

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

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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. (1973 Code, § 5-101)

¹Municipal code references

Building regulations: title 12.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHATTER 2

PEDDLERS, ETC.¹

SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
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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, 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. (1973 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. (1973 Code, § 5-202)

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

¹Municipal code references
Privilege taxes: title 5.

(3) A brief description of the nature of the business and the goods to be sold.

(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.

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the town to cover the cost of investigating the facts stated therein. (1973 Code, § 5-203)

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 city clerk 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 clerk 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 clerk shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city clerk shall keep a permanent record of all permits issued. (1973 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city clerk in the denial of a permit shall have the right to appeal to the city council. 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. (1973 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city clerk a surety bond running to the town 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 the town and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the town that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the town doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, 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. (1973 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 town 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. (1973 Code, § 5-207)

9-208. 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 such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1973 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1973 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1973 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the city council 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 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 clerk 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. (1973 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. (1973 Code, § 5-212)

9-213. 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. (1973 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.
- 9-305. Time, place, and manner of restrictions.

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 clerk 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. (1973 Code, § 5-301)

9-302. Prerequisites for a permit. The city clerk shall, upon application, 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. (1973 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the city council if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1973 Code, § 5-303)

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. (1973 Code, § 5-304)

9-305. Time, place, and manner of restrictions. The following restrictions are placed on the time, place, and manner of charitable solicitations that may be done on any street, sidewalk, or other public property in the City of Ashland City.

(1) No person under the age of twelve (12) will be permitted to be at or to solicit on public streets, sidewalks, or other public ways. Each participant age twelve (12) through seventeen (17) must have an active, supervising adult present.

(2) Road blocks may be held for one day only. They may not begin before 7:00 A.M. and they must be completed by 12:00 noon on the assigned day.

(3) Solicitors shall not impede the normal flow of traffic on streets, sidewalks, or other public ways.

(4) Solicitors will wear adequate identification regarding the club/charity for which they are soliciting.

(5) No club or charity may conduct a solicitation within the city limits more than once every six months.

(6) Solicitations may take place simultaneously at four (4) of the five (5) locations listed below:

- (a) By-Pass at Hwy. 12 (located on the By-Pass Section).
- (b) By-Pass at Cumberland St. (located on the By-Pass Section).
- (c) Main St. at Elizabeth St. and Stratton Blvd.
- (d) Hwy. 49 at Hwy. 12 intersections.
- (e) Vine St. at Cumberland St. (Ord. #81, Aug. 1991)

CHAPTER 4

POOL ROOMS¹

SECTION

9-401. Hours of operation regulated.

9-402. Minors to be kept out; exception.

9-401. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 p.m. and 6:00 a.m. on other days. (1973 Code, § 5-401)

9-402. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1973 Code, § 5-402)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 5

CABLE TELEVISION

SECTION

9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television service shall be furnished to the Town of Ashland City and its inhabitants under franchise as the city council shall grant. The rights, powers, duties and obligations of the Town of Ashland City 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

¹For complete details relating to the cable television franchise agreement see Ord. #27, Nov. 1981; Ord. #162, Jan. 1997; Ord. #191, Nov. 1998; and Ord. #251, Aug. 2002, in the office of the city clerk.

CHAPTER 6

PAWNBROKERS

SECTION

9-601. Adopted.

9-601. Adopted. Part-2 Tennessee Pawnbrokers Act of 1988 (Tennessee Code Annotated, § 45-6-219 et seq.), is hereby adopted in its entirety by reference for the purpose of regulating pawnbrokers. (Ord. #193, § 1, Dec. 1998)

CHAPTER 7

EVENT PERMIT

SECTION

- 9-701. "Event permit" required.
- 9-702. "Event" defined.
- 9-703. Exemptions.
- 9-704. Application contents and fee.
- 9-705. Approval of application.
- 9-706. Issuance of event permit.
- 9-707. Additional services.
- 9-708. Concession booths and vendors.
- 9-709. Revocation.

