

TITLE 9**BUSINESS, PEDDLERS, SOLICITORS, ETC.¹****CHAPTER**

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3. CHARITABLE SOLICITORS.
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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. (1968 Code, § 5-101)

¹Municipal code references

Building, plumbing, wiring and housing regulations: title 12.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 9-201. Permit required.
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- 9-204. Issuance or refusal of permit.
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- 9-208. Exhibition of permit.
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9-201. Permit required. It shall be unlawful for any peddler, canvasser, or solicitor 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. (Ord. #3494, April 2003)

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. (1968 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.

¹Municipal code references
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 at least 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 properly 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 issuing the permit and investigating the facts stated therein. (1968 Code, § 5-203, as amended by Ord. #3494, April 2003)

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/or fees. The city recorder shall keep a permanent record of all permits issued. (1968 Code, § 5-204, as amended by Ord. #3494, April 2003)

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 city manager. Such appeal shall be taken by filing with the recorder within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The city manager 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 (applicant). The notice

shall be in writing and shall be mailed, postage prepaid, to the appellant (applicant) at his or her 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. (Ord. #3494, April 2003)

9-206. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1968 Code, § 5-207)

9-207. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1968 Code, § 5-208)

9-208. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1968 Code, § 5-209)

9-209. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1968 Code, § 5-210)

9-210. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the city manager, after notice and hearing, for any of the following causes:

- (a) Fraud, misrepresentation, or incorrect statement or statements contained in the application for permit, or made in the course of carrying on the business of permittee;
- (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 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 such complaint and the time and place of hearing. Said 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 city manager may suspend a permit pending the revocation hearing. (Ord. #3494, April 2003)

9-211. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1968 Code, § 5-212)

9-212. Term, expiration and renewal of permit. Permits issued under the provisions of this chapter shall automatically expire at the end of thirty (30) days from the date of issuance. Any applications for renewal shall be made substantially in the same form as an original application, including the payment of an additional fifty dollar (\$50.00) fee. 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. (Ord. #3494, April 2003)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Application requirements.
- 9-303. Exclusions.
- 9-304. Processing charitable solicitation applications.
- 9-305. Solicitation regulations.
- 9-306. Review of solicitation.
- 9-307. Revocation or suspension of permits.
- 9-308. Penalty.

9-301. Permit required. It shall be unlawful for any person, firm, or corporation, representing or pretending to represent, directly or indirectly, or using the name of any lodge, club, charitable, philanthropic, educational, patriotic, political, or labor organization, or any other association or society, to solicit, either personally, by letter, or by telephone, funds from the public for any public dance, entertainment, charity, advertising scheme, or similar purpose, through the sale of tickets, tags, contributions, advertising or any other method for alleged welfare purposes, without having first procured a permit to do so from the city manager or his designated representative. (1968 Code, § 5-301)

9-302. Application requirements. The application shall be in writing and shall contain the following information, to-wit:

(1) The name and address of the person, association, or corporation making said application, and if an association or corporation there must accompany said application the certificate or resolution of authorization from its governing board.

(2) The name of the organization or society for whose benefit such solicitation and promotion is carried on, together with the names and addresses of the president and secretary, the location of the rooms or meeting place thereof, and a certificate or resolution of such organization consenting to the enterprise and the gross amount of funds to be raised.

(3) The nature of the entertainment or enterprise proposed, the date and place thereof, the general plan of organization, the price of tickets, tags, subscriptions, and contributions, and the plan and methods to be followed in the sale or solicitation thereof.

(4) The method of distribution of the funds or proceeds from any such undertaking, including the names of the promoters and the organization or organizations represented, or under whose auspices the enterprise is conducted

or purported to be conducted and the respective percentages or amounts to be distributed or allotted to each.

