

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. COMMERCIAL TUBING OPERATIONS.
2. HELICOPTERS.
3. CABLE TELEVISION.
4. MOBILE FOOD VENDORS.

CHAPTER 1

COMMERCIAL TUBING OPERATIONS

SECTION

- 9-101. Definition.
- 9-102. Tube operations permit.
- 9-103. Violations and penalty.

9-101. Definition. A commercial tubing business shall be defined as a business which sells or rents more than one-hundred (100) tubes, kayaks, or canoes within the City of Townsend, Tennessee or which provides locations for ingress or egress or locations for equipment, service and storage or locations for vehicle parking related to tubing on the Little River. Businesses with tube, kayak, raft or canoe sales which are incidental to their primary business may request a written exemption from the City of Townsend Recorder regarding a tube operations permit. Issuance of any such exemption is at the City of Townsend's sole discretion. (Ord. #299-18-1C, Aug. 2018)

9-101. Tube operations permit. (1) Any individual or entity who operates any portion of a commercial tubing business defined as a business which sells or rents tubes, kayaks, or canoes within the City of Townsend, Tennessee or which provides locations for ingress or egress or locations for equipment, service and storage or locations for vehicle parking related to tubing on the Little River, within the City of Townsend, Tennessee, must acquire the annual tube operations permit from the city recorder. The city recorder is

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

authorized to issue the tube operations permit once the commercial tubing business completes the application, demonstrates conformance to all requirements, and pays the required annual permit fee. The tube operations permit must be obtained by December 31 each year. The tube operations permit shall cost one hundred dollars (\$100.00). A one (1) time application fee of two hundred fifty dollars (\$250.00) shall also apply. Except, however, those renewals received after December 31 shall require both the permit fee and application fee. Commercial tubing businesses operating within the City of Townsend's municipal limits must obtain a City of Townsend Business License and must provide their Tennessee sales tax number when applying for a tube operations permit. A commercial tubing business may operate in the B-1 General Business District or the B-2 Neighborhood Business District.

(2) A commercial tubing business must provide a copy of a lease agreement or evidence of ownership for every parcel, or portion of a parcel, of land used by their business which includes locations for sale/rental, ingress, egress, equipment storage and vehicle parking.

(3) Commercial tubing businesses shall provide each customer twelve (12) years old or under a United States Coast Guard approved life jacket and encourage its use.

(4) Commercial tubing businesses must provide a copy of their liability insurance policy, naming both the City of Townsend and the Townsend Area Volunteer Fire Department as additional insureds. Said policy must be for at least two million dollars (\$2,000,000.00) in applicable coverage and must remain in effect for the entire tubing season. Commercial tubing businesses must possess approved Tennessee Department of Environment and Conservation permits for any construction, tree and timber removal, earth grading, construction of rock barriers and retaining walls or similar activities. This requirement applies for activity within the Little River and extended up twenty-five feet (25') from the shoreline. Commercial tubing businesses must also comply with all City of Townsend building, zoning, general, and other codes including acquisition of appropriate building permit when and where applicable. Failure to obtain valid TDEC permits and provide copies to the City of Townsend for any such work commences will result in the tube operations permit being revoked.

(5) Commercial tubing businesses must possess approved Tennessee Department of Environment and Conservation and City of Townsend Building Permits for any construction, tree and timber removal, earth grading, construction of rock barriers and retaining walls or similar activities. This requirement applies for activity within the Little River and extending up twenty-five feet (25') from the shoreline. Commercial tubing businesses must also comply with all City of Townsend building, zoning, general, and other codes including acquisition of appropriate building permit when and where applicable as well as all applicable local, state and federal laws, rules and regulations. Failure to obtain valid TDEC or other required permits and provide copies to the

City of Townsend for any such work commences will result in the tube operations permit being revoked. (Ord. #299-18-1C, Aug. 2018)

9-102. Violations and penalty. Any person violating any provisions of this chapter shall be deemed guilty of an offense and upon conviction shall pay a fine if fifty dollars (\$50.00). Each occurrence shall constitute a separate offense.

