

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS AND LIMOUSINES.
5. POOL ROOMS.
6. CABLE TELEVISION.
7. GARAGE AND YARD SALES.
8. ROADBLOCKS FOR SOLICITATION.
9. SEXUALLY ORIENTED ADULT BUSINESSES.
10. STREET VENDORS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. "Going out of business" sales.
- 9-102. Minors not permitted to play certain amusement machines.

9-101. "Going out of business" sales. It shall be unlawful for any person falsely to 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. (1982 Code, § 5-101)

9-102. Minors not permitted to play certain amusement machines. No owner, operator, manager, or person in charge of any restaurant, cafe, filling station, beer tavern, hotel, motel, drugstore, or any other store, establishment, place of business, or otherwise, shall allow any person under the age of eighteen

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

(18) years to play or operate any game of miniature football, golf, baseball, pinball machine, or any other miniature game, whether made playable by a mechanical device or otherwise, or whether the charge for playing is collected by mechanical device. It shall be the exclusive duty of the owner, operator, manager, or person in charge of any place to ascertain or determine the age of any such player, and ignorance of the age or misinformation relative thereto shall not excuse any such owner, operator, manager, or person in charge. (1982 Code, § 5-102)

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 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.
- 9-214. Violation and penalty.

9-201. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit 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. (1982 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, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. (1982 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.

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 properly to evaluate the applicant's moral reputation and business responsibility.

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance, and, if so, 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 and no/100 dollars (\$50.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1982 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 recorder within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the city recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1982 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known

address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1982 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a corporate surety or cash bond running to the municipality 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 City of McMinnville 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 resident of the municipality 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 resident of the municipality 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. (1982 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 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. (1982 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 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. (1982 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1982 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. (1982 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing,

(3) When it is reasonably necessary in the public interest, the mayor may suspend a permit pending the revocation hearing. (1982 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. (1982 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. (1982 Code, § 5-213)

9-214. Violation and penalty. Violations of any provisions of this chapter shall upon conviction be punished by a fine of not less than two and no/100 dollars (\$2.00) nor more than fifty and no/100 dollars (\$50.00) and in addition thereto shall pay all costs. Each separate day such violation is continued shall constitute a separate offense. (1982 Code, § 5-214)

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. Trespassing.
- 9-306. Violations.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1982 Code, § 5-301)

9-302. Prerequisites for a permit. The recorder 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. (1982 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1982 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. (1982 Code, § 5-304)

9-305. Trespassing. It shall be unlawful and deemed to be a trespass for any permittee acting under this chapter to fail to leave promptly the private premises of any person who requests or directs him to leave. (1982 Code, § 5-305)

9-306. Violations. Any person violating any provision of this chapter or making a false or fraudulent statement either in his application for a permit or in the process or making a solicitation shall be subject to the penalty provided for violations of this municipal code. In addition to or in lieu of any pecuniary penalty, if a violator has been issued a permit, his permit shall be cancelled and revoked by the court. (1982 Code, § 5-306)

CHAPTER 4

TAXICABS AND LIMOUSINES¹

SECTION

- 9-401. Liability insurance required.
- 9-402. Driver's license required.
- 9-403. Application.
- 9-404. Not to issue to certain persons.
- 9-405. Fee.
- 9-406. Issuance; term.
- 9-407. To be kept on person; inspections.
- 9-408. Taxicabs and limousines to be kept clean and mechanically sound.
- 9-409. Drivers prohibited from engaging in unlawful or immoral acts.
- 9-410. Drivers to comply with laws and ordinances.
- 9-411. Revocation.
- 9-412. Suspension.
- 9-413. Enforcement of chapter.

9-401. Liability insurance required. It shall be unlawful for any person to operate any taxicab or limousine within the corporate limits of the city unless the same is fully covered by public liability and property damage insurance in some reliable insurance company authorized to transact business in this state, protecting passengers, pedestrians, and other persons against injury, death, or property damage, with the following minimum limits. The limits of such insurance to be in accordance with Tennessee Code Annotated, § 55-12-102 and in no event shall the insurance limits be lower than one hundred thousand dollars (\$100,000.00) for injury to any one (1) person; three hundred thousand dollars (\$300,000.00) for injury to more than one (1) person on account of one (1) accident; and one hundred thousand dollars (\$100,000.00) to secure against property damage which may be caused by the negligent operation of such taxicab.

No license to operate a taxicab or limousine shall be issued by the recorder unless the owner thereof files with the recorder a policy of insurance meeting the requirements of this section. (1982 Code, § 5-401, as replaced by Ord. #1603, Nov. 2009)

9-402. Driver's license required. (1) It shall be unlawful for any person to drive a taxicab or limousine within the city limits without first obtaining a taxicab or limousine for hire driver's permit from the city recorder.