(5) The names and addresses of five bona fide residents of the City of Columbia as references. (1968 Code, § 5-302)

9-303. Exclusions. This chapter shall not apply to the solicitation of funds by sale of tickets or otherwise for enterprises conducted by an organization when such solicitation is restricted and confined entirely to the members of such organization, and the entire proceeds derived from such solicitation go and belong to such organization. (1968 Code, § 5-303)

9-304. Processing charitable solicitation applications. Each applicant shall submit completed applications that will be filed with the city manager of the City of Columbia not less than one day prior to the date the solicitation is scheduled to be conducted. (1968 Code, § 5-304)

9-305. Solicitation regulations. Solicitations shall be conducted only by those persons or organizations identified in the solicitation permit. Each person soliciting shall have adequate identification, so that any person may conveniently be informed of the organization soliciting and the purpose of the solicitation. Solicitors shall not interfere with traffic or pedestrian movement. Handbills or tracts may be offered, but if offered, the soliciting organization shall be responsible for the litter caused by any handbills or tracts which it distributes in the City of Columbia. It is further prohibited for any solicitations to be conducted by the use of roadblocks or standing in the streets stopping cars or approaching cars while stopped in streets in conducting a solicitation. (1968 Code, § 5-305)

9-306. Review of solicitation. After each solicitation conducted in the city, the city manager shall review the conduct of the campaign from the police department, sanitation division, or any members of the public. Any adverse information shall be immediately reported to the organization which conducted the solicitation. Such information shall be retained by the city manager and reviewed by him prior to issuing any subsequent solicitation permits. Where the city manager declines to issue a solicitation permit, the applicant may refer his application to the city council who may issue the permit under such conditions as the council shall determine. (1968 Code, § 5-306)

9-307. Revocation or suspension of permits. Any charitable solicitation permit may be revoked or suspended by the city manager when it is determined that the soliciting organization is guilty of any fraud or misrepresentation. (1968 Code, § 5-307)

9-308. Penalty. Any person or persons, organizations, corporations, associations or others soliciting funds without a permit or violating any of the terms or conditions of this chapter shall be guilty of a misdemeanor. (1968 Code, § 5-308)

CHAPTER 4**TAXICABS¹****SECTION**

- 9-401. License required.
- 9-402. Definition.
- 9-403. Character of applicant.
- 9-404. Fee.
- 9-405. Vehicles.
- 9-406. Drivers.
- 9-407. Insurance.
- 9-408. Traffic rules.
- 9-409. Unlawful use.
- 9-410. Passengers.
- 9-411. Cessation of business and transfer of license.
- 9-412. Taxicab driver's license.
- 9-413. Fee.
- 9-414. Qualifications.
- 9-415. License revoked.
- 9-416. Penalty.

9-401. License required. It shall be unlawful to engage in the business of operating a taxicab in the city without first having secured a license therefor. Applications for such licenses shall be made in writing to the recorder, and shall state thereon the name of the applicant, the intended place of business and the number of cabs to be operated. If the applicant is a corporation, the names and addresses of the president and secretary thereof shall be given. (Ord. #1929, May 1993)

9-402. Definition. The term "taxicab" as used in this section shall mean and include any vehicle used to carry passengers for hire but not operating on a fixed route. (Ord. #1929, May 1993)

9-403. Character of applicant. No such license shall be issued to or held by any person who is not a person of good character or who has been convicted of a felony or a crime involving moral turpitude within the previous eight (8) years prior to the filing of his or her application; nor shall such license

¹Municipal code reference
Privilege taxes: title 5.

be issued to or held by any corporation if any officer thereof would be ineligible for a license under the foregoing conditions. (Ord. #1929, May 1993)

9-404. Fee. The annual fee, payable in advance, for such licenses shall be five dollars (\$5.00) plus one dollar (\$1.00) for each taxicab operated. Whenever the number of cabs so operated shall be increased during the license year, the licensee shall notify the recorder of such change and shall pay the additional fee.

The recorder shall issue suitable tags or stickers for the number of cabs covered by each license. Such tag or sticker shall be displayed in a prominent place on each taxicab while it is in use, and may be transferred to any taxicab put into service to replace one withdrawn from service.