CHAPTER 2

HELICOPTERS

SECTION

- 9-201. Definitions.
- 9-202. Prohibition against landing in unauthorized places; exceptions.
- 9-203. Designation of heliports or helistops.
- 9-204. Helicopter rides prohibited.
- 9-205. Zoning ordinance not affected.
- 9-206. Violations and penalty.

9-201. Definitions. (1) "Helicopter" shall mean any rotocraft capable of carrying passengers which depends principally for its support and motion in the air upon the lift generated by one (1) or more power driven rotors rotating on substantially a vertical axis.

(2) "Heliport" shall mean an area of land, water or structural surface which is designated, used or intended to be used for landing and take-off of helicopters, and any appurtenant areas, including buildings and other facilities, such as refueling, parking, maintenance and repair facilities. The term "heliport" applies to all such facilities whether said facility is public or private.

(3) "Helistop" shall mean a minimum facility without the logistical support provided at a heliport at which helicopters land and take-off, including the touchdown area. Helicopters may be at ground level or elevated on a structure. The term "helistop" applies to all such minimum facilities whether said facility is public or private. (Ord. #68-87, Aug. 1987, modified)

9-202. Prohibition against landing in unauthorized places; exceptions. No person shall land a helicopter at any place within the city other than at landing facilities duly licensed or approved as required by appropriate statute or regulation by the state and federal aviation agencies, except in a medical or other emergency or in the conduct of official business of any law enforcement agency, military unit of any branch of the Armed Forces of the United States of America or state national guard. (Ord. #68-87, Aug. 1987)

9-203. Designation of heliports or helistops. All heliports or helistops, shall comply with chapters 4, 5 and 9, where applicable, of the Helicopter Design Guide, dated August 22, 1977, published by the Federal Aviation Administration of the United States Department of Transportation, or any authorized amendment or supplement thereto, as well as any rules and regulations promulgated by the Bureau of Aeronautics, Department of Transportation of the State of Tennessee, with respect to minimum standards for heliports or helistops. If a heliport or helistop shall be located on a building

or other structure, it shall further comply with the building code of the city. (Ord. #68-87, Aug. 1987)

9-204. Helicopter rides prohibited. No person shall land or take-off a helicopter at any place within the city or operate a helicopter over the corporate limits of the city, for the purpose of offering rides to the public. (Ord. #68-87, Aug. 1987)

9-205. Zoning ordinance not affected. No provisions of this chapter shall be construed to alter or amend any provisions of the city's zoning ordinance and no law prohibited by the terms of said zoning ordinance shall be deemed permitted by the provisions of this chapter. (Ord. #68-87, Aug. 1987)

9-206. Violations and penalty. Any person violating any provisions of this chapter shall be deemed guilty of an offense and upon conviction shall pay a fine of fifty dollars (\$50.00). Each occurrence shall constitute a separate offense. (Ord. #68-87, Aug. 1987)

CHAPTER 3

CABLE TELEVISION

SECTION

9-301. To be furnished under franchise.

9-301. To be furnished under franchise. Cable television service shall be furnished to the City of Townsend and its inhabitants under franchise as the city council shall grant. The rights, powers, duties and obligations of the City of Townsend and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹Complete details relating to the cable television franchise agreement are available in the office of the city recorder.

CHAPTER 4

MOBILE FOOD VENDORS

SECTION

- 9-401. Definitions.
- 9-402. Requirements.
- 9-403. Sales on streets and public property.
- 9-404. Location.
- 9-405. Operating in residential neighborhoods.
- 9-406. Permit.
- 9-407. Permit renewal.
- 9-408. Permit and decal.
- 9-409. General requirements of mobile food vendor vehicles.
- 9-410. Inspections.
- 9-411. Violations and penalty.

9-401. Definitions. (1) "Food trailer." A detached trailer that is equipped with facilities for preparation, cooking, selling, or distributing diverse types of food and/or drink products.

(2) "Food truck." An enclosed motor vehicle equipped with facilities for preparing, cooking, selling, or distributing diverse types of food and/or drink products other than exclusively ice cream and related frozen products.

(3) "Ice cream truck." A motor vehicle containing a commercial freezer from which a vendor sells only frozen, pre-packaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water, and similar frozen items.

