

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. Statutes adopted.
 9-102. Recorder designated commissioners.

9-101. Statutes adopted. Tennessee Code Annotated, §§ 6-55-401 to 6-55-413 inclusive, are hereby adopted so as to be applicable to all sales which are regulated by said sections and which sales are conducted within the corporate limits of the municipality. (1978 Code, § 5-101)

9-102. Recorder designated commissioner. For the purpose of complying with the terms and conditions of said sections the recorder is hereby designated as the proper person to perform all the duties and obligations placed upon the "commissioner" according to the terms of said Tennessee Code Annotated, §§ 6-55-401 to 6-55-413 inclusive, as authorized by said code sections. (1978 Code, § 5-102)

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.

CHAPTER 2

PEDDLERS, SOLICITORS, ETC.¹

SECTION

- 9-201. Permit required.
- 9-202. Definitions.
- 9-203. Exemptions.
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- 9-209. Display of permit, business license, etc.
- 9-210. Revocation of permit.
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9-201. Permit required. It shall be unlawful for any peddler, solicitor, solicitor for charitable or religious purposes, street barker, or transient vendor to ply his trade within the corporate limits without first obtaining a permit therefore 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. (1978 Code, § 5-201)

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 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

¹Municipal code reference
Privilege taxes: title 5.

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 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 City of Sparta.

(c) Has been in continued existence as a charitable or religious organization in the City of Sparta 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 is 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 sales 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. (1978 Code, § 5-202)

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

(1) Persons selling at wholesale to dealers, newsboys, 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 fund raising activities or programs by any public school, and

(4) Craft shows, antiques 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 such facility shall be required to obtain a business license and shall prior to opening and operating such facility pay a fee of \$100.00 to the City of Sparta which shall be valid at the particular location for up to fourteen (14) consecutive days. (1978 Code, § 5-203)

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, 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 firms, corporation or organization, will engage in the business or conduct of a peddler, solicitor, transient vendor, or street barker. (1978 Code, § 5-204)

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 religions or charitable 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 (b) above in those cities, towns or other political subdivisions.

(f) Two photographs of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, measuring at least two inches by two inches, 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 goods to be sold, or in the case of solicitors for charitable or religious purposes, the function of the organization.

(h) The starting and ending dates for which the applicant intends to do business or make solicitations, as well as the street address from which the business will be conducted.

(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) A copy of the Tennessee Certificate of Registration for the collection of state and local sales or use taxes for sale of tangible personal property or taxable services for customers in Tennessee pursuant to Tennessee Code Annotated, § 67-6-601.

(k) Proof of zoning approval and compliance from the City of Sparta Codes Enforcement official.

(l) Proof of permission from the owner of the property that the business will occupy.

(m) The names, addresses and phone numbers of two unrelated references who can certify as to the applicant's good moral reputation and business responsibility.

(n) A non-refundable fee of twenty dollars (\$20) shall be paid at the time the application is made to defray the costs of investigating the applicant. The appropriate city staff shall complete the investigation within seventy-two (72) hours and be prepared to either issue or deny the permit to the applicant.

(2) Permit fee. Each applicant for a permit as a peddler, solicitor, or transient vendor shall submit with his application a non-refundable fee of forty dollars (\$40.00). Each applicant for a permit as a street barker shall submit with his application a non-refundable fee of twenty-five (\$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 a good faith effort to complete the investigation within three 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; or

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

(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.

(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, solicitor for charitable purposes, 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 recommend issuance of a permit may be appealed to the city administrator. The aggrieved applicant, may within ten (10) days following the date of receipt of notice of the refusal of issuance of a permit, appeal the refusal by giving the city administrator written notice

of request for an appeal, stating the grounds for the request. The city administrator shall set a hearing on the appeal for a date falling within ten (10) days following the date of the receipt of the request. The decision of the city administrator 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, solicitor for charitable purposes, 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 the photograph of the permittee.

(5) Expiration and renewal of permit. The permit for peddlers, solicitors, solicitors for religious and charitable purposes and transient vendors shall expire thirty (30) 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.

(6) Transient vendor tax. Transient vendors shall pay a tax of fifty dollars \$50.00 for each fourteen (14) day period during which such vendors sell merchandise or for which they are issued a business license. Said tax shall be paid before the first day of engaging in business. (1978 Code, § 5-205, as amended by Ord. #02-753, Oct. 2002)

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 appropriate business license before soliciting or making sales. (1978 Code, § 5-206)

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

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

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

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

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

attention to his business or merchandise during recognized parade or festival days of the city.

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

(6) Enter in or upon any residential premises without prior invitation of the authorized owner, occupant or person legally in charge of the premises between 7:00 P.M. and 8:00 A.M. (1978 Code, § 5-207)

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, canceled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

(2) Locate temporary premises as the term is defined in this chapter on or in any public street, highway or any other public way or place, or on private property without the written permission of the property owner or other person in authorized control of the property. (1978 Code, § 5-208)

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 each transient vendor is required to have a valid permit in his possession and prominently displayed in public view. In addition, transient vendors shall also have in their possession a valid business license and written permission of any private property owner or other person in control of the property from which he or she is conducting business. All required documents shall be provided to any police or codes enforcement officer upon demand. Solicitors for charitable and religious purposes shall be required to have a valid permit in their possession. (1978 Code, § 5-209, as amended by Ord. #02-753, Oct. 2002)

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 city administrator 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 charitable or 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) City administrator's option. The city administrator shall have the option of revoking the permit effective, immediately after notice, or effective after notice and hearing. However, the city administrator 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, organization; otherwise, the notice procedure prescribed by (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 city administrator's decision shall be final.