The licensee shall notify the recorder of the motor number and Tennessee license number of each cab operated and of the corresponding city tag or sticker number. (Ord. #1929, May 1993)

9-405. Vehicles. No taxicab shall be operated unless it bears a state license duly issued; and no such cab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear view mirrors both inside and outside the vehicle and windshield wipers, all in good condition. It shall be the duty of the chief of police or his or her designee to inspect every taxicab so often as may be necessary to see to the enforcement of the provisions of this section.

Each taxicab, while operated, shall have on each side, in letters readable from a distance of at least twenty feet, the name of the licensee operating it. If more than one cab is operated by a licensee each cab shall be distinguished by a different number, and such number also shall so appear on each side of such cab. (Ord. #1929, May 1993)

9-406. Drivers. No person shall drive a taxicab, or be hired or permitted to do so, unless he or she is duly licensed by state law to carry passengers for hire.

It shall be unlawful for any driver of a taxicab while on duty to drink any intoxicating liquor, or to use any profane or obscene language, to shout or call to prospective passengers or to disturb the peace in any way. (Ord. #1929, May 1993)

9-407. Insurance. No taxicab shall be operated unless it is covered by liability insurance in the minimum amount required by state law. (Ord. #1929, May 1993)

9-408. Traffic rules. It shall be the duty of every driver of a taxicab to obey all traffic rules established by statute or ordinance. (Ord. #1929, May 1993)

9-409. Unlawful use. It shall be unlawful to knowingly permit any taxicab to be used in the perpetration of a crime or misdemeanor. (Ord. #1929, May 1993)

9-410. Passengers. It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to so use the taxicab so long as such person does not pose a threat to the driver's life or property and conducts himself or herself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of such passenger.

The driver shall take the passenger to his or her destination by the most direct available route from the place where the passenger enters the cab unless the passenger directs otherwise. (Ord. #1929, May 1993)

9-411. Cessation of business and transfer of license. The license of any licensee shall be surrendered when such licensee ceases to do business as a taxicab business. No license may be transferred by any licensee to another person. (Ord. #1929, May 1993)

9-412. Taxicab driver's license. In addition to the license provided for above, no person shall drive a taxicab unless he or she shall have secured a license therefor as herein provided. (Ord. #1929, May 1993)

9-413. Fee. The annual fee for a taxicab driver's license shall be five dollars (\$5.00). (Ord. #1929, May 1993)

9-414. Qualifications. No such license shall be issued to any person who is not competent to operate a motor vehicle or who is not familiar with the traffic laws and ordinances. Before issuing a taxicab driver's license the chief of police or his or her designee shall determine to his or her satisfaction that said applicant is competent to operate a taxicab. The minimum requirement for a taxicab driver is that he possess the required state driver's license to carry passengers for hire. (Ord. #1929, May 1993)

9-415. License revoked. The city manager or the police chief may revoke any taxicab driver's license for repeated violations of traffic laws or any violation of the requirements of any section contained herein. (Ord. #1929, May 1993)

9-416. Penalty. Any person, firm or corporation violating any provision of this chapter shall on conviction be fined not less than five dollars nor more than fifty dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation continues or occurs. (Ord. #1929, May 1993)

CHAPTER 5

TEMPORARY VENDING PERMITS

SECTION

- 9-501. Temporary vending permit.
- 9-502. Application for permit.
- 9-503. Loud noises and speaking devices.
- 9-504. Use of streets.
- 9-505. Exhibition of permit.
- 9-506. Policeman to enforce.
- 9-507. Revocation or suspension of permit.
- 9-508. Reapplication.
- 9-509. Expiration of permit.
- 9-510. Exceptions.