9-701. "Event permit" required. Whenever any person, group, association, club, business, firm, or corporation desires to sponsor any "event," as hereinafter defined, such person, group, association, club, business, firm or corporation shall first obtain an "event permit" from the Town of Ashland City. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-702. "Event" defined. An "event" is any festival, parade, race, dance, celebration or other gathering involving the use of public facilities in the Town of Ashland City, including, but not limited to parks, streets, alleys, sidewalks, or other city owned facilities which necessitates additional services as described in § 9-707 of this chapter, and which includes a general invitation to all members of the public to either participate in and/or view such event, or part thereof. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-703. Exemptions. Any/all government or not for profit organizations shall be exempt from paying any cost under § 9-707 of this chapter but shall not be exempt from obtaining an "event permit" from the Town of Ashland City. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-704. Application contents and fee. Event permits shall be issued only upon the submission of an application therefore which must be filed with the city clerk a minimum of forty-five (45) days prior to the anticipated date of the event. Such application must contain the following information:

(1) A detailed description of the event, including all associated events and/or uses, and the date or dates and hours of the event. Event permits shall not be issued for more than three (3) days, unless otherwise approved by the "event committee." A site plan shall be submitted upon request.

(2) A detailed description of the specific area where the event shall be held, and, if street closure is requested, a complete listing of such streets or portions thereof, together with the dates and hours of closure.

(3) A description of any city services and/or utilities that shall be needed.

(4) A complete list of any city owned facilities that shall be used.

(5) The approximate number of citizens expected to either participate in and/or view the event.

(6) The exact name of the person, group, association, club, business, firm, or corporation sponsoring said event, together with the complete name, address, and telephone number of the person to contact for all communications from the city.

(7) Certificate of insurance naming the city as secondary insured, with same/equal limit one million dollars (\$1,000,000.00) general liability and one million dollars (\$1,000,000.00) per occurrence.

(8) The payment of twenty-five dollars (\$25.00) for processing fee of the application. Additional fees/deposits may apply. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-705. Approval of application. The "event committee" shall review all such applications. This committee shall consist of, but is not limited to, the mayor, his staff, and department heads. The committee shall grant final approval of the event permit. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-706. Issuance of event permit. After the approval of the application, the event permit shall be issued by the event committee only after the sponsor has presented the city with a certificate of insurance, with same/equal limit one million dollars (\$1,000,000.00) general liability and one million dollars (\$1,000,000.00) per occurrence, with the Town of Ashland City named as secondary insured, protecting the city from any and all claims and liabilities arising out of the event. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-707. Additional services. (1) The city reserves the right to require that one (1) or more Ashland City police officers or other city personnel are present at any and all events that occur within the city limits. Please budget for this request at forty dollars (\$40.00) per hour or overtime salary plus percentage at a minimum of two (2) hours. All city services and utilities which are required by the event over and above the normal level of service provided to the general public shall be charged to the sponsor at the rates established by this chapter. Where possible, such additional services shall be paid within forty-five (45) days upon the receipt of a statement from the Town of Ashland City.

(2) Additional services/charges. Other: any expenses incurred above the normal level of service to accommodate the permit holder, i.e., port-o-johns, additional electrical services, seating, etc., shall be at the event permit holder's expense. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-708. Concession booths and vendors. The event sponsor shall be in charge of all concession booths and vendors. The sponsor shall determine what booths and vendors shall be allowed, and see that they comply with all ordinances, statutes, rules and regulations, including, but not limited to: public health, safety requirements, and anti-discrimination laws. For events which have multiple vendors, a form must be completed for each vendor that contains: name and location of business, name of managing agent, and copy of managing agent's driver's license. Background checks may be conducted on any vendor. A map/drawing of the event should be returned to the city with the application that shows location of each vendor. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-709. Revocation. The event committee or his/her designee shall have the authority to immediately revoke the permit for a violation of any section of this chapter or if there is any direct threat to the health or safety of the general public. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

CHAPTER 8

TAXICABS

SECTION

- 9-801. Certificate of public convenience and necessity.
- 9-802. Taxicab businesses located outside the city.
- 9-803. Liability insurance or bond.
- 9-804. Condition of vehicles.
- 9-805. Cleanliness of vehicles.
- 9-806. Drivers shall not solicit business.
- 9-807. Parking restricted.
- 9-808. Drivers to use direct routes.
- 9-809. Use for illegal purposes.
- 9-810. Violations.

