

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

CHAPTER

1. PEDDLERS, ETC.
2. SPECIAL AND LIQUIDATION SALES.
3. SHORT-TERM VACATION RENTALS.

CHAPTER 1

PEDDLERS, ETC.¹

SECTION

- 9-101. Permit required.
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- 9-111. Reapplication.
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9-101. 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 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. (1985 Code, § 5-101)

9-102. Restrictions on peddlers, street barkers and solicitors. No peddlers, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions shall enter in, on, upon any premises wherein a blue circular sticker or decal, supplied by the Town of Signal Mountain, is displayed. (1985 Code, § 5-102, as amended by Ord. #98-13, May 1998)

¹For privilege tax provisions, etc., see title 5 in this code. For a provision making a peddler's failure to leave a private premises upon request a trespass see section 11-801 of this code.

9-103. Application for permit. Applicant for a permit under this chapter must pay the town manager a fee of seventy-five dollars (\$75.00) and file a written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (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 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.
- (7) 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.
- (8) Such other available evidence as will enable an investigation to evaluate the applicant's moral reputation and business responsibility. (1985 Code, § 5-103, as amended by Ord. #93-3, § 1, March 1993, as replaced by Ord. #2007-2, Jan. 2007)

9-104. 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 official designated by the town council 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 official designated by the town council 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 official designated by the town council shall issue a permit upon the payment of all applicable privilege taxes. The comptroller shall keep a permanent record of all permits issued. (1985 Code, § 5-104)

9-105. Appeal. Any person aggrieved by the action of the chief of police and/or the official designated by the town council in the denial of a permit shall have the right to appeal to the town council. Such appeal shall be taken by filing with the mayor, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time

and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1985 Code, § 5-105)

9-106. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks, or other public places of the town or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell. (1985 Code, § 5-106)

9-107. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1985 Code, § 5-107)

9-108. Exhibition of permit. Each permittee under this chapter shall wear outside their clothing a photo identification card issued by the town manager after approval of the application for a permit at all times when any solicitation occurs within the town. The photo identification shall always be worn by permittee in a visible manner to town citizens and any permittee shall exhibit and show a photo identification issued by the town manager to any police officer or citizen when requested. (1985 Code, § 5-108, as replaced by Ord. #2007-6, March 2007)

9-109. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1985 Code, § 5-109)

9-110. Revocation or suspension of permit. (1) Any permit issued under the provisions of this chapter may be revoked by the town manager subject to the opportunity for an immediate appeal with notice and an opportunity for a hearing before the town council within ten (10) days of any revocation. A permit may not be issued by the town manager if grounds for revocation exist following receipt of an application which would constitute grounds for revocation or suspension under this section. Immediate suspension and/or revocation may occur by the town manager and shall be approved by the town council for any of the following reasons:

(a) Fraud, misrepresentation, or any untruthful 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) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor in an unlawful manner without exhibiting photo identification as required by this chapter.

(c) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor in an unlawful manner resulting in any disorderly conduct or breach of the peace within the town or in any manner which constitutes a violation of any laws or ordinances of the town or the State of Tennessee.

(d) Any other violation of this chapter shall be grounds for suspension and/or revocation.

(2) Immediate notice of any suspension and/or proposed revocation of a permit shall be given by the town manager in writing to any permittee, setting forth the grounds of complaint and the time and place of hearing before the town council. Such notice shall be mailed to the permittee at the address provided on the application as soon as at least five (5) days prior to the date set for any hearing before the town council or it may 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.