(4) Reapplication. No applicant whose permit has been revoked shall make further application until a period of at least one (1) year has elapsed since the last revocation. (1978 Code, § 5-210, as amended by Ord. #02-753, Oct. 2002)

9-211. Violation 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. (1978 Code, § 5-211)

CHAPTER 3

TAXICABS¹

SECTION

- 9-301. Taxicab privilege license required.
- 9-302. Liability insurance or bond required.
- 9-303. Revocation or suspension of franchise.
- 9-304. Mechanical condition of vehicles.
- 9-305. Cleanliness of vehicles.
- 9-306. Inspection of vehicles.
- 9-307. License and permit required for drivers.
- 9-308. Qualifications for driver's permit.
- 9-309. Revocation or suspension of driver's permit.
- 9-310. Drivers not to solicit business.
- 9-311. Parking restricted.
- 9-312. Drivers to use direct routes.
- 9-313. Taxicabs not to be used for illegal purposes.
- 9-314. Miscellaneous prohibited conduct by drivers.
- 9-315. Transportation of more than one passenger at the same time.

9-301. Taxicab privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a currently effective privilege license. (1978 Code, § 5-401)

9-302. Liability insurance or bond required. It shall be unlawful to operate any taxicab or conduct any taxicab business unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in the minimum amount of ten thousand dollars (\$10,000.00) for bodily injury to any one person; in the minimum amount of twenty thousand dollars (\$20,000.00) for injuries to more than one person which are sustained in the same accident; and in the minimum amount of five thousand dollars (\$5,000.00) property damage resulting from any one accident. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1978 Code, § 5-402)

9-303. Revocation or suspension of franchise. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application

¹Municipal code reference
Privilege taxes: title 5.

therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1978 Code, § 5-403)

9-304. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the City of Sparta unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear view mirror, all of which shall conform to the requirements of the state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1978 Code, § 5-404)

9-305. Cleanliness of vehicles. All taxicabs operated in the city shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1978 Code, § 5-405)

9-306. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1978 Code, § 5-406)

9-307. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1978 Code, § 5-407)

9-308. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.

(5) Produces affidavits of good character from two (2) reputable citizens of the City of Sparta who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.

(6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.

(7) Is familiar with the state and local traffic laws. (1978 Code, § 5-408)

9-309. Revocation or suspension of driver's permit. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-308. (1978 Code, § 5-409)

9-310. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage for their cabs. (1978 Code, § 5-410)

9-311. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the city for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1978 Code, § 5-411)

9-312. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1978 Code, § 5-412)

9-313. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1978 Code, § 5-413)

9-314. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1978 Code, § 5-414)

9-315. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1978 Code, § 5-415)

CHAPTER 4

PLUMBERS AND GAS PIPE FITTERS

SECTION

9-401. Qualifications of plumbers and gas pipe fitters.

9-402. License required; fee.

9-403. Suspension, revocation of licenses.

9-401. Qualifications of plumbers and gas pipe fitters. Any person proposing to undertake the installation, repair, extension or alteration of plumbing and plumbing appliances or gas piping and appliances shall upon request of the codes enforcement officer give satisfactory evidence of being duly qualified to perform such duties. A practical knowledge of the rules embodied in the plumbing code, or, in the case of gas pipe fitters, of the requirements and rules embodied in the gas code adopted in title 12 shall be considered prima facie evidence of qualification. (1978 Code, § 5-501)

9-402. License required; fee. (1) No person shall engage in or work at the installation, extension, alteration or repair of plumbing or plumbing appliances or gas piping and appliances without first securing annually a license from the codes enforcement officer. The fee for such annual license shall be fifty dollars (\$50.00).

(2) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of this chapter. (1978 Code, § 5-502)

9-403. Suspension, revocation of licenses. Any person engaged in doing or contracting to do work regulated by this chapter shall at all times be subject to the rules and regulations set out in this chapter and the plumbing and gas codes; and for the purpose of maintaining their work in conformance with said provisions, such work as may be undertaken by them shall be subject to inspection and approval by the codes enforcement officer and upon their violation of any safety requirements the licenses hereinabove provided for, outstanding in the name or names of such person or persons, may be at the instance of the codes enforcement officer, suspended for such period of times in the discretion of the codes enforcement officer may be proper, or may be revoked by him; however, the holder of the license so suspended or revoked shall have the right to appeal to the board of mayor and aldermen. (1978 Code, § 5-503)

CHAPTER 5

ELECTRICIANS

SECTION

- 9-501. Qualifications of electricians.
- 9-502. Licenses required; fees.
- 9-503. Suspension, revocation of license.
- 9-504. Violations, penalties.

9-501. Qualifications of electricians. Any person proposing to undertake the installation, repair or alteration of electrical wiring systems, fixtures, or appliances, intended for the utilization of light, heat or power, shall upon request of the codes enforcement officer, give satisfactory evidence of being duly qualified to perform such duties, but nothing in this chapter shall be construed as prohibiting the operation of any electrical shop for repairing of motors, fixtures or other electrical appliances within such shops. A practical knowledge of the requirements and rules as embodied in the National Electrical Code as adopted in title 12 shall be considered prima facie evidence of qualification. (1978 Code, § 5-601)

9-502. Licenses required; fee. (1) It shall be the duty of all persons engaged in the business of installations, alterations or repair of electrical systems or installations to secure annually a license written from the codes enforcement officer before any system of electrical wiring, designed or used to supply electrical current, for light, heating, or power, shall be installed, enlarged, altered or repaired, and before any appliance, device or equipment designed or intended to utilize such current for the development of light, heat or power, shall be connected thereto, within the municipality. The fee for the issuance of such annual license shall be two dollars and fifty cents (\$2.50).

