

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

1. CABLE TELEVISION.
2. PEDDLERS, SOLICITORS, ETC.

CHAPTER 1**CABLE TELEVISION****SECTION**

9-101. To be furnished under franchise.

9-101. To be furnished under franchise. Cable television service shall be furnished to the City of Rutledge and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Rutledge 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.² (1996 Code, § 9-101)

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Zoning: title 14.

²For complete details relating to the cable television franchise agreement see Ord. #38, dated July 20, 1989, and any amendments, in the office of the city recorder.

CHAPTER 2

PEDDLERS, SOLICITORS, ETC.

SECTION

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9-201. Permit required. It shall be unlawful for any peddler, solicitor, solicitor for religious purposes, street barker, or transient vendor to ply his trade within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1996 Code, § 9-201, modified)

9-202. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "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.

(2) "Solicitor" 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, taking or attempting to take orders for any goods, wares or merchandise, personal property of any nature whatever for future delivery, or services of any kind or nature, except that the term shall not include solicitors for charitable and religious purposes as that term is defined below.

(3) "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 Service 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 Grainger County area.

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

(4) "Street barker" means any person who engages 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.

(5) "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) consecutive months. (1996 Code, § 9-202)

9-203. Exemptions. The terms of this chapter shall not apply to:

(1) Persons selling at wholesale to dealers, newsboys and bona fide merchants, who merely deliver goods in the regular course of business;

(2) Persons selling agricultural products, who themselves produced the products being sold;

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

(4) 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 Town of Rutledge for a permit to operate at that particular location for up to fourteen (14) consecutive days. (1996 Code, § 9-203)

9-204. Eligibility. It is the intent of this section to treat each person, and each firm, corporation and organization, and each agent for same, and each person who as an employee or who in any other capacity for such firm, corporation or organization, is covered by this chapter, as a separate person for the purposes of investigation and payment of the permit fee.

Individuals, firms, corporations and organizations are eligible for a permit under this chapter. Persons applying for an individual permit under this chapter shall complete an application on forms provided by the city, and pay the permit fee. Agents applying for a permit for a firm, corporation, or organization under this chapter shall complete a separate application, and pay a separate permit fee for, the firm, corporation or organization, and the agent and for each individual who as an employee of, or in any other capacity for, the firm, corporation or organization, will engage in the business or conduct of a peddler, solicitor, transient vendor, or street barker. (1996 Code, § 9-204)

9-205. Permit procedure. (1) Application form. The application shall be sworn to by the applicant, and shall contain:

(a) Name, date of birth, social security number or other identification number of the applicant, his or her physical description, and a copy of his or her drivers license.

(b) The following complete addresses and telephone numbers of the applicant:

- (i) Permanent.
- (ii) Permanent business.
- (iii) Local residential.
- (iv) Local business.

(c) If the applicant is an agent or employee of a firm, corporation or organization, the written credentials establishing the applicant's employee or any other agency relationship with the firm, corporation or organization.

(d) A statement as to whether or not the applicant has been convicted of any felony within the past ten (10) years, or any misdemeanor other than a minor traffic violation within the past three

(3) years, the date and place of any conviction, the nature of the offense, and the punishment or penalty imposed.

(e) The last three (3) cities, towns, or other political subdivisions (if that many) the applicant engaged in the business or conduct as a peddler, solicitor, solicitor for religious purposes, transient vendor, or street barker immediately prior to making application for a permit under this chapter, and the complete addresses, if any, of the applicant listed under subsection (b) above in those cities, towns or other political subdivisions.

(f) Two (2) photographs of the applicants, taken within sixty (60) days immediately prior to the date of the filing of the application, measuring at least two inches by two inches (2" x 2"), and showing the head and shoulders of the applicant in a clear and distinguishing manner.

(g) A brief description of the type of business and the goods to be sold, or in the case of solicitors for charitable or religious purposes, the function of the organization.

(h) The date for which the applicant intends to do business or make solicitations.

(i) 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.

(j) Tennessee state sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, solicitor, or transient vendor shall submit with his application a nonrefundable fee of fifty dollars (\$50.00). Each applicant for a permit as a street barker shall submit with his application a nonrefundable fee of twenty-five dollars (\$25.00). There shall be no fee for an application for a permit as a solicitor for charitable or religious purposes.

(3) Denial or approval of permit. (a) Investigation. Upon the receipt of the application and the payment of the permit fee, the chief of police or his authorized designee shall make an investigation of the applicant for the protection of the public health, safety and general welfare of the public. The police chief shall make good faith effort to complete the investigation within three (3) complete working days, excluding Saturdays, Sundays and holidays of the city. If the investigation is not complete within that period, the reasons shall be noted on the application. In no event shall the period of the investigation exceed ten (10) days.