9-801. Certificate of public convenience and necessity. It shall be unlawful for any person to engage in the taxicab business unless he has been issued by the town council a certificate of public convenience and necessity. (as added by Ord. #224, Nov. 2000)

9-802. Taxicab businesses located outside the city. A taxicab business located outside of the city may operate taxicabs within the city, subject to the provisions of this chapter, provided that any such taxicab business shall maintain a current taxicab franchise, if required, in the jurisdiction in which it is located. (as added by Ord. #224, Nov. 2000)

9-803. Liability insurance or bond. No taxicab shall be operated in the city 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, § 55-12-101 et seq. (as added by Ord. #224, Nov. 2000)

9-804. Condition of vehicles. It shall be unlawful for any person to operate any taxicab in the city unless such taxicab is equipped in accordance with the requirements of the state motor vehicle law. 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. Any taxicab operated shall be clearly marked and identified as a taxicab with appropriate signage. (as added by Ord. #224, Nov. 2000)

9-805. Cleanliness of vehicles. All taxicabs operated in the city shall, at all times, be kept in a reasonably clean and sanitary condition. (as added by Ord. #224, Nov. 2000)

9-806. Drivers shall not 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 cabs. (as added by Ord. #224, Nov. 2000)

9-807. 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 city 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 unreasonably to interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (as added by Ord. #224, Nov. 2000)

9-808. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (as added by Ord. #224, Nov. 2000)

9-809. Use for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business or purpose. (as added by Ord. #224, Nov. 2000)

9-810. Violations. Any person who shall fully or deliberately violates or fails to comply with, or aids or abets, in the violation of, any provision of this chapter shall be guilty of a misdemeanor. Upon conviction thereof, the offense shall be punished by a fine of not to exceed \$500.00. (as added by Ord. #224, Nov. 2000)

CHAPTER 9

YARD SALES

SECTION

- 9-901. Definitions.
- 9-902. Property permitted to be sold.
- 9-903. Permit required.
- 9-904. Permit procedure.
- 9-905. Permit conditions.
- 9-906. Hours of operations.
- 9-907. Exceptions.
- 9-908. Display of sale property.
- 9-909. Display of permit.
- 9-910. Advertising.
- 9-911. Persons exempted from chapter.
- 9-912. Violations and penalty.

9-901. Definitions. For such purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Garage 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," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such business carried on in a nonresidential 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" 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. (as added by Ord. #338, Nov. 2007)

9-902. 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. (as added by Ord. #338, Nov. 2007)

9-903. Permit required. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefore from the city codes department. 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 of them.

Permits may be obtained for any nonresidential location. (as added by Ord. #338, Nov. 2007)

9-904. Permit procedure. (1) Application. The applicant or applicants for a garage sale permit shall file a written application with the city codes official 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 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.
- (f) A statement that the applicant will fully comply with this and all other applicable ordinances and laws.
- (g) Locations where signs will be placed.

(2) Issuance of permit. Upon the applicant complying with the terms of this chapter, the building codes official shall issue a permit. (as added by Ord. #338, Nov. 2007)

9-905. Permit conditions. The permit shall set forth and restrict the time and location of such garage sale. No more than two (2) 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. (as added by Ord. #338, Nov. 2007)

9-906. Hours of operations. Garage sales shall be limited in time to no more than 7:00 A.M. to 5:00 P.M. on three (3) consecutive days or on two (2) consecutive weekends (Saturday and Sunday). (as added by Ord. #338, Nov. 2007)

9-907. Exceptions. (1) 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 city 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) Third sale permitted. A third 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 city recorder. (as added by Ord. #338, Nov. 2007)

9-908. 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. All personal property shall be removed within twenty-four (24) hours of the last day of the sale. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. (as added by Ord. #338, Nov. 2007)

9-909. 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 city official. (as added by Ord. #338, Nov. 2007)

9-910. Advertising. (1) Signs permitted. Only the following specified signs maybe displayed in relation to a pending garage sale:

(a) 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 garage sale is being conducted.

(b) Directional signs. Two (2) signs or 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. The signs shall not be allowed on public property, (i.e. utility poles, street signs, etc).