(2) Provided that no license shall be required for the installation of any portable or detachable appliance rated at six hundred and sixty (660) watts or less and for which convenience outlets are already provided. Portable appliances are hereby defined as devices capable of being readily moved and which can be detached from the source of current or connected thereto, by means of a flexible cord and attachment plug. (1978 Code, § 5-602)

9-503. Suspension, revocation of licenses. Any person engaged in doing or contracting to do such electrical work shall at all times be subject to the rules and regulations as set out in this chapter and the electrical code adopted in title 12; and for the purpose of maintaining their work in conformance with said provisions, such work as may be undertaken by them shall be subject to inspection and approval by the codes enforcement officer; and upon their violation of any safety requirements the licenses hereinabove provided for,

outstanding in the name or names of such person or persons, may be, at the instance of the codes enforcement officer, suspended for such period of time as in the discretion of the officer may be proper, or may be revoked by him; however, the holder of the license so suspended or revoked shall have the right to appeal such suspension or revocation to the board of mayor and aldermen. (1978 Code, § 5-603)

9-504. Violations, penalties. Any person, firm or corporation or agent who shall violate a provision of this chapter or the electrical code adopted in title 12 or fail to comply therewith or with any of the provisions thereof, or violate a detailed statement or plans submitted and approved thereunder, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter or said code is committed or continued. (1978 Code, § 5-604)

CHAPTER 6

ARCADES, AMUSEMENT HALLS, GAME ROOMS, ETC.

SECTION

9-601. Visibility requirements.

9-602. Disorderly conduct.

9-603. Hours.

9-604. Right of entry and inspection.

9-601. Visibility requirements. (1) All billiard halls, pool rooms, arcades, amusement halls, recreation halls and game rooms are hereby required to maintain reasonable visibility into same from the outside, and to maintain no screens, frosted windows, curtains or other obstructions intended to obscure the public view into the ground floor of such places of business from the outside.

(2) All business establishments containing pinball machines, electronic games, pool tables, or other such mechanical amusement devices are hereby required to maintain such games or devices in a portion of the premises which is open and unlocked, and into which access by the general public and law enforcement officials is not denied at any time. (1978 Code, § 5-701)

9-602. Disorderly conduct. All billiard halls, pool rooms, arcades, amusement halls, game rooms, recreation halls and other establishments containing pinball machines, electronic games, or other such mechanical amusement devices, are hereby required to be run in a quiet and orderly manner and all unseemly or boisterous noise or conduct in or around such places or devices is prohibited. All persons guilty thereof are guilty of a misdemeanor and the person owning or in charge of such place allowing the same to occur with his knowledge is likewise guilty of a misdemeanor. (1978 Code, § 5-702)

9-603. Hours. (1) No person owning or operating a billiard hall, pool room, arcade, amusement hall, recreation hall, or game room shall open such a place of business prior to 6:00 A.M. of any day except Sunday, which time of opening shall be 1:00 P.M. Such places of business are further required to close no later than 12:00 P.M. on Monday through Thursday, 2:00 A.M. on Friday and Saturday, and 6:00 P.M. on Sunday.

(2) It shall be unlawful for any person to play or operate a pinball machine, electronic game, or other such mechanical amusement device prior to 6:00 A.M. of any day except Sunday, which time shall be 1:00 P.M., or after 12:00 P.M. on Monday through Thursday, 2:00 A.M. on Friday and Saturday, and 6:00 P.M. on Sunday. It shall further be unlawful for any person having the control of such machines, games or devices to allow them to be played or operated except during said hours.

(3) All persons maintaining and controlling pinball machines, electronic games, or other such mechanical amusement devices are required to post a sign on such machine or device, or in a conspicuous place near thereto, advising the general public that operation or play on said machines prior to 6:00 A.M. weekdays and 1:00 on Sunday and after the hours of 12:00 P.M. Monday through Thursday, 2:00 A.M. on Friday and Saturday, and 6:00 P.M. on Sunday, is prohibited. (1978 Code, § 5-703)

9-604. Right of entry and inspection. Because of the potential for use of entertainment devices for gambling, and the enticement of entertainment establishments to the youth of Sparta, it is deemed in the public interest and within the police power of the City of Sparta to maintain the right to enter and inspect such establishments in order to insure the absence of illegal devices or the carrying on of illegal activities therein. It is therefore declared, that the City of Sparta shall have, through its authorized law enforcement officers, a perpetual right of entry and inspection, without the necessity for warrant, into any and all areas of billiard halls, pool rooms, arcades, amusement halls, recreation halls, and game rooms, at any time, in order to determine the legality of the activities being carried on therein. (1978 Code, § 5-705)

CHAPTER 7

FLEA MARKETS

SECTION

- 9-701. Title.
- 9-702. Purpose; function.
- 9-703. Definitions.
- 9-704. Conflict of ordinances; effect of partial invalidity.
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- 9-707. Applications.
- 9-708. Flea market site plan layout; approval.
- 9-709. Inspections.
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- 9-711. Inspections to determine compliance of existing flea markets; exemption.
- 9-712. Appeals.
- 9-713. Emergencies.
- 9-714. Minimum size of flea markets.
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- 9-723. Insect and rodent control.
- 9-724. Fuel supply and storage.
- 9-725. Fire protection.
- 9-726. Responsibilities of flea market management.

