

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

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CHAPTER 1

PEDDLERS, SOLICITORS, ETC.

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9-101. Definitions. Whenever used in this chapter, unless the context requires otherwise, the following definitions shall apply.

¹Municipal code references

Beer regulations: title 8.

Building, plumbing and housing regulations: title 12.

Noise reductions: title 11.

Zoning: title 14.

(1) "Merchandise." The word "merchandise" means and includes all personal property of whatever kind, whether tangible or intangible, including but not limited to, goods, wares, produce, insurance, stocks and bonds.

(2) "Nonprofit organization." The term "nonprofit organization" means and includes any church, school, eleemosynary, charitable, civic social service, religious or educational organization whose purpose is not-for-profit and whose funds are used for charitable, civic, religious, or educational purposes.

(3) "Soliciting." The term "soliciting" or to "solicit" means and includes offering merchandise for sale, barter or exchange, whether for present or future delivery, or in any manner disposing of personal property by peddling or hawking the same.

(4) "Solicitor." The term "solicitor" means and includes peddler or itinerant merchant and all persons of any age who solicit, attempt to solicit, sell barter, or exchange or offer to sell, barter to exchange, and includes persons soliciting on behalf of a non profit organization.

(5) "Local farmer." The term "local farmer" means and includes truck farmers living within the city limits of Grand Junction and those within a fifteen (15) mile radius of the city limits.

(6) "Peddler" means any person who individually or as an agent or employee of any firm, corporation, or organization, who has no permanent regular place of business and who goes from dwelling to dwelling without an invitation or request from the occupant, or from business to business, or from place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale, or offering personal services for sale.

(7) "Solicitor for charitable or religious purposes" means any person who individually or as an agent or employee of any firm, corporation or organization who goes from dwelling to dwelling without an invitation or request from the occupant, or from business to business, or from place to place, or from street to street, soliciting contributions from the public for any charitable or religious organization. No person, firm, corporation or organization shall qualify as a solicitor for religious purposes unless it meets one (1) of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under section 501(c)(3) of the Internal Revenue Services Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or a similar "umbrella" organization for charitable or religious organizations organized and operating in the Hardeman County area.

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

(8) "Street barker" means any person who engaged in the business or conduct as a peddler individually or as an agent or employee of any firm,

corporation or organization during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

(9) "Transient vendor" means any person who individually or as an agent or employee of any firm, corporation or organization who brings into temporary premises and exhibits stocks of merchandise to the public, or offers to perform services or entertainment. Transient vendor does not include any person selling goods by sample, brochure, or sale catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a business or residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent vacant lot, railroad car, or motor vehicle, which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) months. (Ord. #56A, Feb. 1985, modified, as amended by Ord. #05-03, May 2005)

9-102. Shouting, using horns, bells etc. No person holding a permit under this chapter, or any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying devices upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound is of sufficient volume to disturb the peace. (Ord. #56A, Feb. 1985)

9-103. Use of streets. No person holding a permit under this chapter shall have any exclusive right to any location in the public streets or be permitted a stationary location thereon, nor shall any such person be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets, nor shall any person be permitted to accept orders for goods or sell directly from a vehicle of any kind while standing in a public street. For the purpose of this section the judgment of the city recorder and the chief of police, exercised in good faith, shall be deemed exclusive as to whether the area is congested and the public inconvenienced. No person shall operate within fifty (50) feet of a congested area. (Ord. #56A, Feb. 1985)

9-104. Exemptions from chapter. The terms of this chapter shall also not apply to:

(1) Persons involved in fundraising activities or programs by any public school;

(2) Craft shows, antique shows, gun shows, auto shows and similar temporary shows and exhibits which are not open or operating as public

facilities for such particular purpose for more than fourteen (14) days during any calendar year, except that the owner, manager operator or promoter of each facility in which such shows and exhibits are held, unless said owner be a governmental or registered non-profit entity, shall be required to obtain a business license and shall, prior to opening and operating of each such event, pay a fee of one hundred dollars (\$100.00) to the City of Grand Junction for a permit to operate at that particular location for up to fourteen (14) consecutive days. (Ord. #56A, Feb. 1985, as amended by Ord. #05-03, May 2005)