(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 within twenty-four (24) hours of the last day of the sale. (as added by Ord. #338, Nov. 2007)

9-911. 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 or 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 regulations of the Town of Ashland City, 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 the properly zoned premises, and not otherwise prohibited by other ordinances.

(4) Organizations that are not for profit. (as added by Ord. #338, Nov. 2007)

9-912. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be punished according to the general penalty provision of this municipal code of ordinances. (as added by Ord. #338, Nov. 2007)

CHAPTER 10

MOBILE FOOD VENDING

SECTION

- 9-1001. Purpose.
- 9-1002. Definitions.
- 9-1003. Generally.
- 9-1004. Locations and hours of operation.
- 9-1005. Operating requirements.
- 9-1006. Mobile food service permits.
- 9-1007. Food truck rallies.

9-1001. Purpose. This chapter recognizes the unique physical and operational characteristics of mobile food vending and establishes standards for the typical range of activities and mitigates or prohibits practices that are contrary to the health, safety, and welfare of the public. (as added by Ord. #503, June 2018 *Ch12_6-11-18*)

9-1002. Definitions. (1) "Food trucks" are vehicles from which the operator cooks, prepares, or assembles food items with the intent to sell such items to the general public and which may market their products to the public via advertising, including social media.

(2) "Food truck rallies" are coordinated and advertised gatherings of more than four (4) food trucks in one (1) location on a date certain with the intent to serve the public.

(3) "Ice cream trucks" are vehicles from which the operator vends only pre-packaged frozen dairy or frozen water-based food products, soft serve, or hand-dipped frozen dairy products or frozen water-based food products, and pre-packaged beverages.

(4) "Location" means any single property parcel and all other parcels that is contiguous or cumulatively contiguous to that owned or controlled by a single or affiliated entities.

(5) "Mobile food service permit" means a permit issued by the city for the operation of food trucks, special events, city co-sponsored events, or an approved food truck rally.

(6) "Mobile food service vehicle" means a food truck, a canteen truck, or an ice cream truck and includes any other portable unit that is attached to a motorized vehicle and that is intended for use or in service to the operations of the "mobile food service vehicle."

(7) "Operate" means to promote or sell food, beverages, and other permitted items from the mobile food service vehicle and includes all tenses of the word.

(8) "Operator" means any person owning, operating, or permitted to operate a food truck and collectively refers to all such persons.

(9) "Vehicle," as used in this chapter, means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (as added by Ord. #503, June 2018 *Ch12_6-11-18*)

9-1003. Generally. (1) It is a violation to operate a mobile food service vehicle at any location except in compliance with the requirements of this chapter.

(2) Mobile food service vehicle operators must comply with all state and local business license and tax regulation. (as added by Ord. #503, June 2018 *Ch12_6-11-18*)

9-1004. Locations and hours of operation. (1) Food trucks.

(a) Public property. Food trucks may operate on city property, including city parks, only at the times and locations listed on the city's website as public property upon which food trucks can operate.

(b) Private property. Food trucks may operate on private property where there is a commercial, office, educational, or industrial use subject to the following conditions:

(i) Permission. Food trucks selling to the public from private property shall have the written permission of the property owner, which shall be made available to the city immediately upon request.

(ii) Unimproved properties. Regardless of an agreement with the owner of the property, a food truck may not operate on an unimproved parcel or portion of an unimproved parcel unless that parcel is paved, has paved ingress and egress, and has on the parcel a principal structure with an operating restroom.

(iii) Frequency. Food trucks may operate no more than four (4) days per calendar week at a location on privately owned property.

(iv) Maximum number of food trucks. No more than three (3) mobile food trucks may operate at any location with coordinated advertising to the public unless a special event permit has been secured.

(v) Existing parking spaces. Mobile food trucks may not require the use of more than twenty-five percent (25%) of existing parking spaces located on the property for which it has an agreement to operate.

(c) Restroom facility. Food trucks operating at a location for a duration of more than three (3) hours must have a written agreement, available upon request by the city, that permits employees to have access

to a flushable restroom no more than four hundred fifty feet (450') of the vending location during all the hours of operation.

