalks, or buildings.

(12) Spills. To prevent discharges into waterways, drainage systems or public sewer systems, each mobile food vendor vehicle shall comply with all stormwater and sewer regulations of the city. In addition, each vehicle shall have a spill response plan to contain and remediate any discharge from the vehicle.

(13) Signage. Signage for each mobile food vendor vehicle shall be limited to signs on the exterior or interior of the vehicle and one (1) sandwich board sign. All signs on the exterior of the vehicle shall be secured and shall not project more than six inches (6") from the vehicle. Sandwich board signs shall not exceed eight (8) square feet per side or forty-eight (48") inches in height and

shall not obstruct or impede pedestrian or vehicular traffic. (as added by Ord. #21-15, Aug. 2021 *Ch19\_01-20-22*)

**9-705. Hours of operation.** (1) Mobile food vendor operators may operate beginning at 8:00 A.M. and ending at 10:00 P.M. unless otherwise restricted by the operator's mobile food vendor permit. The city may permit extended hours of operation for City of White House and a partnering non-profit organization special event. 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 city permitted special event that allows the overnight parking of mobile food vendor vehicles during the special event.

(2) Canteen trucks may operate beginning at 7:00 A.M. and ending at 6:00 P.M. unless otherwise restricted by the operator's mobile food vendor permit. A canteen truck shall not remain in the public right-of-way for more than one (1) hour during a day.

(3) Ice cream trucks may operate beginning at 9:00 A.M. and sunset as stated for that day for the City of White House 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 fifteen (15) minutes or less at one (1) location. (as added by Ord. #21-15, Aug. 2021 *Ch19\_01-20-22*)

**9-706. Location of operations.** (1) All canteen, food and ice cream vehicles must follow these requirements for operating on private and public property within the City of White House.

(2) Private property. (a) Permission. All mobile vendors selling to the public from private property shall have the written permission of the property owner, which shall be made available to the inquiring city employee immediately upon request.

(b) Unimproved properties. Regardless of any agreement with the owner of the property, mobile food vendor vehicles may not operate on an unimproved parcel. For purposes of this section, a parcel is considered "unimproved" if the parcel of property does not contain a building that may be occupied pursuant to applicable building codes.

(c) Maximum number of mobile food vendor vehicles on any parcel of private property is two (2) unless prior written approval by the city administrator is given for special events.

(d) No mobile food vendor vehicle shall operate within two hundred feet (200') 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).

(e) No mobile food vendor vehicle shall operate within fifty feet (50') of any property line of any lot used for residential purposes.

(f) Mobile food vendor vehicles shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.

(3) Public property. (a) Mobile food vendor vehicles may not operate on property owned by a public entity other than city property unless written permission has been given to operate on such public entity property.

(b) Mobile food vendor vehicles shall not operate as defined in § 9-702 on any public street, sidewalk, alley, trail or right-of-way or any city owned or controlled property, including, and not limited to, city parks without written approval from the parks and recreation director or the city administrator.

(c) Mobile food vendors given written permission to operate on city owned or controlled property, including, but not limited to city parks must comply with all rules, regulations and requirements related to any city approved special event, including, but not limited to, provision as to where mobile food vendor vehicles will be located, how long the mobile food vendors can be present at the location, and how many and which mobile food vendor vehicles can participate in the city approved special event. (as added by Ord. #21-15, Aug. 2021 *Ch19\_01-20-22*, and amended by Ord. #23-04, April 2023 *Ch20\_08-17-23*)

**9-707. Enforcement.** Each of the following circumstances constitute a violation of this chapter, for which a citation may be issued by a codes enforcement officer or police officer of the city:

(1) Operation of a mobile food vendor vehicle without a current, valid permit, provided further that each day and separate location at which a mobile food vendor vehicle is operated without a current, valid permit shall be considered a separate violation.

(2) Continuation of temporary mobile food vendor vehicle operations beyond the time period authorized by the permit.

(3) Failure to comply with any other provisions of this chapter. (as added by Ord. #21-15, Aug. 2021 *Ch19\_01-20-22*)

**9-708. Revocation of mobile food vendor vehicle permits.** The board of mayor and alderman shall have the power to revoke any mobile food vendor vehicle permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. Revocation may be initiated by the permit administrator when four (4) violations of this chapter have occurred within a twelve (12) month period or has received three suspensions in two (2) years. (as added by Ord. #21-15, Aug. 2021 *Ch19\_01-20-22*)

**9-709. Suspension of mobile food vendor vehicle permits.** The permit administrator shall have the power to suspend any mobile food vendor vehicle permit if:

(1) The applicant for the permit knowingly provided false information on the application.

(2) Two (2) violations of this chapter have occurred within six (6) month period by the mobile food vendor vehicle operator and/or owner.

(3) The mobile food vendor vehicle operator fails to maintain a current, valid vehicle registration, vehicle operator license, health department permit, business license or proof of required motor vehicle insurance coverage. (as added by Ord. #21-15, Aug. 2021 ***Ch19\_01-20-22***)

**9-710. Suspension terms.** Suspension terms are as follows:

(1) First violation: Two (2) month suspension and violation finding(s) corrected.

(2) Second violation in one (1) year: Four (4) month suspension and violation finding(s) corrected.

(3) Third violation in two (2) years: Six (6) month suspension and violation finding(s) corrected.

(4) Forth violation in two (2) years: Recommendation for revocation. (as added by Ord. #21-15, Aug. 2021 ***Ch19\_01-20-22***)