(3) The town manager may suspend any permit issued under this chapter pending the revocation hearing to be held by the town council when reasonably necessary in the public interest or after the failure of the applicant or permittee to attend any requested meeting. (1985 Code, § 5-110, as replaced by Ord. #2007-6, March 2007)

9-111. 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. (1985 Code, § 5-111)

9-112. 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 which have changed since the last application was filed. (1985 Code, § 5-112)

9-113. Hours of permitted solicitation under this chapter. Any permittee under this chapter shall not be allowed to solicit for sale, enter in, or to go upon any premises of any property owner within the town except as provided in this chapter. No permittee shall be allowed to solicit for sale, enter in, or to go upon any premise which displays a blue circular sticker or decal supplied by the town. Permitted solicitation shall only occur within the town by permittees during normal business hours from 9:00 A.M. through 5:00 P.M. Monday through Friday or during the hours of 10:00 A.M. through 2:00 P.M. on Saturday. No permitted solicitation or sales may occur outside these permitted hours and a copy of this chapter shall be provided to all applicants for permits by the town manager. (as added by Ord. #2007-8, March 2007, replaced by Ord. #2010-18, Oct. 2010, and amended by Ord. #2011-4, May 2011)

CHAPTER 2

SPECIAL AND LIQUIDATION SALES

SECTION

- 9-201. Statutes adopted.
- 9-202. Definitions.
- 9-203. Exemptions.
- 9-204. Recorder may make regulations.
- 9-205. Violation declared nuisance; enforcement.
- 9-206. License required.
- 9-207. General duties of recorder; application for license.
- 9-208. Investigation of application; issuance of license; duration.
- 9-209. Renewal of licenses.
- 9-210. Fee to accompany application.
- 9-211. Display of licenses; books and records.
- 9-212. License suspension, revocation.
- 9-213. Contents of advertising.
- 9-214. Purchase of goods for sale hereunder.
- 9-215. Manner of listing goods on inventory.

9-201. Statutes adopted. The provisions of Section 6-55-401 to 6-55-413, both inclusive, of the Tennessee Code Annotated are hereby adopted by the Town of Signal Mountain, as authorized by Section 6-55-413, as herein modified, as applied to the Town of Signal Mountain, shall be as set out in this chapter. (Ord. # 91-40, May 1991)

9-202. Definitions. The following terms, wherever used or referred to in this chapter, shall have the following meaning unless a different meaning appears from the context:

(1) "Inspector" shall mean an inspector employed by the department of finance of the town.

(2) "License" shall mean a license issued pursuant to this chapter.

(3) "Licensee" shall mean any person to whom a license has been issued pursuant to this chapter.

(4) "Publish, publishing, advertisement, advertising" shall include any and all means of every kind of conveying to the public notice of sale or notice of intention to conduct a sale, whether by word of mouth, by newspaper advertising, by magazine advertisement, by handbill, by written notice, by printed notice, by printed display, by billboard display, by poster, by radio announcement and by any and all means including oral, written or printed.

(5) "Sale" shall mean the sale of or any offer to sell to the public goods, wares, and merchandise of any and all kinds and descriptions on hand and in stock in connection with a declared purpose, as set forth by advertising, on the

part of the seller that such sale is anticipatory to the termination, closing, liquidation, revision, windup, discontinuance, conclusion, or abandonment of the business in connection with such sale. It shall also include any sale advertised to be a "fire sale," "adjustment sale," "creditor's sale," "liquidation sale," "reorganization sale," "insurance salvage sale," "insolvent sale," "adjuster's sale," "loss-of-lease sale," "wholesaler's closeout sale," "creditor's committee sale," "forced-out-of-business sale," "removal sale," and any and all sales advertised in such manner as to reasonably convey to the public that upon disposal of the stock of goods on hand the business will cease and be discontinued.

(6) "Recorder" shall mean the recorder of the town. (Ord. # 91-40, May 1991)

9-203. Exemptions. The provisions of this chapter shall not apply to or affect the following persons:

(1) Persons acting pursuant to an order of process of a court of competent jurisdiction;

(2) Persons acting in accordance with their powers and duties as public officers, such as sheriffs and marshals;

(3) Duly licensed auctioneers, selling at auction. (Ord. # 91-40, May 1991)

9-204. Recorder may make regulations. The recorder is further empowered to make such rules and regulations for the conduct and advertisement of such sale or special sale as in his opinion will serve to prevent deception and to protect the public. (Ord. # 91-40, May 1991)