9-701. Title. This chapter shall be known and cited as the "Flea Market Ordinance" for Sparta, Tennessee." (1978 Code, § 5-801)

9-702. Purpose; function. (1) This chapter is adopted in order to promote the health, safety, morals, and general welfare of the inhabitants of Sparta, Tennessee, by regulating the location, design, and maintenance of flea markets.

(2) This chapter establishes minimum standards for flea markets. (1978 Code, § 5-802)

9-703. Definitions. (1) General. Unless the context of this chapter requires, the following definitions shall be used in the interpretation and

administration of the chapter. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "structure" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used"; and the word "shall" is mandatory and not optional.

(2) Definitions. (a) Accessory structure. Any structural addition which includes awnings, cabanas, carports, Florida rooms, porches, ramadas, storage cabinets, and similar appurtenant structures.

(b) "Building." A roofed structure erected for permanent use.

(c) "Building inspector." The codes enforcement officer of Sparta, Tennessee.

(d) "Booth." The area of the flea market site that is for the purpose of displaying and selling merchandise and is considered to be of a 10' x 10' or 100 square foot size.

(e) "Common area." Any area or space designed for joint use of tenants occupying flea markets.

(f) "Density." The number of flea market booths per gross acre.

(g) "Easement." A vested or acquired right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than that of the owner who hold title to the land.

(h) "Enforcing agency." The office of the city administrator and codes enforcement officer of Sparta, Tennessee, charged by law with the duty to enforce the provisions of this chapter.

(i) "Flea market." An activity where stalls or spaces within the bounds of a specific location are made available to the vendor of:

(i) Handicraft items,

(ii) New merchandise, or

(iii) Secondhand items.

(j) "Governing body." The board of mayor and alderman of the City of Sparta.

(k) "Lot line." The line bounding the lot as shown on the accepted plot plan.

(l) "Market management." The person who owns or has charge, care or control of the flea market.

(m) "Permit." A written document issued by the codes enforcement officer allowing a person to locate a flea market or to construct, alter or extend a flea market under the provisions of this chapter.

(n) "Person." Any individual, firm, trust, partnership, public or private association or corporation, or other entity.

(o) "Service building." A structure housing sanitary, operational, office, recreational, maintenance and other facilities built to conform to required standards.

(p) "Sewer connection." Pipes, fittings and appurtenances from the drain outlet of the flea market stand and the inlet of the corresponding sewer riser pipe of the sewer system serving the flea market. (1978 Code, § 5-803)

9-704. Conflict of ordinances; effect of partial invalidity. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the municipality, the provision which establishes the higher standard shall prevail. (1978 Code, § 5-804)

9-705. Penalties for violation. Any person who violates any provisions of this chapter shall, upon conviction, be punished by a fine of not more than fifty dollars (\$50.00), and each day's failure of compliance with any such provision shall constitute a separate violation. (1978 Code, § 5-805)

9-706. Permit required. It shall be unlawful for any person to locate a flea market or to construct, alter or extend any flea market within the limits of the city, unless he holds a valid permit issued by the codes enforcement officer. Construction must begin within one hundred eighty (180) days after issuance of the permit. (1978 Code, § 5-806)

9-707. Applications. All applications for permits for flea markets shall be submitted to the code enforcement officer, after submission and approval of the final site plan. (1978 Code, § 5-807)

9-708. Flea market site plan layout; approval. (1) Generally; required information. A flea market site plan layout shall be drawn at a scale no smaller than twenty (20) feet to one (1) inch and shall show the following information:

(a) Three (3) black or blue line prints of the final site plan shall be submitted to the codes enforcement officer and shall contain the following information:

(i) Name and address of applicant; if the applicant is a partnership, the names and addresses of the partners; if the applicant is a corporation, the names and addresses of the officers and directors.

(ii) Name and address of owner of land.

(iii) Location (vicinity map).

(iv) Scale of one (1) inch equals twenty (20) feet.

(v) North arrow.

(vi) The area and dimensions of the tract of land.

(vii) The number, location and size of all flea market stands.

(viii) The location, width and area of roadways, parkways, streets, driveways and walks.

(ix) The location of service buildings and any other proposed structures.

(x) Location and design of parking spaces.

(xi) Number of flea market booths.

(b) Review and comment of the flea market site plan layout shall be noted in a report of the code enforcement officer.

(2) Requested reports; contents. Before acting on the flea market site plan layout, the code enforcement officer may request a report from any person or agency directly concerned with the proposed development, such as the street superintendent or utilities manager. Such reports shall certify compliance with or note deviations from the requirement of this chapter, and include comments on other factors which bear upon the public interest. The responsibility of securing said reports is that of the codes enforcement officer.

(3) Application for permit to construct flea market; plans. Any time after approval of the final site plan, application may be made to the code enforcement officer for a permit for the construction of the flea market. Two (2) complete sets of construction plans shall be submitted to the code enforcement officer upon issuance of a permit containing the following:

(a) The approved final site plan.

(b) Location of water and sewer lines and user pipes and manholes.

(c) Plans and specifications of the water supply, sewer lines, storm drainage system, refuse and sewerage disposal facilities.

(d) Plans and specifications of all buildings to be constructed, altered or extended within the flea market.

(e) The location of details of lighting and electrical systems.

(4) Review of application; issuance of construction permit. Upon review of the application, and subject to evidence that the flea market meets the minimum requirements of the Tennessee Department of Health by the White County Health Department, the code enforcement officer shall issue a permit when a review of the application and inspection of the site demonstrates that the proposed or existing flea market meets the requirements of this chapter. (1978 Code, § 5-808)

9-709. Inspections. (1) The code enforcement officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter.