¹Municipal code reference
Privilege taxes: title 5.

(2) No person shall drive a taxicab or limousine for hire without a valid Tennessee Class D license with an "F" endorsement (for hire).

(3) The taxicab or limousine driver's permit shall be displayed prominently and in full view of the passenger area along with a photograph of the driver, not less than passport photo size, of a full front facial image of the driver, from the neck up. (1982 Code, § 5-402, as replaced by Ord. #1603, Nov. 2009)

9-403. Application. An applicant for a permit under this chapter shall file a written application as may be required by the recorder, to be signed and sworn to by the applicant. (1982 Code, § 5-403, as replaced by Ord. #1603, Nov. 2009)

9-404. Not to issue to certain persons. No person shall be eligible for a permit to drive a taxicab or limousine who shall have been convicted of any of the following offenses within twelve (12) months before filing application for the permit:

- (1) Possession, transportation, or selling intoxicating liquor;
- (2) Reckless endangerment or assault;
- (3) DUI, DWI, or public intoxication;
- (4) Any type of offense involving moral turpitude. (1982 Code, § 5-404, as replaced by Ord. #1603, Nov. 2009)

9-405. Fee. A fee of twenty dollars (\$20.00) shall be paid to the recorder upon the filing of an application for a taxicab or limousine driver's permit, and a like fee will be paid for any renewal of such permit. (1982 Code, § 5-405, as replaced by Ord. #1603, Nov. 2009)

9-406. Issuance; term. If an applicant for a permit under this chapter meets the requirements set out in this chapter, it shall be the duty of the recorder to issue a permit authorizing the applicant to drive a taxicab or limousine for a period of one (1) year. (1982 Code, § 5-406, as replaced by Ord. #1603, Nov. 2009)

9-407. To be kept on person; inspections. Each taxicab or limousine driver holding a driver's permit issued under this chapter shall at all times keep such permit on his person, subject to the inspection of any police officer upon request. Any such driver who shall fail or refuse to keep such permit on his person or refuse to exhibit it to any police officer upon request shall be guilty of a misdemeanor, and any such permit held by him shall be cancelled by the recorder. (1982 Code, § 5-407, as replaced by Ord. #1603, Nov. 2009)

9-408. Taxicabs and limousines to be kept clean and mechanically sound. All taxicabs or limousines operated in the city shall be kept in a clean and sanitary condition inside and out. They shall also be kept in such

mechanical condition as is reasonably necessary to provide for their satisfactory operation and the safety of the public. They shall be equipped with such lights, brakes, and other mechanical equipment and devices as are required by state law and this code for motor vehicles generally. (1982 Code, § 5-408, as replaced by Ord. #1603, Nov. 2009)

9-409. Drivers prohibited from engaging in unlawful or immoral acts. No driver shall help, aid, assist, or use, or knowingly allow his taxicab to be used, or otherwise engage in the commission of, or in furtherance of, any unlawful or immoral act, purpose, or design. (1982 Code, § 5-409, as replaced by Ord. #1603, Nov. 2009)

9-410. Drivers to comply with laws and ordinances. All taxicabs and limousines shall be operated in strict compliance with this code and the laws of the state. (1982 Code, § 5-410, as replaced by Ord. #1603, Nov. 2009)

9-411. Revocation. A permit issued under this chapter shall be subject to revocation by the recorder upon conviction of the following offenses before any court having jurisdiction thereof:

- (1) Possession, transportation, or selling intoxicating liquors;
- (2) Speeding or reckless driving of any motor vehicle;
- (3) Reckless endangerment and assault;
- (4) DUI, DWI, and public intoxication;
- (5) Any type of offense involving moral turpitude. (as added by Ord. #1603, Nov. 2009)

9-412. Suspension. The driver of any taxicab or limousine holding a permit under this chapter who is found guilty of any willful traffic violation not set out in § 9-411 may have his permit suspended temporarily, or for a definite period, in the discretion of the recorder. (as added by Ord. #1603, Nov. 2009)

9-413. Enforcement of chapter. The recorder is hereby vested with the full power and authority to enforce and carry out the provisions of this chapter. (as added by Ord. #1603, Nov. 2009)

CHAPTER 5**POOL ROOMS**¹**SECTION**

9-501. Employment of or loitering by minors.

9-502. Minors playing pool.

9-503. Disorderly conduct prohibited.

9-504. Violations.