(4) "Mobile food vendor." Any person selling or distributing food and/or drink from a mobile vehicle, including food truck, food trailer, and ice cream truck.

(5) "Mobile food vendor vehicle." A vehicle that returns daily to its base of operations and is used either in the preparation, selling, cooking, or distribution of food and/or drink products. (Ord. #320-22-1C, April 2022)

9-402. Requirements. (1) Licenses and permits. It shall be unlawful for any person to engage in business as a mobile food vendor within the City of Townsend without first obtaining a business license and a mobile food vendor license, with a decal evidencing such license. Any permits, licenses and certifications required by the Blount County Department of Health and/or State of Tennessee for operation of the business are also required. State of Tennessee vendor licenses will be required for businesses based outside of the State of Tennessee and/or for owners of businesses residing outside of the State of Tennessee. Upon being granted a mobile food vendor license, a mobile food vendor must comply with the rules and regulations herein.

(2) Insurance. At the time of the application for a mobile food vendor license, the mobile food vendor must provide proof of valid automobile liability insurance in the amount required by law for operation of the applicable mobile food vendor vehicle(s). Failure to maintain this insurance when acting as a mobile food vendor will result in immediate revocation of the mobile food vendor license.

(3) Litter receptacles. Each licensed mobile food vendor must maintain for customer use, a litter receptacle of sufficient size to accept the litter being generated by the sales from the vendor's mobile food vehicle at the point of sales. The receptacle must be maintained in such a manner as to preclude an overflow of refuse. Each mobile food vendor shall pick up litter which is associated with the vendor's sales in the vicinity of the vendor's mobile food vehicle prior to departing a sales location. A pattern of leaving excessive litter caused by product packaging shall be basis for suspension or revocation of the mobile food vendor license.

(4) What can be sold. Mobile food vendors shall be limited to edibles and hot and cold beverages containing no alcohol. The sale of non-food or drink items from the mobile food vendor vehicle shall be limited to hats, t-shirts, and sweatshirts displaying the mobile food vendor logo and/or branding.

(5) No seating and tables. There shall be no benches, tables, chairs, or other furniture which may be used for eating or sitting provided by or associated with a mobile food vendor vehicle.

(6) Fire extinguishers and fire suppression systems. All mobile food vendor vehicles must be equipped with a fire extinguisher that is certified annually by a licensed company. Additionally, mobile food vendor vehicles that produce grease laden vapors (i.e., units with deep fat fryers or flat-top griddles) must have a fire suppression system certified biannually by a licensed company.

(7) Placement. Mobile food vendor vehicles shall not obstruct or impede pedestrian or vehicular traffic, access to driveways, and sight distance for drivers.

(8) Pedestrian only. Mobile food vendor vehicles shall serve pedestrians only; drive-through or drive-in services are hereby prohibited.

(9) Health regulations. All mobile food vendors and their mobile food vendor vehicles must follow all applicable health regulations for Blount County and the State of Tennessee relating to food safety and preparation.

(10) Noises. Other than ice cream trucks being able to play a song associated with its business at a reasonable level of sound, no mobile food vendor shall sound any device which produces an offensive or loud noise to attract customers, and mobile food vendors shall not use a public address system on the vehicle to broadcast and advertise products.

(11) No parking in fire lanes. No mobile food vendor shall park in fire lanes.

(12) Signs. Signs which are permanently affixed to the mobile food vendor vehicle shall extend no more than six inches (6") from the vehicle. Except

as stated herein, all signs shall be attached or painted on the mobile food vendor vehicle. Electronic signs are prohibited as are signs that flash, reflect motion pictures, emit smoke, or vapor, or produce any rotation, motion, or movement. Each mobile food vendor vehicle is permitted one sandwich board type sign located within ten feet (10') of the applicable food truck or food trailer for advertisement purposes while the food truck or food trailer is open for business. Such sandwich board sign shall be no more than forty-eight inches (48") in height and contain no more than eight (8) square feet.