9-105. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter. (Ord. #56A, Feb. 1985, as replaced by Ord. #05-03, May 2005)

9-106. Permit application. Applicants for a permit under this chapter must file with the city recorder and chief of police a sworn written application containing the following:

- (1) Name and physical description of the applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which purposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If applicant is employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship. This shall not apply to nonprofit organizations.
- (5) The length of time for the right to do business is desired.
- (6) 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 if any, and the punishment or penalty assessed therefor. This shall not apply, however, to nonprofit organizations.
- (7) The make, model, complete description and license tag number and state of issue, of each vehicle the applicant intends to use to make sales or solicitations, whether or not such vehicle is owned by the person making sales or solicitations, or by the firm, corporation or organization itself, or rented or borrowed from another business or person.
- (8) Tennessee State sales tax number, if applicable.

The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in case of transient merchants, the address from which such business was conducted in those municipalities. This shall not apply, however, to nonprofit organizations. (Ord. #56A, Feb. 1985, as amended by Ord. #05-03, May 2005)

9-107. Fee. Each applicant for a permit as a peddler, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars (\$20.00) per day. There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions. Notwithstanding the provisions of Tennessee Code Annotated, § 67-4-719 and any other law to the contrary, such tax shall be paid prior to the first day of engaging in business. For transient vendors, state law prescribes the applicable fee. Tennessee Code Annotated, § 67-4-709(6): Transient vendors shall pay a tax of fifty dollars (\$50.00) for each fourteen (14) day period in each county and/or municipality in which such vendors sell or offer to sell merchandise or for which they are issued a business license. (Ord. #56A, Feb. 1985, as replaced by Ord. #05-03, May 2005)

9-108. Investigation of applicant; issuance or refusal. Each application for a permit under this chapter shall be submitted to the city recorder and chief of police, who shall cause an investigation to be made by the moral reputation or business responsibility. If such a reputation and business responsibility appear satisfactory, in the sole discretion of the city recorder and the chief of police then the city recorder shall issue a permit upon payment of all applicable taxes; otherwise, the city recorder and chief of police shall deny the permit and shall notify the applicant in writing. (In no case shall a permit be issued before the expiration of seven (7) days from the date of the application in order that a full investigation be made of the applicant). A permit must be approved or denied within seven (7) days. (Ord. #56A, Feb. 1985)

9-109. To be used by Permittee only. No permit under this chapter shall be used at any time by any person or organization other than the one to whom it is issued. (Ord. #56A, Feb. 1985)

9-110. Exhibition. Each peddler, solicitor, and street barker is required to have in his possession a valid permit and business license, and each transient vendor is required to have in his possession a valid permit, business license and the written permission of a private property owner, or other person in control of the property owned from which he or she is conducting business, while making sales or solicitations, and all shall be required to display the same to any police officer upon demand. Solicitors for charitable and religious purposes shall be required to have in their possession a valid permit. (Ord. #56A, Feb. 1985, as replaced by Ord. #05-03, May 2005)

9-111. Expiration and renewal. Permits issued under the provision of this chapter shall expire on the same date that the Permittee's privilege license expires and may be renewed, 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 privilege tax shall be issued for one year. An

application for renewal shall be made substantially on the same form as 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. (Ord. #56A, Feb. 1985)

9-112. Revocation or suspension. (1) Permits issued under the provision of this chapter may be revoked by the mayor and board of aldermen, after notice and hearing for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for a 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, or itinerant vendor, as the case may be, in a lawful manner or in such a manner as to constitute a breach of peace or constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of hearing for revocation of a permit under this section 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 city recorder or chief of police may suspend a permit issued under this chapter pending the revocation hearing.

(4) No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has lapsed since the last revocation. (Ord. #56A, Feb. 1985)

9-113. Penalty. Any person violating the provisions of this chapter shall, upon conviction, pay a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each offense and every day such violation continues shall constitute a separate offense. (Ord. #56A, Feb. 1985, modified)

9-114. Restrictions on permit holders in general. No person while conducting the business or activity of peddler, street barker, solicitor, solicitor for charitable or religious purposes, transient vendor or street barker shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic; or

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

(4) Call attention to his or her business or merchandise or to his or her solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise; except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.