9-501. Employment of or loitering by minors. It shall be unlawful for any person under the age of eighteen (18) years to be employed in, about, or upon the premises of a pool or billiard room, or to loiter about such establishments. (1982 Code, § 5-502)

9-502. Minors playing pool. Any person under the age of eighteen (18) years may be permitted to play pool or billiards in a pool or billiard room under the following condition only: Such person must file with the operator of such games a valid permit signed by his parent, guardian, or legal agent permitting him in such establishment and to play at such game. (1982 Code, § 5-503)

9-503. Disorderly conduct prohibited. It shall be unlawful for any owner, manager, or proprietor of any place where the business of running a pool or billiard table or tables is conducted to permit or allow any carousing, drunkenness, brawling, or disorderly conduct therein. (1982 Code, § 5-504)

9-504. Violations. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. (1982 Code, § 5-506)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 6

CABLE TELEVISION

SECTION

9-601. To be furnished under franchise.

9-601. To be furnished under franchise. Cable television shall be furnished to the City of McMinnville and its inhabitants under franchise granted to National TV Cable Company by the board of mayor and aldermen of the City of McMinnville, Tennessee. The rights, powers, duties and obligations of the City of McMinnville and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹ (1982 Code, § 13-601)

¹For complete details relating to the cable television franchise agreement see Ord. #712, July 2, 1984; Ord. #712A, Nov. 19, 1984; Ord. #1189, Feb. 20, 1996; Ord. #1319, April 5, 1999; Ord. #1325, June 21, 1999; Ord. #1326, July 19, 1999; and Ord. #1472, Nov. 17, 2003 in the office of the city recorder.

CHAPTER 7

GARAGE AND YARD SALES

SECTION

9-701. Purpose.

9-702. Definition.

9-703. Permit required.

9-704. Permit fee.

9-705. Application for permit.

9-706. Duration of the permit.

9-707. Number of permits limited.

9-708. Enforcement.

9-701. Purpose. The purpose of this chapter is to regulate the conduct of garage sales or yard sales in the City of McMinnville so that legitimate private yard sales may be conducted in an orderly fashion. (1982 Code, § 5-701)

9-702. Definition. Garage sales or yard sales are defined as occasional sales of used household goods which have not been purchased for the purpose of resale, and which are owned by the person on whose property the sale is conducted. (1982 Code, § 5-702)

9-703. Permit required. No person, firm, or corporation shall conduct a garage or yard sale within the corporate boundaries of McMinnville without first obtaining a permit for such sale from the building inspector. (1982 Code, § 5-703)

9-704. Permit fee. The cost of a permit for a garage or yard sale shall be seven dollars (\$7.00). (1982 Code, § 5-704, as amended by Ord. #1567, June 2008)

9-705. Application for permit. When applying for a permit, the applicant shall give the site and dates of the sale, general description of items to be sold, and the names of the persons doing the selling. The applicant must also certify that he has not conducted such a sale within the previous six (6) month period. (1982 Code, § 5-705)

9-706. Duration of the permit. The permit shall state on it the dates on which the garage or yard sale is to be held, and the maximum duration of such sales shall be three (3) consecutive days. (1982 Code, § 5-706)

9-707. Number of permits limited. Only one (1) permit for the conduct of a garage or yard sale shall be issued for the same location within a six (6) month period. (1982 Code, § 5-707)

9-708. Enforcement. It shall be the duty and responsibility of the building inspector to enforce and administer the provisions of this chapter. (1982 Code, § 5-708)

CHAPTER 8

ROADBLOCKS FOR SOLICITATION

SECTION

- 9-801. Permit required.
- 9-802. Issuance of permit.
- 9-803. Application for permit.
- 9-804. Solicitation at certain intersections prohibited.
- 9-805. Responsibilities of applicant.
- 9-806. Grandfather clause.

9-801. Permit required. No person shall solicit contributions on the public streets without first obtaining a permit from the city recorder. The city recorder shall issue permits only to organizations that have a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, or which qualify as a nonprofit tax-exempt organization under the laws of the State of Tennessee or similar laws of another state. The total number of solicitations per month by different organizations shall be limited to 2 per month which shall be the first and third week of each month. The second and fourth or fifth week may be used as alternate times if weather conditions prevent the use of the first and third weeks. In all cases national organizations shall receive preference to provide for solicitations on their recognized national collection dates. (Ord. #1207, § 1, Aug. 1996)

9-802. Issuance of permit. The city recorder shall issue a permit upon his or her finding that:

- (1) All the statements made in the application for a permit are true.
- (2) The solicitation will not be a fraud upon the public.
- (3) The solicitation is not being conducted for private profit.
- (4) No person or organization shall be issued more than one (1) street solicitation permit in any one calendar year unless the solicitation is canceled prior to 10:00 a.m. of the date originally scheduled for solicitation due to weather and the city recorder and/or the city administrator and/or the mayor is notified of the cancellation before 12:00 noon if city hall is open and by 10:00 a.m. on the first day of business if city hall is closed.
- (5) Only one permit shall be issued to the organization. However, a copy of the permit shall be present at each site of the solicitation at all times while solicitations are occurring. The permit shall be shown to any police officer of the city upon the officer's request. (Ord. #1207, § 2, Aug. 1996)

9-803. Application for permit. An application for a permit to solicit shall be made by an agent of the organization requesting the permit to the city

recorder on forms provided by the city. The application shall be made and sworn to at least ten (10) days prior to the date on which the solicitation is to occur. The application shall include the following information:

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

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

(3) A copy of the 501 (c) (3) or (4) exemption or other documentary evidence that the organization is a nonprofit religious or charitable or civic tax-exempt organization under the laws of the State of Tennessee or similar laws of other states.

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

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

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

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

(8) Permits issued under this chapter shall be in substantially the following form:

STREET SOLICITATION PERMIT

Permit Number: _____

Date: _____

The _____ (name of organization), is hereby authorized to solicit under the provision of Ordinance No. _____, adopted on _____ day of _____, 1996, on the following date:

_____ day of _____, 199____.

THE ISSUANCE OF THIS PERMIT DOES NOT CONSTITUTE AN ENDORSEMENT BY THE CITY OF MCMINNVILLE OR BY ANY OF ITS DEPARTMENTS, OFFICERS OR EMPLOYEES OF THE PURPOSE OR PERSONS CONDUCTING THIS SOLICITATION.

City Recorder

Agent of Soliciting Organization

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

(10) Permit fee. There shall be a permit application fee of ten dollars (\$10.00). (Ord. #1207, § 3, Aug. 1996)

9-804. Solicitation at certain intersections prohibited. Solicitation at the following intersections shall not be permitted:

- (1) Cadillac Lane at Sparta Hwy.
- (2) 70 Bypass and crossover from 3 Star Mall area
- (3) Red Road and 70 Bypass
- (4) Spring Street/Faulkners Springs Road and 70 Bypass
- (5) Mullican Street and 70 Bypass
- (6) New Smithville Hwy. (Hwy. 56) and 70 Bypass
- (7) New Smithville Hwy. at entrance to Cumberland Plaza Shopping Center
- (8) North Chancery Street/Old Smithville Hwy. and 70 Bypass
- (9) North Chancery Street at entrance to the Wal-Mart Super Center
- (10) North Chancery Street/Hobson Street and New Smithville Hwy.
- (11) North Chancery Street and Morford Street
- (12) North Chancery Street and Main Street
- (13) North Chancery Street and W. Colville Street (Ord. #1207, § 4, Aug. 1996)

9-805. Responsibilities of applicant. All persons making solicitations shall position themselves in places and in a manner where they do not block or impede the flow of traffic and shall:

(1) In no event stand in the intersection itself, but only on or along the highway and roads that feed into the intersection on the portion of the highway and roads immediately outside the intersection.

(2) There shall be one person 18 years of age or older at each solicitation area.

(3) A copy of this chapter shall be presented to each organization receiving the permit. (Ord. #1207, § 5, Aug. 1996)

9-806. Grandfather clause. All organizations which have notified the city recorder's office and/or have been approved by the board of mayor and aldermen to hold a solicitation on city streets on the effective date of this chapter shall be grandfathered in for the time period through December 31, 1996, and are not required to reapply. (Ord. #1207, § 6, Aug. 1996)

CHAPTER 9

SEXUALLY ORIENTED ADULT BUSINESSES¹

SECTION

- 9-901. Regulation of sexually oriented adult businesses.
- 9-902. Definitions.
- 9-903. Specified criminal activity by operators, employees, entertainers and others.
- 9-904. Location restrictions.
- 9-905. Measurement.

9-901. Regulation of sexually oriented adult businesses.

(1) Purpose. In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. Uses subject to these controls are as follows:

- Adults-only bookstores
- Adult cabaret
- Adult entertaining centers
- Adults-only motion picture theaters
- Adult motel
- Massage parlors
- Rap parlors
- Saunas

(Ord. #1320, April 1999)

9-902. Definitions. Whenever used in this city code, the following words or phrases shall have the meanings ascribed to them:

(1) "Adults-only bookstores." An establishment having as a substantial or significant portion of its stock in trade, books, magazine, films for sale or viewing on premises by use of motion picture devices or other

¹If any provision of this ordinance, or its application to any person or circumstances, shall be held invalid, the remainder of the ordinance, or the application of the provisions to other persons or circumstances shall not be affected.

coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined below, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.