(13) Electricity. Mobile food vendor vehicle shall not be attached to or use any temporary electrical pole and shall be ineligible for any permanent electrical service. (Ord. #320-22-1C, April 2022)

9-403. Sales on streets and public property. (1) Food trucks and food trailers. Food trucks and food trailers are prohibited from selling or distributing food on any public street, sidewalk, alley, trail, or right-of-way or any city-owned or controlled property, including, but not limited to, parks, unless approved by the city as part of a city permitted special event. All mobile food vendors must comply with all rules, regulations, and requirements related to the city permitted special event, including, but not limited to, provisions as to where the mobile food vendors will be located, how long the mobile food vendors can be present at the location, how many and which food trucks can participate in the city-permitted special event.

(2) Ice cream trucks. The hours of operation for ice cream trucks are between 10:00 A.M. and sunset as stated for the day for the Townsend area by the National Weather Service. Ice cream trucks may vend on public streets so long as they remain mobile and only make stops of ten (10) minutes or less. (Ord. #320-22-1C, April 2022)

9-404. Location. (1) Existing restaurants. Other than an ice cream truck, no mobile food vendor shall operate within fifty feet (50') of a door intended for regular public use of a lawfully established eating establishment that is open for business (other than another mobile food vendor vehicle) unless the mobile food vendor provides documentation which is signed by the restaurant owner or operator that the restaurant owner or operator has no objection to a closer proximity.

(2) Location. Mobile food vendors will be permitted on private property in the city according to the terms and conditions herein. On commercially zoned property, mobile food vendors may only operate on private commercial property on which there is another existing, legal, and active business operation. No mobile food vendor shall be permitted to operate on a vacant lot or on private commercial property on which there is no existing legal business. No mobile food vendor on private property shall do business or operate within fifty feet (50') of any property line of any lot used for residential purposes. A mobile food vendor under this section must have written permission from a

private property owner for setting up for each location. The mobile food vendor must provide a copy of such written permission upon demand to city officials. On residentially zoned property, mobile food vendors may only operate according to the additional requirements of § 9-405.

(3) Hours of operation and number of trucks. No mobile food vendor shall operate outside the hours of 8:00 A.M. to 11:00 P.M. At the end of each business day's operation, the mobile food vendor shall remove from the property the mobile food vendor vehicle and all materials associated with the business, unless participating in a city permitted special event that allows the overnight parking of mobile food vendor vehicles during the special event. Only one (1) mobile food vendor shall be allowed to operate on commercial or residential property per event unless a special event permit has been obtained. (Ord. #320-22-1C, April 2022)

9-405. Operating in residential neighborhoods. A mobile food vendor may operate on private property within a residential neighborhood within the parameters of this section:

(1) The residential property owner or long-term lessee(s) is defined as persons with a lease with a term of one (1) year or more of the lot where the mobile food vendor will operate. The residential property owner or long-term lessee(s) must complete and receive a mobile food vendor residential event permit and pay a twenty-dollar (\$20.00) application fee prior to the event. A mobile food vendor may only operate in a residential zone according to the requirements of such permit and as stated in this chapter.

(2) Only up to two (2) residential mobile food vendor event permits will be granted at the same address within a calendar year.

(3) It is the responsibility of the mobile food vendor to verify that the owner or long-term lessee of the property where service will take place has a valid permit. It is the responsibility of the residential property owner or long-term lessee to verify that the mobile food vendor has an active city-issued mobile food vendor permit.

(4) The allowed hours of operation are the same as set forth in § 9-404(3) of this chapter. The duration of the event may not exceed three (3) consecutive hours.

(5) Any mobile food vendor vehicle or trailer must remain on the permitted private property during the duration of the event and must not be set up on or impair the use of the public right-of-way. The event cannot impede traffic or cause other public safety concerns.