(5) Enter or attempt to enter in or upon any residential or business premises wherein the authorized owner, occupant or person legally in charge of the premises has in a conspicuous place posted, at the entry to the premises or at the entry to the principal building of the premises, a sign or placard in letters at least one inch (1") high bearing the notice "Peddlers Prohibited," "Solicitors Prohibited," "Peddlers and Solicitors Prohibited" or similar language of the same import, is located.

(6) Enter in or upon any residential premises without prior invitation of the authorized owner, occupant or person legally in charge of the premises between 7:00 P.M. and 8:00 A.M. (as added by Ord. #05-03, May 2005)

9-115. Additional restrictions on transient vendors. A transient vendor shall not:

(1) Advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water, or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

(2) Locate temporary premises as the term is defined in this chapter on or in any public street, highway or any other public way or place, or on private property without the written permission of the property owner or other person in authorized control of the property. (as added by Ord. #05-03, May 2005)

9-116. Business license required. Each person, or each firm, corporation or organization issued a permit under this chapter as a peddler, solicitor, street barker or transient merchant shall be required to obtain an appropriate business license before soliciting or making sales. (as added by Ord. #05-03, May 2005)

9-117. Insurance required. Each transient vendor operating in the City of Grand Junction shall be required to obtain a city and county license and permit bond in the amount of five thousand dollars (\$5,000.00) or designate the City of Grand Junction as an additional insured on their business liability insurance. The bond or certificate of insurance must be presented to the city

clerk before and vendor may receive their permit. (as added by Ord. #05-03, May 2005)

9-118. Definition and location of vendor facilities. "Vendor facilities" are defined for the purposes of this section as carts, trucks, booths, stands, and the like from which goods, services or information are delivered over a counter or through a window to customers or recipients where no such customers or recipients enter the vendor facility. Vendor facilities shall not be located indoors or outdoors except on a site containing a commercial development or shopping center or office development or industrial development with at least twenty thousand (20,000) square feet of finished floor area under roof, or on the campus of a school, college, church or other institution. Vendor facilities must comply with all other applicable laws, policies and procedures for the protection of public health, safety and welfare, including any orders of the building official or fire inspector. Vendor facilities that are located outdoors shall not be located in any public right-of-way, or within twenty feet (20') of the roadway pavement edge. Vendor facilities shall not be located within one hundred feet (100') of any roadway edge on any urban interstate, freeway, expressway, urban principal arterial or within fifty feet (50') of the roadway edge of pavement on any urban minor arterial, as classified in the subdivision regulations. Vendor facilities shall not be located except on an improved site that includes other principal structures and uses including paved parking and driveways. The number of vendor facilities operating outdoors on a given site at the same time shall not exceed two (2) unless part of an otherwise lawful outdoor festival, fair, athletic even or the like with a duration of not more than ten (10) days. For purposes of this section, "site" shall mean one (1) or more lots or parcels that are developed in a connected fashion with common features such as buildings, parking, driveways, sidewalks, open spaces, etc. (as added by Ord. #05-03, May 2005)

CHAPTER 2**GARAGE SALES****SECTION**

9-201. Permit required.

9-201. Permit required. All garage sales in residential districts must secure a permit from the city hall for one dollar (\$1.00) and will be limited to three (3) weekends per year for each resident. (Ord. #57, May 1983)

CHAPTER 3

POOL ROOMS

SECTION

9-301. Prohibited in residential areas.

9-302. Hours of operation regulated.

9-303. Minors to be kept out; exception.

9-304. Penalty.

9-301. Prohibited in residential areas. 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 on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (Ord. #40, Dec. 1977)

9-302. 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 12:00 P.M. and 6:00 A.M. on other days. (Ord. #40, Dec. 1977, modified)

9-303. 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. (Ord. #40, Dec. 1977)

9-304. Penalty. Any person violating the provisions of this chapter shall be punished by a penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation. Each day any violation of this chapter continues shall constitute a separate offense. The imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of any punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. (Ord. #40, Dec. 1977, modified)

CHAPTER 4

CABLE TELEVISION

SECTION

9-401. To be furnished under franchise.

9-401. To be furnished under franchise. Cable television service shall be furnished to the City of Grand Junction and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Grand Junction 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. #55 dated January 4, 1982 in the office of the city recorder.