(2) "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (a) Persons who appear in a state of nudity; or
- (b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(3) "Adult entertainment center." An enclosed building or part of an enclosed building, no portion of which enclosed building is licensed to sell liquor, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals, or the charging of any admission or fee for the reviewing of any such activity.

(4) "Adults-only motion picture theaters." An enclosed building used for presenting films, distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Anatomical Areas" for observation by patrons therein.

(5) "Adult motel" means a hotel, motel or similar commercial establishment which:

- (a) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- (b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

(6) "Massage parlor." An establishment or place primarily in the business of providing massage or tanning services for purposes of sexual stimulation or where one or more of the employees exposes to public view of the patrons within said establishment, at any time, "specified anatomical areas."

(7) "Nudity." The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the

female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernably turgid state.

(8) "Rap parlor." An establishment or place primarily in the business of providing nonprofessional conversation or similar services for adults.

(9) "Sauna." An establishment or place primarily in the business of providing

(a) Steam bath, and

(b) Massage services.

(10) "Sexual conduct." Acts of masturbation, homosexuality, sexual intercourse, or physical contact with a persons' unclothed genitals, pubic area, buttocks, or, if such person be a female, her breast.

(11) "Sexual excitement." The condition of human male or female genitals when in a state of sexual stimulation or arousal.

(12) "Sadomasochistic abuse." Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

(13) "Specified criminal activity." Any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; rape; sexual assault; molestation; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of this state or other states or countries; for which:

(a) Less than five years have elapsed since the date of conviction or plea of nolo contendere or the date of release from confinement imposed, whichever is the later date, if the conviction or plea is for a misdemeanor offense;

(b) Less than ten years have elapsed since the date of conviction or plea of nolo contendere or the date of release from confinement imposed, whichever is the later date, if the conviction is of a felony offense; or

(c) Less than ten years have elapsed since the date of conviction or plea of nolo contendere or the date of release from confinement imposed for the last conviction or plea, whichever is the later date, if the conviction or pleas are for two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period;

provided further that the fact that a conviction is being appealed shall have no effect whatsoever on the provisions of this article.

(14) "Specified sexual activities" or "Anatomical areas," for observation by patrons therein. "Specified sexual activities" or "anatomical areas" for the purpose of this chapter are defined as follows:

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse or sodomy;
- (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast. And "Specified Anatomical Areas" as defined:
 - (i) Less than completely and opaquely covered:
 - (A) Human genitals, pubic region,
 - (B) Buttock, and
 - (C) Female breast below a point immediately above the top of the areola. (Ord. #1320, April 1999)

9-903. Specified criminal activity by operators, employees, entertainers and others. (1) No person may own or operate a sexually oriented business within the city if:

- (a) He/she has a record of "specified criminal activity," as defined in this article, if the owner or operator is an individual.
- (b) Any officer, director, partner or other individual having at least 10% direct or beneficial financial interest in the operator has a record of "specified criminal activity," as defined in this article, to work on the premises of the business.

(2) No operator of a sexually oriented business may allow any employee who has a record of "specified criminal activity," as defined in this article, to work on the premises of the business.

(3) No operator of a sexually oriented business may allow any entertainer who has a record of "specified criminal activity," as defined in this article, to perform on the premises of the business.

(4) No operator or employee of a sexually oriented business may knowingly allow any "specified criminal activity" to occur on the premises of the business.

(5) No operator or employee of a sexually oriented business may allow any patron or customer who has carried out any "specified criminal activity" on the premises of the business to reenter the premises.

(6) The police department may at any time investigate the criminal record of any person who owns or will own at least ten percent (10%) direct or beneficial interest in the business or of any employee of a sexually oriented business or any entertainer performing at a sexually oriented business. (Ord. #1320, April 1999)

9-904. Location restrictions. (1) No adults-only bookstore, adult cabaret, adults-only motion picture theater, adult entertainment center, adult-motel, massage parlor, rap parlor, or sauna shall be operated or maintained except within the C-3 Highway Commercial District and the I-1 Light Industrial District.

(2) All regulated uses: No adults-only bookstore, adult cabaret, adults-only motion picture theater, adult entertainment center, adult-motel, massage parlor, rap parlor, or sauna shall be operated or maintained within seven hundred fifty (750) feet of a residentially zoned district, the property line of a lot devoted to residential use, a church, a state-licensed day care facility, public library, or private public educational facilities which serve persons age seventeen (17) or younger, an elementary school, a high school, funeral parlor/home, a public park, a business licensed or permitted to sell beer or intoxicating liquors as defined in Title 8 of the McMinnville Municipal Code, or another adults-only bookstore, adult cabaret, adult entertainment center, adults-only motion picture theater, adult motel, massage parlor, rap parlor, or sauna. (Ord. #1320, April 1999)

9-905 Measurement. The distance limitations in subsection 9-904 shall be measured in a straight line from and to the nearest lot lines of said premises.¹ (Ord. #1320, April 1999)

¹If any provision of this chapter, or its application to any person or circumstances, shall be held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances, shall not be affected.