(2) The code enforcement officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to enforcement of this chapter.

(3) The code enforcement officer may request inspections by and verifications of compliance from the department of public health relating to any

of the rules and regulations of state and/or local health department. Representatives of the department of public health shall have the same powers of entry and inspection as provided for the inspections and code enforcement division. (1978 Code, § 5-809)

9-710. Revocation. Any permit for a flea market may be revoked when it is found to be in violation of this chapter.

(1) Should the code enforcement officer find that conditions exist which are in violation of any provision of this chapter, notice shall be given to the permittee or owner that unless such conditions or practices are corrected within thirty (30) days, the permit will be revoked.

(2) If at the end of thirty (30) days, a further inspection reveals that the conditions or practices have not been corrected, the code enforcement officer shall then revoke the permit and give notice of such suspension in writing to the permittee or owner. Upon notice of revocation, the permittee or owner shall cease operation and/or construction of the flea market. (1978 Code, § 5-810)

9-711. Inspections to determine compliance of existing flea markets; exemption. Upon enactment of this chapter all existing flea markets shall be inspected by the codes enforcement officer, to determine compliance or noncompliance with the terms as set forth within. All existing flea markets shall be required to come into compliance with all other provisions of this chapter within twelve (12) months from the date of the inspection. (1978 Code, § 5-811)

9-712. Appeals. (1) Petition. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter relating to flea markets, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the board of codes appeals, provided that such person shall file in the office of the codes enforcement officer a written statement of the grounds of such request. The filing of the request for a hearing shall operate as a stay of the notice and suspension except in the case of an order issued under § 9-713. Upon receipt of such request, the board of codes appeals shall set a time and place for such hearing and shall give the petitioner written notice thereof.

(2) Hearing. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

(3) Order of board of codes appeals. After such hearing the board of codes appeals shall make findings as to compliance with the provisions of this chapter and regulations issued thereunder and shall issue an order sustaining modifying or withdrawing the notice. Upon failure to comply with any order sustaining or modifying a notice, the permit of the flea market affected by the order shall be revoked. (1978 Code, § 5-812)

9-713. Emergencies. (1) Whenever the codes enforcement officer finds that an emergency exists which requires immediate action to protect the public health, including violations of any of the applicable rules and regulations of the Tennessee Department of Public Health or ordinances of the City of Sparta, he may, without notice or hearing issue an order reciting the existing of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit of license. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the board of codes appeals, he shall be afforded a hearing as soon as possible.

(2) The provisions of § 9-712 shall be applicable to such hearing and the order issued thereafter. (1978 Code, § 5-813)

9-714. Minimum size of flea markets. The minimum size of a flea market shall be one (1) acre. (1978 Code, § 5-814)

9-715. Flea market booths generally. Flea market structures shall be constructed in compliance with all applicable building codes. (1978 Code, § 5-815)

9-716. Site improvement requirements. (1) Generally. Condition of soil, ground water level, drainage, and topography shall not create hazards to the property so or the health or safety of the occupants. The site shall not be exposed to objectionable smoking, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

(2) Soil and ground cover. Exposed ground surfaces in all parts of every flea market shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust and/or mud.

(3) Site drainage requirements. The ground surface in all parts of every flea market shall be graded and equipped to drain all surface water in a safe, efficient manner in order to eliminate water pockets, low areas or bogs.

(4) Setbacks, buffer strips. (a) All flea market structures shall be located at least twenty-five (25) feet from any public street or highway right-of-way and at least ten (10) feet from the exterior property boundary lines.

(b) All flea markets adjacent to residential zoning districts shall be provided with screening such as trees, shrubbery, or well maintained opaque fence(s) along the boundary line(s) separating the flea market and adjacent zoning district. Such screening shall be a minimum of six (6) feet in height.

(c) All flea market booths shall be located at least fifteen (15) feet from any public street or highway right-of-way or exterior property boundary line.

(5) Street system. (a) General requirements. All flea markets shall be provided with safe and convenient vehicular access from abutting public streets, roads or highways. Private streets constructed on the site of the flea market for use by flea market vendors and customers shall, at a minimum, consist of crushed stone of sufficient amount to allow vehicular traffic in inclement weather conditions without detriment to other adjoining public streets or nuisance to the public.

(b) Access. Access to flea markets shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the market streets with a public street or road shall have a minimum road surface width of twelve (12) feet for one-way streets with no parking on either side of the street, twenty (20) feet for two-way streets where there will be no parking on either side of the street, thirty-six (36) feet for two-way streets where parking is permitted on both sides, and a minimum road surface width of twenty-seven (27) feet for two-way streets where parking is limited to one side.

(6) Off-street parking. Off-street parking areas shall be provided in all flea markets. Parking shall be furnished at the rate of two (2) spaces per booth.

(7) Walks, general requirements. All flea markets shall be provided with safe, convenient, all-season, dust free, pedestrian access of adequate width for intended use and durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

(8) Identification. Each booth shall be numbered. Each number shall be easily identified from the nearest street or driveway. (1978 Code, § 5-816)

9-717. Water supply requirements. (1) Generally. An accessible, adequate, supply of water shall be provided in each flea market.

(2) Compliance with plumbing code. The water supply system of the flea market shall be constructed and connected in accordance with plumbing code of the city. (1978 Code, § 5-817)

9-718. Restroom and sewage disposal. (1) There shall be a minimum of one (1) central restroom facility located on the premises. Within that central restroom there shall be separate facilities for men and women.

(2) Hot and cold water be furnished to every lavatory and sink; water shall be furnished to every water closet and urinal.