(6) At no time shall a mobile food vendor use private residential events as their primary source of business. (Ord. #320-22-1C, April 2022)

9-406. Permit. Applicants for a permit under this section shall file with the city recorder a sworn application in writing on a form to be furnished by the city recorder. Submission of false or misleading information will result in

revocation of the permit and a ban on receiving future permits. The application shall provide the following:

- (1) The name and contact information of the applicant.
- (2) The applicant's permanent street address, mailing address, and email address.
- (3) The applicant's telephone numbers, including a cell phone number, if available.
- (4) A brief description of the nature of the business and of the goods to be sold or distributed.
- (5) A copy of the vehicle registration for any mobile food vendor vehicle and proof of automobile insurance for the mobile food vendor vehicle.
- (6) A copy of the business license, proof of State of Tennessee sales tax registration, and any health department license or certification required by Blount County or the State of Tennessee.
- (7) State of Tennessee vendor licenses will be required for businesses based outside of the State of Tennessee and/or for owners of businesses residing outside of the State of Tennessee.
- (8) Color photograph(s) of the mobile food vendor vehicle's interior and exterior.
 - (9) (a) Permission to obtain a background check of owner(s) of mobile food vendor vehicles. The city reserves the right to reject an applicant if he or she (or in the case of LLC corporation, its owner(s))
 - (i) Is a registered sex offender;
 - (ii) Has been convicted of a felony in the past ten (10) years;
 - (iii) Has a chronic history or an unreasonable number and kind of moving vehicle violations as determined by the chief of police; or
 - (iv) Presents an unreasonable public health and safety risk based on past criminal history as determined by the chief of police.
 - (b) The applicant/owner must also acknowledge and affirm his, her, or its duty as hereby required by this code to perform background checks on each of his employees or agents operating the mobile food vendor vehicle permitted herein. The applicant/owner must acknowledge and affirm that he, she, or it will not allow an employee or agent to work in the city as a mobile food vendor if such employee or agent is registered as a sex offender or he or she has been convicted of a felony within the past ten (10) years.
- (10) Payment of an application fee of two hundred forty dollars (\$240.00), which will be prorated by month for the first year of the permit at a rate of twenty dollars (\$20.00) per month of operation. No refunds will be issued. Any day in the month where the permit is in place will require payment for that entire month.

(11) Such other relevant information as may be requested by the city after review of submission of the material to assure full review of the information needed to assess the impact of the proposed operation on the health, safety, and well-being of the public. (Ord. #320-22-1C, April 2022)

9-407. Permit renewal. A permit issued under this section shall be valid for the remainder of the calendar year from the date of issuance and shall be renewed on an annual basis prior to January 1st of each year upon proper application and payment of the permit fee, of an additional two hundred forty dollars (\$240.00) per year. A permit shall be valid for only one (1) mobile food vendor vehicle. Each operator and/or applicant shall file an additional application and pay an additional permit fee for each additional mobile food vendor vehicle. No refunds will be issued for renewed permits and no renewed permits for a partial year will be issued. (Ord. #320-22-1C, April 2022)

9-408. Permit and decal. Each applicant/owner, upon being issued a permit under this section, shall also be issued a decal which the mobile food vendor must display on the right front windshield's lower corner on each mobile food vendor vehicle or at such other location on the vehicle approved by the city in writing. (Ord. #320-22-1C, April 2022)

9-409. General requirements of mobile food vendor vehicles. All exterior bodywork and mechanical equipment of a mobile food vendor vehicle shall be maintained in good condition, free of excessive wear, tear, or damage. All exterior paint work shall be maintained in good condition, free of substantial scratches, chips, rust, dents, and abrasions. All windshield and window glass of mobile vendor vehicles shall be maintained and free of cracks, scratches, pitting, abrasions, and other conditions that may cause a hazard or reduce clarity of vision. (Ord. #320-22-1C, April 2022)

9-410. Inspections. (1) Department of health primary. Nothing in this section shall be construed as limiting or replacing the role of the Tennessee Department of Health which has the primary task of inspecting mobile food vendor vehicles.

(2) Entry. The city police, and other officials as necessary, shall have the right, to enter any mobile food vendor vehicle for the purpose of ascertaining whether any provisions of this section are being violated, and for general inspection purposes.

(3) Shut down. Any mobile food vendor vehicle which is found, after any city inspection, to be unsafe or not compliant with this section may, be directed to be out of operation until the deficiency is corrected. (Ord. #320-22-1C, April 2022)

9-411. Violations and penalty. Violations of this chapter are subject to the general penalty clause for the City of Townsend. The city may also suspend or revoke a permit and decal issued hereunder for violation of this chapter. (Ord. #320-22-1C, April 2022)