9-205. Violation declared nuisance; enforcement. To conduct any sale herein defined without obtaining the license required by this chapter or to violate any other provisions of this chapter is hereby declared to be a misdemeanor and a public nuisance, and, for the purpose of the enforcement of this chapter, the recorder is hereby authorized fully to exercise all powers of collection, as authorized to be extended and granted to county court clerks or municipal officers, or collectors by and in as full a manner as provided by the Tennessee Code Annotated. In addition to the other requirements providing for the collection of the license fee herein imposed and for the enforcement of this chapter, the recorder is authorized to certify to the town attorney the failure of any person to obtain a license as herein required and to pay the fee therefor or the violation of any other provisions hereof. Thereupon, the town attorney shall forthwith file a bill in a court of proper jurisdiction to enjoin such person from continuing to conduct said sale, which injunction shall remain in force so long as such person is in default. Upon the payment of such a license fee as may be due, and upon compliance with the other provisions of this chapter, the town attorney shall be authorized to dismiss said bill upon the payment of costs by

the defendant and all expenses incurred with the institution of said suit. (Ord. # 91-40, May 1991)

9-206. License required. No person shall hereafter publish or conduct any sale of the type defined herein without a license therefor. (Ord. # 91-40, May 1991)

9-207. General duties of recorder; application for license. The recorder is hereby authorized and empowered to supervise and regulate sales or special sales defined herein and to issue appropriate licenses or license, therefor. Such licenses or license shall be issued in the discretion of the recorder upon written application in a form approved by the recorder and verified by the person who, or by an officer of the corporation which, intends to conduct such sale. Such application shall contain a description of the place where such sale is to be held, the nature of the occupancy, whether by lease or sublease and the effective date of the termination of such occupancy, the means to be employed in publishing such sale. Such application shall further contain, as part thereof, an itemized list of the goods, wares, and merchandise to be offered for sale, the place where such stock was purchased or acquired, and if not purchased, the manner of such acquisition. Such application shall contain any additional information as the recorder may require. (Ord. # 91-40, May 1991)

9-208. Investigation of application; issuance of license; duration. Upon receipt of such application and payment of the fee hereinafter prescribed, the recorder shall cause the same to be examined and investigated. If after such investigation the recorder is satisfied as to the truth of the statements contained in such application and as to the form and content of the advertising to be used in connection with such sale, he may then issue a license permitting the publication and conduct of such sale. Such license shall be for a period of not exceeding thirty (30) days. (Ord. # 91-40, May 1991)

9-209. Renewal of licenses. Upon satisfactory proof by the licensee that the stock itemized in the original application has not been disposed of, the recorder may renew such license for an additional thirty (30) day period upon payment of the prescribed renewal fee. Such proof for a renewal license shall be furnished in a form to be issued by the recorder. Said renewal application shall contain an itemized list of stock on hand and the same shall be verified by the applicant. The recorder shall cause the same to be examined and investigated, and if satisfied as to the truth of the statements therein contained, the recorder may issue a renewal license for a period not exceeding thirty (30) days, provided, however, that not more than three (3) such renewals shall be granted for any such sale for the same location within a period of one year from date of the issuance of the first license. (Ord. # 91-40, May 1991)

9-210. Fee to accompany application. Upon filing an original application or a renewal application for a license to advertise and conduct a sale or special sale, as hereinbefore defined, the applicant shall pay to the recorder a fee in the sum of fifty dollars (\$50.00). If any application or renewal application is disapproved, said payment shall be forfeited to the recorder as and for the cost of investigating the statements contained in such application or renewal application. (Ord. # 91-40, May 1991)

9-211. Display of licenses; books and records. Upon commencement of any sale, as hereinbefore defined, the license issued by the recorder shall be prominently displayed near the entrance of the premises. A duplicate of the original application and stock list pursuant to which license was issued, shall at all times be available to the recorder or to inspectors, and the licensee shall permit such inspectors to examine all merchandise in the premises for comparison with such stock list. Suitable books and records as prescribed by the recorder shall be kept by the licensee and shall be at all times available to the inspectors. At the close of business day the stock list attached to the application shall be revised and those items disposed of during such day shall be marked thereon. (Ord. # 91-40, May 1991)