CHAPTER 10

STREET VENDORS

SECTION

- 9-1001. Purpose.
- 9-1002. Definitions.
- 9-1003. Exemptions.
- 9-1004. Vending allowed only in designated areas.
- 9-1005. Location restrictions.
- 9-1006. Time restrictions.
- 9-1007. Location and time restrictions for motor vehicle vending.
- 9-1008. Vendor permit and insurance required.
- 9-1009. Application for permit.
- 9-1010. Insurance requirements.
- 9-1011. Issuance or denial of permit.
- 9-1012. Expiration and renewal of permits.
- 9-1013. Transfer of permit prohibited.
- 9-1014. Revocation or suspension of permit.
- 9-1015. Prohibited acts.
- 9-1016. Appeal.
- 9-1017. Reapplication.
- 9-1018. Policemen to enforce.
- 9-1019. Penalty.

9-1001. Purpose. The primary purpose of the public streets and sidewalks is for use by vehicular and pedestrian traffic. Regulation of street and sidewalk vending is necessary to ensure safe pedestrian and motor vehicle traffic, and to protect the public health, safety and welfare. It is the intent of the board of mayor and aldermen to serve and protect the health, safety and welfare of the citizens of McMinnville; establish a uniform set of rules and regulations which are fair and equitable; and develop a vending system which will enhance the overall appearance and environment along public streets, pedestrian ways and other public properties. (as added by Ord. #1522, June 2006)

9-1002. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Food" or "food products" means any type of edible substance or beverage.
- (2) "Goods" or "merchandise" means any items that are not a food product.

(3) "Pushcart/vending cart" means any approved wheeled vehicle used for carrying property and for being pushed by a person. The term *pushcart* shall be synonymous with the term *vending cart*. All *pushcart/vending carts* must be designed for vending and the aesthetic design must be approved by the city administrator.

(4) "Motorized vehicle" means any vehicle, trailer or bicycle propelled by a motor capable of moving a vending station from place to place which is used for vending food, merchandise or services for sale.

(5) "Motor vehicle vending" means the use of any motorized vehicle, approved for the use by the department of police, and used by a lawfully permitted vendor for the purpose of vending from place to place on city streets. No such vehicle shall be authorized to vend from any fixed location other than the area designated for motorized vehicles and stand vending in § 9-1004 below. For purposes of this chapter, motor vehicles include rolling stores, catering trucks, ice cream trucks and motorized carts.

(6) "Stand" means any table, showcase, bench, rack, pushcart, wagon or any other device or wheeled vehicle which may or may not be moved without the assistance of a motor and which is not required to be licensed and registered by the department of motor vehicles, used for displaying, storing or transporting of articles offered for sale by a vendor.

(7) "Street vendor" or "vendor" means any person who vends. This includes a vendor who is an employee or agent or another. The word *street vendor* shall not be deemed to include *peddlers* on private property who are regulated in title 9, chapter 2, or *charitable solicitors* who are regulated in title 9, chapter 3. Persons licensed as street vendors under this section are not also subject to the peddler ordinance. Other exemptions from the meaning of the term *street vendor* for purposes of this section are set out in § 9-1003 below.

(8) "Vend or vending" means to sell, offer for sale, expose for sale, solicit offers to purchase or to barter food, goods, merchandise, or services in any public area from a stand, pushcart, motor vehicle, or by person with or without these or any other device or other method of transportation. To require someone to pay a fee or to set, negotiate, or establish a fee before providing goods or services constitutes vending. Requests for donations in exchange for merchandise also constitutes vending. (as added by Ord. #1522, June 2006)

9-1003. Exemptions. The provisions of this chapter shall not apply to:

- (1) Any approved participant in any farmer's market;
- (2) Any approved participant in any cultural arts and crafts show, including but not limited to the Fourth of July Celebration, Autumn Street Fair, McMinnville Christmas Parade, Music in the Park;
- (3) Any approved participant in any special event authorized by the city;
- (4) Persons selling at wholesale to dealers;

(5) Boan fide merchants who merely deliver goods in the regular course of business;

(6) Boan fide charitable, religious, patriotic, or philanthropic organizations; or

(7) Any individual vending newspapers, leaflets, pamphlets, bumper stickers or buttons. (as added by Ord. #1522, June 2006)

9-1004. Vending allowed by permit only in designated areas. With the exception of motor vehicle vending which is governed by § 9-1007 below, vending shall be restricted to a designated area of the court square, and areas of the city parking lot containing the water tower and farmer's market pavilion. No vendor shall have any exclusive right to any location.