9-501. Temporary vending permit. It shall be unlawful for any person, firm, corporation, partnership, association or any other organization to set up any booth, trailer, tent or other temporary vending operations where products of any kind are to be sold within the corporate limits of the City of Columbia, without first obtaining a temporary vending permit in compliance with the provisions of this chapter. (Ord. #3495, April 2003)

9-502. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) The name and addresses of the persons, firms, corporations, or other organizations wishing to obtain said permit;
- (2) The complete home address and local address of the applicant;
- (3) A brief description of the location where such applicant intends to locate the temporary vending business;
- (4) A brief description of the nature of the business and the products to be sold;
- (5) The date and length of time for which the right to do business is desired;
- (6) 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;

(7) 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 and penalty assessed therefore;

(8) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and the addresses from which such business was conducted in those municipalities;

(9) 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 issuing such permit and investigating the facts stated in such application. (Ord. #3495, April 2003)

9-503. Loud noises and speaking devices. No permittee, nor any person in his or her 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 of Columbia 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. (Ord. #3495, April 2003)

9-504. 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 such 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. (Ord. #3495, April 2003)

9-505. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (Ord. #3495, April 2003)

9-506. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (Ord. #3495, April 2003)

9-507. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the city manager on due notice to applicant for any of the following causes:

- (a) Fraud, misrepresentation or incorrect statement or statements contained in the application for permit, or made in the course of carrying on the business of such permittee;
- (b) Any violation of this chapter;
- (c) Conviction of any crime or misdemeanor;

(d) Conducting business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public. (Ord. #3495, April 2003)

9-508. 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. (Ord. #3495, April 2003)

9-509. Expiration of permit. Permits issued under the provisions of this chapter shall expire on the date written on such permit, with such permits to be effective for a period of no longer than three (3) days. (Ord. #3495, April 2003)

9-510. Exceptions. Pursuant to Tennessee Code Annotated, § 62-30-104, this chapter does not apply to:

(1) Any corporation, community chest, fund, and other foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes of which no part of the new earnings benefits any private shareholder or individual;

(2) State fairs, arts and crafts fairs, and other fairs and festivals conducted primarily for amusement and entertainment;

(3) Wholesale trade shows;

(4) The sale of agricultural or handcrafted products;

(5) A person who operates a permanent business, occupies temporary premises and prominently displays the business name and address while business is conducted from the temporary premises; or

(6) Flea markets. (Ord. #3495, April 2003)

CHAPTER 6

CABLE TELEVISION

SECTION

9-601. To be furnished under franchise.

9-601. To be furnished under franchise. Cable television service shall be furnished to the City of Columbia and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Columbia 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. #1760 dated January, 1991, and Ord. #3486, dated February 2003, and amendments thereto, in the office of the city recorder.

CHAPTER 7

YARD SALES

SECTION

9-701. Permitting of yard sales.

9-702. Application requirements.

9-703. Fee.

9-704. Use of streets.

9-705. Term and renewal of permits.

9-701. Permitting of yard sales. It shall be unlawful for any person, firm, corporation, partnership, association or any other organization to conduct a yard sale in the City of Columbia without first obtaining from the City of Columbia a permit to conduct said yard sale. (Ord. #3496, April 2003)

9-702. Application requirements. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) The names and addresses of the persons, firms, corporations, partnerships, associations or other organizations wishing to conduct said sale;
- (2) The exact location where the yard sale is to occur;
- (3) The time and dates for such sale;
- (4) A basic description of the types of products to be sold. (Ord. #3496, April 2003)

9-703. Fee. At the time of filing the application a fee of five dollars (\$5.00) shall be paid to the city to cover the cost of issuing such permit. (Ord. #3496, April 2003)

9-704. 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 such 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. (Ord. #3496, April 2003)

9-705. Term and renewal of permits. Yard sale permits shall be effective for a period not to exceed two (2) consecutive days and such effective dates shall be stated on the permit. Only two (2) yard sale permits shall be

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allowed at the same location within a calendar year. (Ord. #3496, April 2003, as replaced by Ord. #3671, Dec. 2006)