(2) Ice cream trucks. (a) Locations. (i) Private property. An ice cream truck may operate on private property with written permission of the property owner, which will be immediately available to the city upon request. An ice cream truck may not require use of more than twenty-five percent (25%) of existing parking spaces. No ice cream truck may operate on the same or adjoining private property more than two (2) days per week.

(ii) Food truck rallies. An ice cream truck may operate at a food truck rally only after complying with all requirements applicable to a food truck.

(iii) An ice cream truck may also be mobile on public streets and stopping on private property to sell inventory; however, they may not impede traffic, shall obey all traffic rules and regulations, and will use extreme caution in its operation.

(b) Hours of operation. Ice cream trucks may operate after 11:00 A.M. and before sunset. (as added by Ord. #503, June 2018 *Ch12_6-11-18*)

9-1005. Operating requirements. (1) Vehicle requirements.

(a) Design and construction. Mobile food service vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not safe and is not compatible with the purpose for which the vehicle has been designed and constructed.

(b) Licensing. Mobile food service vehicles must be licensed in accordance with the rules and regulations of any local, state, and federal agency having jurisdiction over motor vehicles and all products sold therein must be properly licensed, permitted, and allowed by local, state, and federal laws or regulations.

(2) Business access. No mobile food service vehicle may operate in a location that impedes the ingress to, egress from, or signage of another business or otherwise causes undue interference with access to other businesses or emergency areas, paths, or facilities.

(3) Pedestrians. A mobile food service vehicle may not reduce the clear pedestrian path of travel on the sidewalk to less than six feet (6'). This includes all components of the unit and any patron queue. All awnings or canopies of the unit shall be at least six feet, eight inches (6' 8") above the sidewalk.

(4) Distance between units. A mobile food service vehicle may not operate within three feet (3') of any other mobile food service vehicle.

(5) Types of cooking apparatuses. Open flame cooking (other than with a gas range specifically constructed and designed within the food truck) either within or outside a mobile food service vehicle is prohibited; except where such

activity is specifically permitted by the fire department. Ice cream trucks can have no heating apparatus installed within the vehicle for the purpose of food service.

(6) Noise. Amplified music or other sounds from any mobile food service vehicles may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.

(7) Commissary. If the operator has a fixed, non-mobile establishment or any other place that is used for the storage of supplies, the preparation of food to be sold or served at or by mobile food service vehicle, or the cleaning and servicing of the mobile food service vehicle, such a commissary location within the city cannot be located in any residential zoning district; unless such commissary complies with all applicable zoning regulations, building code requirements, and requirements of the Ashland City Water and Sewer Department.

(8) Utilities. All mobile food service vehicles shall comply with the version of the electrical code currently adopted by the city and any power, water, or sewage required for the mobile food service vehicle shall be self-contained and shall not use utilities drawn from other sources.

(9) Fire extinguishers required. All mobile food service vehicles must be equipped with a fire extinguisher that is in compliance with local code regulations.

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

(11) Spills. To prevent discharges of grease or other contaminants into the storm drain system and river, each unit shall comply with all storm water regulations of the city. In addition, each unit shall have a spill response plan and kit on board to contain and remediate any discharge from the unit. In the event of a spill, operators are required to call Ashland City Fire and Life Safety Department to assist with the clean-up of spills and to determine the need for a more extensive response.

(a) Spill plan - food trucks must post, on the interior of the vehicle, instructions for containing spills; at a minimum such plan should include:

(i) Description of and typical quantities materials that may be spilled;

(ii) Procedures for containing potentially spilled materials including proper disposal of spilled materials;

(iii) Procedures for storage, use, handling and transfer of materials to reduce potential for spilling;

(iv) Emergency notification requirements; and

(b) Spill kit - food trucks must have a response kit on the vehicle including:

- (i) Minimum five (5) gallon storage and clean-up container capacity with lid;
- (ii) Minimum of ten (10) adsorbent pads and two (2) adsorbent socks or equivalent;
- (iii) Disposable bag adequate to hold contents of spill kit and spilled materials; and
- (iv) One (1) pair of disposable gloves.