(1) Designated area for pushcarts. The designated area for pushcart vending shall be the sidewalks around the downtown park surrounding the grassy area of the park.

(2) Designated area for motorized vehicle and stand vending. The designated areas for motorized vehicle and stand vending shall be a marked area of parking spaces along the alley curb of the city parking lot to the left of the rear entrance of the city mall and the upper area of the city parking lot behind the Chamber of Commerce building, in the area between the Chamber of Commerce building and the Citizens Tri-County Bank immediately below the staircase leading down from the court square area.

It shall be unlawful for any vendor, including vendors using motor vehicles, to vend or sell or offer for sale any food, beverage, goods or merchandise on any street or sidewalk within the city limits without first obtaining a permit. (as added by Ord. #1522, June 2006)

9-1005. Location restrictions. No person may vend:

(1) Within ten (10) feet from the outer edge of any entrance of any business, including but not limited to doors, vestibules, driveways, outdoor dining area entries, and emergency exits as measured in each direction parallel to the building line, during the hours that any business on the premises is open to the public or to any person having or conducting lawful business within those premises;

(2) Within ten (10) feet of any bus stop;

(3) Within ten (10) feet of any street corner or marked pedestrian crosswalk;

(4) Within ten (10) feet of any other vendor; or

(5) In any manner that blocks or obstructs the free movement of pedestrians. (as added by Ord. #1522, June 2006)

9-1006. Time restrictions. No solicitation or sales shall be conducted except between the hours of 7:00 A.M. and 11:00 P.M. (as added by Ord. #1522, June 2006)

9-1007. Location and time restrictions for motor vehicle vending.

(1) Every vendor selling food, food products, goods or merchandise from a motor vehicle shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and is not less than 100 feet from any intersecting street. When the vending vehicle stops, all sound equipment and other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.

(2) No vehicle using equipment or other method of attracting customers shall operate such equipment before 9:00 A.M. or after 9:00 P.M. daily. Furthermore, such equipment shall not be operated within one block of a church between the hours of 7:00 A.M. and 9:00 P.M. on Sundays. No motor vehicle shall be operated within 600 feet of any public school in the city between the hours of 7:30 A.M. and 3:30 P.M. on days in which schools are actually in session.

(3) No motor vehicle shall stop or stand and do business for more than 30 minutes, unless the motor vehicle is permitted to and is positioned in the area designated for motorized vehicles set out in § 9-1004 above.

(4) 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 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. (as added by Ord. #1522, June 2006)

9-1008. Vendor permit and insurance required. No person may vend under this chapter without first obtaining and having in their possession a vendor permit issued by the city administrator, or designee, in accordance with § 9-101 and proof of insurance coverage satisfactory to the city and in accordance with § 9-1010. (as added by Ord. #1522, June 2006)

9-1009. Application for permit. The application for a vendor's permit shall include the following:

(1) The full name and home and business address of the applicant, and the name and address of the owner, if other than the applicant, of the vending business along with proof of the applicant's identity;

(2) A description of the type of food, beverage or goods or merchandise to be sold;

(3) The proposed location where the applicant plans to vend;

(4) A description and photograph of any stand or any other device to be used in the operation of the business;

(5) The fingerprints of the applicant;

(6) The names of at least two (2) reliable property owners of Warren County, Tennessee, who will certify as to the applicant's good character and business responsibility, or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant that will enable an investigator to properly evaluate the character and business responsibility of the applicant;

(7) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance and if so, the nature of the offense and the punishment or penalty assessed therefore;

(8) The last three (3) cities or towns, if that many, where the 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;

(9) Proof of compliance with state requirements for licensing food vending carts and possession of the required health permits and certifications that he or she complies with all state and federal laws regarding product vending. (as added by Ord. #1522, June 2006)

9-1010. Insurance requirements. An applicant for a permit under this chapter shall submit proof of an insurance policy, issued by an insurance company licensed to do business in Tennessee, insuring the vendor and the city, as an additional insured, from all claims for damages to property and bodily injury, including death, which may arise from the operation under or in connection with the permit, in an amount not less than \$1,000,000.00. The policy shall provide that the insurance coverage shall not terminate or be canceled prior to the expiration date without thirty (30) days advance written notice to the City of McMinnville. No permit shall issue under this chapter unless and until such proof of insurance is provided to the city. (as added by Ord. #1522, June 2006)

9-1011. Issuance or denial of permit. Each applicant shall be referred to the chief of police for investigation. The chief shall report his findings to the city administrator within seventy-two (72) hours.