(3) Restrooms shall contain the minimum of fixtures as required by the plumbing code.

(4) An adequate and safe sewage system shall be provided in all flea markets for conveying and disposing of all sewage. Such system and connection shall be designed, constructed and maintained in accordance with the provisions of the plumbing code of the city, and the approval of the Tennessee Department of Health. (1978 Code, § 5-818)

9-719. Electrical distribution system. Every flea market shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances for each flea market structure, which shall be installed and maintained in accordance with applicable electric codes of the city. (1978 Code, § 5-819)

9-720. Structural requirements. All structures to include booths shall comply with the building code of the city. All materials used shall be grade marked lumber, as specified by building code. (1978 Code, § 5-820)

9-721. Fireplaces, etc. Cooking shelters, barbecue pits, fireplaces and woodburning stoves shall be so located, constructed, maintained and used as to avoid fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. No refuse shall be burned at any time. (1978 Code, § 5-821)

9-722. Refuse handling. (1) Generally. The storage, collection and disposal of refuse in the flea markets shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

(2) Containers. All refuse shall be stored in flytight, watertight, rodent-proof containers provided by the flea market park operator for each flea market stand in sufficient number and capacity to properly store all refuse.

(3) Refuse collection stands. Where refuse collection stands are provided for common or joint use, such stands shall be located not more than one hundred fifty (150) feet from using flea market stand, and shall be so designed as to prevent containers from being tipped, so minimize spillage and container deterioration and to facilitate cleaning around them.

(4) Bulk waste containers. Where bulk waste containers of three (3) cubic yards or more are utilized, a suitable concrete pad shall be provided for parking the container.

(5) Collection, transportation. All refuse containing garbage shall be collected at least twice weekly. Where suitable collection service is not available from municipal or private agencies, the flea market operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

(6) Disposal site. Where municipal or private collection service is not available, the flea market operator shall dispose of the refuse by transporting to an appropriate disposal site.

(7) Refuse incinerators. Refuse incinerators and their operation shall comply with provisions of the state air quality standards of Tennessee, and shall be operated only when attended by some person specifically authorized by the owner or operator of the flea market. (1978 Code, § 5-822)

9-723. Insect and rodent control. (1) Extermination. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health authority.

(2) Accumulations of debris. Flea markets shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(3) Storage areas. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building materials shall be stored at least one (1) foot above the ground.

(4) Exterior openings. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(5) Growth of weeds, etc. to be controlled. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Flea markets shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description. (1978 Code, § 5-823)

9-724. Fuel supply and storage. (1) Natural gas system. Natural gas piping systems shall be installed and maintained in accordance with applicable gas codes.

(2) Liquified petroleum gas systems. Liquified petroleum gas systems shall be installed and maintained in accordance with applicable gas codes of the city.

(3) Fuel oil supply system. All fuel oil supply systems shall be installed and maintained in accordance with applicable gas codes of the city. (1978 Code, § 5-824)

9-725. Fire protection. (1) The flea markets shall be subject to fire prevention ordinances adopted by the City of Sparta.

(2) Flea markets shall be kept free of litter, rubbish and other flammable materials.

(3) Portable fire extinguishers of a type approved by the applicable fire codes shall be kept in service buildings and at all other locations designated by the applicable codes and shall be maintained in good operating condition.

(4) Fires shall be made only in stoves, incinerators and other equipment intended for such purposes. (1978 Code, § 5-825)

9-726. Responsibilities of flea market management.

(1) Compliance required. The person to whom a permit for a flea market is issued shall operate a flea market in compliance with this chapter and regulations issued hereunder and shall provide adequate supervision to maintain the park [market], its facilities and equipment in good repair and in a clean and sanitary condition.

(2) Notification of tenants. The flea market management shall notify market tenants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter and regulations issued hereunder.

(3) Placement of booths. The flea market management shall supervise the placement of each flea market booth on its stand which includes securing its stability and installing all utility connections. (1978 Code, § 5-826)

CHAPTER 8

CABLE TELEVISION

SECTION

- 9-801. To be furnished under franchise.
- 9-802. Regulation of rates charged for cable television service and equipment.
- 9-803. Definitions.
- 9-804. Cable television customer service and consumer protection standards.
- 9-805. Definitions.
- 9-806. Violation and penalty.

9-801. To be furnished under franchise.¹ Cable television shall be furnished for the city and its inhabitants under such franchise as the board of mayor and aldermen shall grant. The rights, powers, duties, and obligations of the city, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1978 Code, § 13-201)

9-802. Regulation of rates charged for cable television service and equipment. Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority of said Act certifying the City of Sparta to regulate basic cable television service within the boundaries of the City of Sparta; and for the purpose of regulating the rates charged to customers of any cable television operator franchised by the City of Sparta, the regulations contained in Title 47 of the Code of Federal Regulation, Part 78, subpart N sections 76.900 through 76.985, are hereby adopted and incorporated by reference as a part of this code. (1978 Code, § 13-202)

9-803. Definitions. Whenever the regulations cited in § 9-802 refer to "franchising authority", it shall be deemed to be a reference to the Board of Mayor and Aldermen of the City of Sparta. (1978 Code, § 13-203)

9-804. Cable television customer service and consumer protection standards. Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority of said Act authorizing the City of

¹For complete details relating to cable television franchise agreements see Ord. #186, April 1966; Ord. #97-701, June 1997; Ord. #98-712, Oct. 1998; and Ord. #21-942, Dec. 2021 and any amendments, in the office of the city recorder.