(12) Waste collection. The area of a mobile food service vehicle operation must be kept neat and orderly at all times. Operation of a mobile food service vehicle in an area is deemed acceptance by the operator of the responsibility for cleanliness of the reasonable area surrounding the operations (not less than twenty feet (20') from all parts of the vehicle) regardless of the occurrence or source of any waste in the area. The operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the mobile food service vehicle during the period of operation at a location. All trash within the area of operations regardless of the source must be removed and all garbage, trash, and trash receptacles must be removed when full and prior to departure of a mobile food service vehicle from a location.

(13) Signage. Mobile food service vehicles are limited to signs mounted to the exterior of the mobile food establishment and one (1) sandwich board sign with dimensions no larger than six (6) square feet. All signs mounted on the unit shall be secured and mounted flat against the unit and shall not project more than six inches (6") from the exterior of the unit. Sandwich board signs shall not obstruct or impede pedestrian or vehicular traffic. All signage must at all times conform to community standards of decency.

(14) Alcohol sales. Food trucks may not sell alcoholic beverages, except as may be specifically allowed by state law and city ordinance. Canteen trucks and ice cream trucks are prohibited from selling alcoholic beverages.

(15) Insurance requirements. Mobile food service vehicles shall obtain, at a minimum, any motor vehicle insurance required by any local, state, or federal laws and regulations.

(a) Food trucks operating on city property are required at all times to maintain insurance coverage in the form and amounts required by the city. In the event the required coverage is not properly maintained, the operator's mobile food service permit will be immediately revoked. The failure of the operator to notify the city of any change in coverage will preclude the operator from obtaining a permit for a period of six months from the date the city learns of the failure to provide the required notification of change.

(b) Ice cream trucks shall not operate on city property, except upon obtaining written permission from the city, and may be required to obtain insurance consistent with the type of operation permitted.

(16) All food trucks must meet all of the requirements with the State of Tennessee Department of Health and have documentation of such compliance

on the food truck and available for city review. (as added by Ord. #503, June 2018 *Ch12_6-11-18*)

9-1006. Mobile food service permits. (1) Applicable. No mobile food service vehicle may operate within the city without a mobile food service permit issued by the city. A mobile food service permit authorizes the holder only to engage in the vending of products from a mobile food service vehicle in compliance with city code and as specified on the permit. The mobile food service permit must be prominently displayed when the mobile food service vehicle is in operation.

(2) Application. A mobile food service vehicle operator shall apply for a mobile food service permit by payment of a fifty dollar (\$50.00) application fee and the following:

(a) Complete an application form provided by the city, which shall include the following information:

- (i) Name and address of the owner of the vehicle;
- (ii) Name and address of the operator of the vehicle;
- (iii) Three (3) color photographs of the exterior (front, side, and back) and interior food service portion of the vehicle in the final condition and with and with all markings under which it will operate;
- (iv) A copy of the vehicle license and registration form reflecting the Vehicle Identification Number (VIN) of the mobile food service vehicle.
- (v) A copy of the state or county health department license or permit applicable to mobile food providers;
- (vi) A copy of the fire marshal's inspection report;
- (vii) A copy of any alcoholic beverage licenses, if applicable;
- (viii) A copy of the operator's Tennessee business license issued by the city or the operator's home-based county; and
- (ix) A copy of insurance coverage.

(b) Permittee obligations.

(i) Permittee has an on-going duty to provide the city with notice of any change to any of the information required by the city to obtain a mobile food service permit, including current photographs of the mobile food service vehicle in the event of any change in the appearance of or signage on the vehicle.

(ii) Permittee shall display permit sticker provided by the city, upon approval of application, on the mobile food service vehicle.

(iii) Permittee is responsible for renewal of permit and will file renewal application with the city thirty (30) days prior to expiration of permit.

(c) This section does not apply to contractual arrangements between a mobile food service vehicle operator and an individual, group, or the city for catering at a specific location, for a period of not more than four (4) hours, and that is not open to or serving the public.

(3) Issuance. A mobile food service permit shall be issued upon full completion and review of the application required by this section except that no mobile food service permit will be issued to:

(a) An operator that operated within the prior six (6) months notwithstanding a mobile food service permit that is suspended or has been revoked; or

(b) An operator, or any person affiliated with the operator for purposes of operating a mobile food vehicle that is the subject of a suspended mobile food service permit or has held a mobile food service permit revoked within the prior twelve (12) months.