Not more than ten (10) business days after the filing of a completed application for a vendor's permit, along with the required proof of insurance policy, the applicant shall be notified by the city administrator, or designee, of the decision to issue or deny the permit.

If, as a result of the background investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the city administrator, or designee, shall notify the applicant that his application is disapproved and that no permit will be issued. Any person aggrieved by the action of the chief or the city administrator in the denial of a

permit shall have the right to appeal to the board of mayor and aldermen in accordance with the appeal procedure set out in § 9-1016 below.

If the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory and all other requirements of this chapter have been met, the city administrator, or designee, upon payment of all applicable privilege taxes and fees, shall issue a permit. The permit shall consist of a photograph identification card from the city which shall be worn at all times when vending. The applicant shall pay a fee of \$100.00 to cover the cost for the background investigation and production of the photograph identification card prior to issuance of the permit.

The city recorder shall keep a permanent record of all permits issued. (as added by Ord. #1522, June 2006)

9-1012. Expiration and renewal or permit. A permit issued pursuant to this section is valid for a period of one year from the date of issuance. 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. (as added by Ord. #1522, June 2006)

9-1013. Transfer of permit prohibited. No vendor's permit issued under the provisions of this chapter shall be used at any time by any vendor other than the one to whom it was issued. (as added by Ord. #1522, June 2006)

9-1014. Revocation or suspension of permit. Following a hearing before the city administrator or designee, written notice of which shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing or delivered to the permittee by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing, setting forth the grounds of complaint and for the time and place of hearing, any permit issued under this chapter may be suspended or revoked for any of the following causes:

- (1) Fraud or misrepresentation contained in the application for the permit;
- (2) Fraud or misrepresentation made in the course of carrying on the business of vending;
- (3) Conduct of the permitted business in an unlawful manner or in such a manner as to create a public nuisance or constitute a danger to the public health, safety, welfare or morale;
- (4) The application does not contain the information required by this chapter;
- (5) The permittee has not satisfied the requirements of this chapter;
- (6) The permittee has violated the provisions of this chapter;

- (7) The issuance or continuance of the permit could endanger public safety;
- (8) Conviction of any crime or misdemeanor;
- (9) Abandonment of the location by failure to operate a vending operation during at least one-half of the normal business days available; or
- (10) The failure to comply with other applicable laws.

When it is reasonably necessary in the public interest, the mayor may suspend a permit pending the revocation hearing. (as added by Ord. #1522, June 2006)

9-1015. Prohibited acts. No vendor shall:

- (1) Leave any stand unattended;
- (2) Operate a stand that is unclean or in an unsafe condition;
- (3) Store, park or leave any stand overnight on any street or sidewalk, or park any motor vehicle other than in a lawful parking place in conformance with city and state parking regulations;
- (4) Sell food or beverages for immediate consumption unless he has available for public use a litter receptacle which is available for his patrons' use;
- (5) Leave any location without first picking up, removing and disposing of all trash or refuse remaining from his/her sales or in his/her area;
- (6) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on, or under the stand from which the business is operated;
- (7) Set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of his or her stand where such items have not been described in the application;
- (8) Solicit or conduct business with persons in motor vehicles;
- (9) Vend anything other than that which he or she is licensed to vend;
- (10) Vend without the insurance coverage specified;
- (11) Vend from a stand, motorized vehicle, pushcart, or motor vehicle except in designated and permit authorized areas; or
- (12) Make any effort or allow any effort to be made to attract attention to any food, food products, goods, or merchandise which such vendor proposes to sell by the use of any loud noise, such as a shout, cry, horn, bell or use of any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises, where the sound emitted or produced is of sufficient volume to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks or other public places. This subsection shall not apply to a permitted motor vehicle vendor operating upon the city streets in accordance with the provisions of § 9-1007 above. (as added by Ord. #1522, June 2006)

9-1016. Appeal. Any final decision of the city administrator, or designee, may be appealed by an aggrieved vendor to the McMinnville Board of

Mayor and Aldermen. The 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/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 the hearing. (as added by Ord. #1522, June 2006)

9-1017. Reapplication. No vendor whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (as added by Ord. #1522, June 2006)

9-1018. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (as added by Ord. #1522, June 2006)

9-1019. Penalty. Any person violating this chapter shall be guilty of an offense and upon conviction shall pay a penalty of not less than \$25.00 nor more than \$50.00 for each offense and in addition thereto shall pay all costs. Each violation shall constitute a separate offense. (as added by Ord. #1522, June 2006)