Sparta to enforce cable television customer service and consumer protection standards within the boundaries of the City of Sparta; the regulations contained in Title 47 of the code of Federal Regulations, Part 76, Subpart H, Section 76.309, are hereby adopted and incorporated by reference as a part of this code. Any cable television operator franchised to operate within the corporate limits of the City of Sparta shall meet all the standards contained in the regulations cited in this section. (1978 Code, § 13-204)

9-805. Definitions. Whenever the regulations cited in § 9-804 refer to "franchising authority", it shall be deemed to be a reference to the Board of Mayor and Aldermen of the City of Sparta. (1978 Code, § 13-205)

9-806. Violation and penalty. Any violation of § 9-804 shall subject the offender to a penalty up to five hundred dollars (\$500) for each offense. Each day the violation shall continue a separate offense. Upon receipt of notice of violation from the franchising authority, the cable operator shall have thirty (30) days to correct the violation before a monetary penalty may be imposed. (1978 Code, § 13-206)

CHAPTER 9

MOBILE FOOD VENDORS

SECTION

- 9-901. Definitions.
- 9-902. Permit required.
- 9-903. Application for permit.
- 9-904. Issuance or refusal of permit.
- 9-905. Exhibition of permit.
- 9-906. Enforcement and penalties.
- 9-907. Revocation or suspension of permit.
- 9-908. Business license purchase.
- 9-909. Special events exemption.
- 9-910. Operational requirements.
- 9-911. Use of streets/sidewalks.

9-901. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section. The word "shall" is always mandatory and not merely advisory.

(1) "Mobile Food Unit ("MFU")" is an enclosed unit, truck, or trailer, pushcart, or similar vehicle-mounted unit that:

- (a) Is mobile or capable of being moved by a licensed motor vehicle;
- (b) Self-contained with respect to water, waste water, and power utilities;
- (c) Is used for the preparation, sale, or donation of on-site prepared food; and
- (d) Is not a pedestrian vendor.

(2) "Mobile food vendor ("vendor")" is any individual engaged in the operation of a MFU; if more than one (1) individual is operating a single MFU, then vendor shall include all individuals operating such single MFU.

(3) "On-site prepared food" means any food or beverage that is served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared on-site for consumption within the MFU by a mobile food vendor or other persons and that may be purchased at the MFU.

(4) "Pedestrian vendor" means any person who demonstrates, gives away, sells or offers for sale goods, merchandise, souvenirs, novelties, food or beverages not prepared on-site, flowers or balloons outdoors, and who may carry or display such goods or transport such goods door to door in a cart or mobile-type device.

(5) "Public property" means any property owned or maintained by the City of Sparta.

(6) "Special event" shall mean any public gathering specifically approved and/or permitted by the City of Sparta such as a block party, local special event, parade, festival, celebration, concert, carnival, fair, exhibits, trade shows or any similar occurrence to be conducted on public or private property within the City of Sparta. (as added by Ord. #17-912, Dec. 2017 *Ch13_12-18-18*)

9-902. Permit required. It shall be unlawful for any mobile food unit to operate within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter and any other city ordinance. (as added by Ord. #17-912, Dec. 2017 *Ch13_12-18-18*)

9-903. Application for permit. Applicants applying for a permit under this chapter shall file a sworn, written application with the city clerk's office containing the following information and such other pertinent information as may be required:

- (1) Name, date of birth, and social security number.
- (2) Driver's license or other personal identification.
- (3) Home address.
- (4) Local address, if different from home address.
- (5) name, address and phone number of corporation, company, or organization the applicant is representing.
- (6) A copy of a "Tennessee Certificate of Registration" for the collection of state and local sales or use taxes for sale of tangible personal property or taxable services for customers.
- (7) A description of the nature of the business and the goods to be sold.
- (8) A description of the vehicle, including make and model, license plate number, copy of valid vehicle liability insurance certificate, and county of registration being used while in operation.
- (9) Address of each premises to be occupied for the mobile food unit.
- (10) Written consent from the owner or lessee of the premises of operation. A written letter of permission is required for each location the mobile food unit will operate. If a new location is selected, a letter of permission must be sent to the city clerk's office immediately and a new permit will be issued.
- (11) The starting date and ending date of operation of the business.
- (12) The names, addresses and phone numbers of two (2) unrelated references who can certify as to the applicant's good moral reputation and business responsibility.
- (13) A sworn statement as to whether the applicant and additional assistants have been convicted of any crime (felony), or misdemeanor, or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed.
- (14) The last two (2) cities or towns, if any, where the applicant transacted business.
- (15) A copy of the current health inspection.

(16) Applicants must submit a spill response plan for approval by the public works department. (as added by Ord. #17-912, Dec. 2017 *Ch13_12-18-18*)

9-904. Issuance or refusal of permit. Each application shall be reviewed by the city clerk's office and police department. The city clerk's office shall report the results of the investigation within three (3) business days. A fee of twenty-five dollars (\$25.00) shall be assessed for a single event permit (maximum of two (2) per calendar year). A fee of fifty dollars (\$50.00) shall be assessed for a thirty (30) day permit. A fee of one hundred fifty dollars (\$150.00) shall be assessed for a one hundred eighty (180) day permit. A fee of two hundred fifty dollars (\$250.00) shall be assessed for a three hundred sixty-five (365) day permit. (as added by Ord. #17-912, Dec. 2017 *Ch13_12-18-18*, and amended by Ord. #21-935, April 2021 *Ch14_04-21-22*)

9-905. Exhibition of permit. Vendors obtaining a permit are required to exhibit their permit at a visible site for the inspection of any police officer, codes enforcement officer and customer/person solicited. (as added by Ord. #17-912, Dec. 2017 *Ch13_12-18-18*)

9-906. Enforcement and penalties. (1) It shall be the duty of all police or codes officers to see that the provisions of this chapter and/or any other city ordinance that pertains are enforced.