(4) Expiration. A mobile food service permit expires on the date twelve (12) months after issuance and may be renewed provided that all city requirements are met and the license has not been suspended or revoked.

(5) Transferability. A mobile food service permit may not be transferred except as part of the sale of an interest in a business holding the license or a sale of substantially all of the assets of a business holding the license.

(6) Enforcement. The city holds the right to inspect at any given time of operation and responsibility of enforcement will be a shared responsibility between the police department and fire, building and life safety department.

(a) Temporary permit. If an operator is found to be operating within the city and without a mobile food service permit, the operator will be cited and the city will issue a temporary permit that will allow the operator to operate for not more than one (1) hour after which time the temporary permit will be revoked. The operator will pay a fine of five hundred dollars (\$500.00) to offset the city's costs of compliance measures, inspections, and correction of any circumstance resulting from operators failure to comply with this chapter.

(b) Warnings. A city enforcement officer may provide one (1) warning to any operator for a violation of this section except that a citation shall be issued as set forth in the section.

(c) Citation. A city enforcement officer must issue a citation to the mobile food service operator for the following:

(i) A second violation of this section is found to have occurred after a warning has been issued within the previous six (6) months; or

(ii) Any violation that constitutes ground for revocation of a mobile food service permit.

(d) Suspension. A mobile food service permit shall be suspended until restatement upon issuance of a citation for the following reasons:

(i) A second violation of this section is found to have occurred after a warning has been issued within the previous six (6) months;

(ii) The required vehicle license, health permit, or business tax license for the operator or the mobile food service vehicle has expired or been suspended, revoked, or otherwise terminated;

(iii) The operator fails to obtain or maintain the insurance coverages required by this section; or

(iv) Operator violates any other provision of this chapter or state law.

(e) Revocation. The city shall revoke a mobile food service permit after two (2) suspensions within a twelve (12) month period except that the mobile food service permit revoked:

(i) If an operator fails to obtain a permit and upon expiration of the temporary permit as set forth in this chapter; or

(ii) The operator operates in an unlawful manner such a manner as to constitute a breach of the peace, interferes with the normal use of the right-of-way, or otherwise constitutes a menace to the health, safety, or general welfare of the public.

(f) Reinstatement.

(i) Suspension. An operator may reinstate a suspended mobile food service permit by payment of a fee of five hundred dollars (\$500.00) to offset the city's costs of compliance measures, necessary inspections, and the correction of any circumstance that lead to the suspension.

(ii) Revocation. The city may allow an operator to reapply for a mobile food service permit after three (3) months from the date of revocation, the operator corrects all circumstances that led to the violations, and the operator pays a fee of five hundred dollars (\$500.00) to offset the city's costs of compliance measures, necessary inspections, and the correction of any circumstance that led to the suspension.

(7) Notice. Upon denial, suspension or revocation of a mobile food service permit, the city shall give notice to the operator in writing. There shall be no refund of any other fee paid to the city.

(8) Appeal. Citation may be appealed to the board of mayor and city council, whose decision, which will be based upon a written summation of the facts submitted by the city enforcement officer who cited the mobile food service vehicle and the permit holder, is final. (as added by Ord. #503, June 2018 *Ch12_6-11-18*)

9-1007. Food truck rallies. (1) Food truck rallies on public or private property require a special event permit.

(2) Legal status provisions. (a) Exercise of police power. This entire chapter shall be deemed and construed to be an exercise of the police power of the Town of Ashland City, Tennessee, adopted under the authority of Tennessee Code Annotated, § 6-19-101 and 6-20-205, for the preservation and protection of the public's health, safety, morals, and general welfare, and pursuant to all other powers and authorities for the aforesaid purposes, and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.

(b) Severability. If any section, clause, provision, or portion of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter, which is not of itself invalid or unconstitutional.

(c) Conflict with other ordinance. In case of conflict between this chapter or any part hereof, and the whole or part of any existing or future ordinance of the city, the most restrictive provision shall in all cases apply.

(d) Interpretation. Words herein in the singular number shall include the plural, the present tense shall include the future, and the masculine gender shall include the feminine and neuter. (as added by Ord. #503, June 2018 *Ch12_6-11-18*)