9-212. License suspension, revocation. The recorder shall have power to suspend or revoke at any time any license granted in accordance with this chapter. (Ord. # 91-40, May 1991)

9-213. Contents of advertising. All advertisements or advertising and the language contained therein shall be in accordance with the purpose of the sale as stated in the application pursuant to which a license was issued and the wording of such advertisements shall not vary from the wording as indicated in the application. Such advertising shall contain a statement in these words and no others:

"Sale held pursuant to Permit No. _____ of Department
of Finance of the Town of Signal Mountain, granted on the
_____ day of _____, 19_____."

and in such blank spaces shall be indicated the permit number and the requisite date. (Ord. # 91-40, May 1991)

9-214. Purchase of goods for sale hereunder. In order to carry out the purposes of this chapter, it shall be unlawful for the applicant to add, or permit to be added to, or included in the itemized list of goods, wares, or merchandise to be offered for sale as required herein, goods ordered in contemplation of conducting a sale regulated hereunder and any unusual order, purchase or addition to the stock of goods of the business hereby affected within thirty (30) days before the filing of such an itemized list of goods shall be deemed to be prima facie evidence intent to violate this provision. (Ord. # 91-40, May 1991)

9-215. Manner of listing goods on inventory. To further carry out the purpose of this chapter, the itemized list of goods, wares, and merchandise to be sold, which is required to be filed along with the application for a license or a renewal thereof, as provided herein, shall be sufficient if such goods, wares, or merchandise are listed with their total retail value in dollars by departments or categories, or if listed separately with their individual retail value hereon. (Ord. # 91-40, May 1991)

CHAPTER 3

SHORT-TERM VACATIOIN RENTALS

SECTION

9-301. Definitions.

9-302. Minimum standards for short-term vacation rentals.

9-303. Permit application process.

9-304. Permit renewal.

9-305. Permit revocation.

9-306. Failure to obtain permit.

9.307. Short-term vacation rentals and private agreements.

9-301. Definitions. The following terms, wherever used or referred to in this chapter, shall have the following meaning:

"Short-term vacation rental" shall mean any house or structure advertised or held out to the public as a place where guest rooms are supplied for compensation and such accommodations are provided on a weekly or daily basis for no more than thirty (30) days. This definition does not include bed and breakfast establishments, hotels, motels, or any dwelling units rented or leased for more than thirty (30) days. (as added by Ord. #2019-08, June 2019 ***Ch19_8-26-19***)

9-302. Minimum standards for short-term vacation rentals. The following shall be considered the minimum standards for any dwelling used as a short-term vacation rental.

(1) The proprietor/operator of any house or structure used as a short-term vacation rental must be a full-time resident of the short-term vacation rental property and continue to reside on the property throughout all guest stays.

(2) No on- or off-site signage shall be permitted at any short-term vacation rental.

(3) No more than eight (8) guests may utilize a short-term vacation rental at any given time. This count does not include the short-term vacation rental proprietor or any other permanent residents on the property being used as short-term vacation rental.

(4) No short-term vacation rental shall be permitted to be rented for a period of less than twenty-four (24) hours.

(5) No short-term vacation rental shall be permitted to be rented for a period of greater than thirty (30) days.

(6) Adequate on-site parking shall be provided, as determined by town staff after considering proposed number of guests, frequency of operations, and availability of on-street parking. As a general rule, parking shall not be allowed

on any vegetated area of the premises on which the short-term vacation rental is located.

(7) The proprietor of a short-term vacation rental shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state and local law.

(8) All short-term vacation rental proprietors and guests must abide by all noise restrictions and other applicable local laws of the Town of Signal Mountain.

(9) A short-term vacation rental may include a primary dwelling unit and/or a secondary dwelling unit, but shall not include uninhabitable structures such as garages, barns or sheds.

(10) All dwelling units shall have functioning smoke detectors as determined by the fire marshal and other life safety equipment as required by local, state, and federal law.