(2) Any person violating the provisions of this chapter and/or any other city ordinance shall be punished by a fine of no more than fifty dollars (\$50.00) per day. (as added by Ord. #17-912, Dec. 2017 *Ch13_12-18-18*)

9-907. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the city court judge after notice and hearing for any of the following cases:

(a) Fraud, misrepresentation, or incorrect statements contained in the application for permit, or made in the course of carrying on the business of mobile food vending.

(b) Any violation of this chapter or any other city ordinance, rules or regulations that pertains.

(c) Conviction of any felony or misdemeanor.

(d) Conducting the business of mobile food vending 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.

(e) Operating or attempting to operate in or upon any premise wherein a sign or placard is bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

(f) Operating or attempting to operate in or upon any single-family residential premises.

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

(3) When reasonably necessary the city administrator may suspend a permit pending the revocation hearing.

(4) Terms and length of the suspension or revocation will be determined by the city court judge. (as added by Ord. #17-912, Dec. 2017 *Ch13_12-18-18*)

9-908. Business license purchase. A mobile food vendor shall be required to purchase a business license to operate in Sparta. (as added by Ord. #17-912, Dec. 2017 *Ch13_12-18-18*)

9-909. Special events exemption. A mobile food vendor participating in a special event shall comply with all rules, regulations and requirements of the event and is exempt from having to obtain a mobile food vendor permit under this chapter. The special event sponsor, coordinator or operator shall enforce the rules for the special event. (as added by Ord. #17-912, Dec. 2017 *Ch13_12-18-18*)

9-910. Operational requirements. The following requirements apply to all mobile food units and vendors operating at any location within the City of Sparta. Additional requirements may apply.

(1) Compliance with laws. Except as provided herein, mobile food unit placement and operation must adhere to federal, state, and local laws, regulations, and policies.

(2) Items for sale. Only food and beverage items may be sold from MFUs, and the sale or distribution of alcoholic beverages is prohibited. A vendor may sell or distribute merchandise from the MFU only if the merchandise bears the logo of the vendor or MFU; all other merchandise sales are prohibited.

(3) Letter of permission. Vendors operating on private property shall obtain a letter from the property owner or lessee of the property stating that the vendor has permission to vend on the property and, if applicable, has permission to serve the operator's employees and/or customers. The vendor shall keep a copy of the permission letter on the MFU at all times and while operating, the vendor shall produce the letter upon the request of any city official acting in an enforcement capacity.

(4) Methods of support. MFUs shall be free-standing and shall not use stakes, rods, or any method of support that must be drilled, driven, or otherwise fixed, into or onto asphalt, pavement, curbs, sidewalks, or buildings.

(5) Operation of cooking equipment. Cooking must not be conducted while the vehicle is in motion.

(6) Operating distance. No MFU shall operate within two hundred fifty feet (250') of any restaurant unless approval is obtained in writing from the restaurant. No MFU shall operate within five feet (5') of another MFU or ten feet (10') of any structure. The distance will be measured from the corner of the mobile food unit to the nearest corner of an established restaurant or other mobile food unit.

(7) Operating hours. Operating a mobile food unit between the hours of 11 :00 P.M. to 6:00 A.M. shall be prohibited.

(8) Signs and flashing lights. A MFU must adhere to all city ordinances in regards to signage.

(9) Sound amplification. A MFU or vendor shall not use sound amplification equipment for any purpose and shall comply with all city noise ordinances and regulations.

(10) Special events. During a special event, vendors must obtain written permission to operate within the boundaries of the special event from the special event sponsor, coordinator or operator and comply with all rules, regulations and requirements of the special event. A police officer or codes officer is authorized to inspect permission forms for special events.

(11) Spills. To prevent discharges into the storm drain system and natural waterways, each MFU shall comply with the storm water regulations of the Tennessee Department of Environment and Conservation and of the City of Sparta if any. In addition, each MFU shall have a spill response plan and kit onboard to contain and remedy any discharge from the MFU.

(12) Utilities. Any power or water required for the mobile food unit shall be self-contained and shall not draw from the public right-of-way.

(13) Waste storage and disposal. Vendors shall supply, in a prominent location, trash containers sufficient in size to collect all waste generated by customers and staff of the MFU. The vendor shall keep the area around the MFU clear of litter and debris at all times. All trash and debris generated by customers and staff shall be collected by the vendor and deposited in their trash or recycling container and removed from the site by the vendor. The vendor may not use city trash or recycling receptacles.

(14) Fire safety. Mobile food units must be equipped with a fire extinguisher.

(15) Sight distance/safety. Mobile food units must be positioned so as not to block or obstruct the view of motorist or pedestrian at any intersection or any point of ingress/egress. A police or codes officer is authorized to require the mobile food unit to move if in their reasonable judgment the mobile food unit is creating a safety issue for the public. (as added by Ord. #17-912, Dec. 2017 ***Ch13_12-18-18***)

9-911. Use of streets/sidewalks. No vendor who has obtained a permit shall have any right to operate at any location on public property, including but not limited to the public streets/sidewalks, public parks, public parking lots or spaces, nor shall any be permitted to operate a "road block" of any kind, 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 such streets/sidewalks. Use of public property may be granted subject to approval by the city administrator. For the purpose of this chapter, the judgment of a police officer and/or a codes 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. #17-912, Dec. 2017 *Ch13_12-18-18*)