(b) Denial of permit. The city recorder shall deny the applicant permit if the investigation discloses that:

(i) The applicant has been convicted of a felony within the past ten (10) years or has been convicted of a misdemeanor other than a minor traffic violation within the past three (3) years;

(ii) Any information in the application that is materially false or misleading;

(iii) The business reputation of the applicant is such that the applicant constitutes a threat to the public health, safety or general welfare of the citizens of the city; or

(iv) The information supplied in the application is insufficient to permit the chief of police to make a determination under (i), (ii) or (iii) above.

The application of a firm, corporation or organization may be rejected if the investigation discloses no information that would disqualify it for a permit where the investigation of the agent or a prospective peddler, solicitor, street barker or transient vendor for the firm, corporation or organization discloses information that disqualifies any of them for a permit.

(c) Approval of permit. If the investigation discloses no grounds for the denial of the permit, the city recorder shall issue a permit to the applicant.

(d) Appeal of denial. The refusal of the police chief to issue a permit may be appealed to the mayor. The aggrieved applicant, may within ten (10) days following the date the notice of the refusal of the police chief to issue a permit was mailed to the applicant, appeal the refusal by giving the mayor written notice of appeal, stating the grounds for the appeal. The mayor shall set a hearing on the appeal for a date falling within ten (10) days following the date of the receipt of the appeal. The decision of the mayor shall be final.

(4) The permit. The permit shall show the name of the permittee and (if the permittee is a firm, corporation or organization) the name of the solicitor, street barker or transient vendor, the kind of goods and/or services authorized to be sold, the amount of the permit fee paid, the date of issuance of the permit, and the period of the permit, and shall have attached a copy of a photograph of the permittee.

(5) Expiration and renewal of permit. The permit of peddlers, solicitors, solicitors for religious purposes, and transient vendors shall expire sixty (60) days from the date of issuance. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. 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. (1996 Code, § 9-205, modified)

9-206. 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. (1996 Code, § 9-206)

9-207. Restrictions on permit holders in general. No person, while conducting the business or activity of peddler, street barker, solicitor, solicitor for religious purposes, transient vender, 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;

(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; or

(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. (1996 Code, § 9-207, modified)

9-208. 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 is actually of the characters 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. (1996 Code, § 9-208)

9-209. Display of permit, business license, etc. 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 an 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 religious purposes shall be required to have in their possession a valid permit. (1996 Code, § 9-209, modified)

9-210. Revocation of permit. (1) Causes. The permit issued to any person or to any firm, corporation or organization under this chapter may be revoked by the mayor for any of the following causes:

(a) Fraud, misrepresentation, or false or misleading statement contained in the application for a permit.

(b) Fraud, misrepresentation, or false or misleading statement made by the permittee in the course of the business or conduct of a peddler, solicitor, solicitor for religious purposes, transient vendor or street barker.

(c) Any violation of this chapter.

(d) Any other conduct of the permittee that constitutes a threat to the health, safety or general welfare of the citizens of the city.

(2) The notice of revocation. (a) Mayor's option. The mayor shall have the option of revoking the permit effective immediately after notice, or effective after notice and hearing. However, the mayor shall revoke the permit effective immediately only after a written finding of the reasons that to delay the revocation of the permit would represent an intolerable threat to the health, safety or general welfare of the citizens of the city.

(b) Notice if the permit holder is a person. If the permit holder is a person, the city shall make a reasonable effort to personally deliver the notice of revocation effective to the permit holder. If the permit holder cannot be found after such reasonable effort, the notice shall be sent by registered or certified United States mail to the local residential or business address of the permit holder.

If the permit holder has no local residential or business address, the notice shall be sent to the permit holder's permanent address.

(c) Notice if the permit holder is a firm, corporation or organization. The personal notice provided for above may be given to the agent of the firm, corporation or organization, or to any employee or agent of the firm, corporation, or organization; otherwise, the notice procedure

prescribed by subsection (b) above shall apply where the permit holder is a firm, corporation or organization.

(d) Contents of notice and hearing. The notice shall set forth the specific grounds for revocation of the permit and shall set a hearing on the revocation on a date falling not less than five (5) nor more than (10) days from the date of the notice.

(3) Hearing on the revocation. At the hearing on the revocation of the permit, the permittee shall be entitled to respond to the charges against him or her and to be represented by counsel at his or her expense. The mayor's decision shall be final. (1996 Code, § 9-210, modified)

9-211. Violations and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provisions of this municipal code of ordinances. (1996 Code, § 9-211)