(11) All dwelling units shall meet all applicable laws related to zoning, building, health or life safety. (as added by Ord. #2019-08, June 2019 ***Ch19_8-26-19***)

9-303. Permit application process. No individual or entity shall operate a short-term vacation rental in the Town of Signal Mountain without first obtaining a short-term vacation rental permit. Applications for such permits will be made available at town hall during normal operating hours.

(1) Business license required. Prior to submitting a short-term vacation rental permit application, the short-term vacation rental operator must obtain a business license in accordance with title 9, chapter 1 of the Signal Mountain Code of Ordinances.

(2) Application requirements. The following must be included in the application for a short-term vacation rental permit:

(a) The name, address, telephone number, and email address of the short-term vacation rental and operator.

(b) The business license number.

(c) Documentation that the applicant is the owner of the property proposed to be used as a short-term vacation rental.

(d) A short narrative describing the area and number of rooms to be rented, the maximum number of allowed guests, guest parking location, and the proposed days of operation (all year, only weekends, etc.).

(e) Proof of insurance on the house or structure to be used as a short-term vacation rental.

(f) Proof the short-term vacation rental proprietor is up to date on all applicable tax payments. If the permit is being renewed, such proof shall include proof of payment of state occupancy taxes.

(g) Proof of written notice of the short-term vacation rental permit application via certified mail to all property owners within a one hundred foot (100') radius of the subject property boundary line.

(h) Proof of owner residency at the subject property for owner-occupied short-term vacation rental properties.

(i) Proof of non-conforming status per Tennessee Code Annotated, § 13-7-602 for existing short-term vacation rental properties operating before the effective date of this chapter.

(3) Application review. Upon receiving an application for a short-term vacation rental permit, town staff shall review the application and provide comment. If deemed necessary, town staff is permitted to inspect the premises to ensure compliance with state and local laws.

If the application and site meet all the requirements set out in this chapter and the Signal Mountain Zoning Ordinance, town staff may issue a short-term vacation rental permit. (as added by Ord. #2019-08, June 2019 ***Ch19_8-26-19***)

9-304. Permit renewal. All short-term vacation rental permits must be renewed annually. An application for a permit renewal shall contain the same items outlined in § 9-303 with the exception of items (d) , (g) and (i).

The short-term vacation rental permit is non-transferable to another property or owner. (as added by Ord. #2019-08, June 2019 ***Ch19_8-26-19***)

9-305. Permit revocation and suspension. The town manager or a designee reserves the right to revoke any short-term vacation rental permit at any time when there is a risk from existing conditions to public health and safety or if there is any violation or failure to comply with the provisions of this chapter after a permit has been properly issued.

The town manager or a designee reserves the right to temporarily suspend any short-term vacation rental permit in the case of any local code violations that pose an immediate threat to public health and safety.

Notice that a short-term rental unit permit has been revoked shall be submitted to the short-term vacation rental operator in writing and shall include the right of the operator to appeal the revocation to town council within sixty (60) days of the permit's revocation.

A short-term vacation rental permit that has been revoked shall prevent the permit holder and the specific property from applying for a new short-term vacation rental permit for a period of one (1) year from the date of revocation. This provision shall not apply if the permit revocation is successfully appealed to town council. (as added by Ord. #2019-08, June 2019 ***Ch19_8-26-19***)

9-306. Failure to obtain permit or operating under suspended permit. Use of any property as a short-term vacation rental prior to obtaining a short-term vacation rental permit or during a period of permit suspension shall

be punishable by a fine of up to five hundred dollars (\$500.00) per violation. Each day the violation continues shall be considered a separate offense. This section does not apply to short-term vacation rentals operating in accordance with Tennessee Code Annotated, §§ 13-7-601 through 13-7-606. (as added by Ord. #2019-08, June 2019 ***Ch19_8-26-19***)

9-307. Short-term vacation rentals and private agreements. Nothing in this chapter prohibits a homeowner's association, condominium, or similar entity from prohibiting or restricting property owners from using their property as a short-term vacation rental.

In addition, nothing in this chapter prohibits any property owner from placing a restrictive covenant or easement on their property prohibiting or restricting its use as a short-term vacation rental. (as added by Ord. #2019-08, June 2019 ***Ch19_8-26-19***)