

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

1. MISCELLANEOUS.
2. PEDDLERS.
3. SOLICITORS AND CANVASSERS.
4. CHARITABLE SOLICITORS.
5. TAXICABS.
6. POOL ROOMS.
7. CABLE TELEVISION.
8. BOWLING ALLEYS.

CHAPTER 1**MISCELLANEOUS****SECTION**

9-101. Sunday operations prohibited; exceptions.

9-101. Sunday operations prohibited; exceptions. It shall be unlawful for any person to open any store or place of business and sell any goods, wares or merchandise on Sunday except that the prohibitions of this section shall not be applied to drug stores, restaurants, or service stations. (1976 Code, § 5-101)

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

PEDDLERS¹

SECTION

- 9-201. "Peddler" defined.
- 9-202. Permits required.
- 9-203. Application for permit.
- 9-204. Content or form of permit.
- 9-205. Exhibition of permit.
- 9-206. Hours and place of business.
- 9-207. Revocation or suspension of permit.
- 9-208. Expiration and renewal of permit.

9-201. "Peddler" defined. Any person, whether or not a resident of the city, traveling by foot, wagon, automotive vehicle or any other type of conveyance from place to place, house to house, or street to street, carrying, conveying, or transporting goods, wares, merchandise, fish, vegetables, fruits or other products or provisions, and offering and exposing them for sale; or who, without traveling from place to place, sells or offers for sale such products from a wagon, automotive vehicle or other conveyance is hereby defined to be a "peddler." A "peddler" shall also include any "hawker," "huckster," or "street vendor" but shall exclude any solicitor licensed under the provisions of the preceding chapter. (1976 Code, § 5-501)

9-202. Permits required. No person shall act as a peddler unless he has obtained a permit from the secretary and treasurer. (1976 Code, § 5-502)

9-203. Application for permit. Each applicant for a peddler's permit shall file an application stating and/or containing the following:

- (1) Name of the applicant.
- (2) Brief description of the nature of the goods to be sold.
- (3) If employed, the name and address of the employer.
- (4) If a vehicle is to be used, a description of it together with the license number or other means of identification.
- (5) Evidence of the good moral character of the applicant. (1976 Code, § 5-503)

9-204. Content or form of permit. Each permit issued under the provisions of this chapter shall show the name and address of the peddler, the

¹Municipal code reference
Privilege taxes: title 5.

kind of goods to be sold, the date of issuance, the permit number, and the identifying description of any vehicle used by the peddler. (1976 Code, § 5-504)

9-205. Exhibition of permit. All peddlers shall exhibit their permits to any police officer or person solicited, upon demand. (1976 Code, § 5-505)

9-206. Hours and place of business. No peddler shall engage in the business of peddling:

- (1) During the hours of darkness.
- (2) On Sunday.
- (3) Within two hundred (200) feet of a public market house.
- (4) Within two hundred (200) feet of a curb market. (1976 Code, § 5-506)

9-207. Revocation or suspension of permit. Any permit issued under the provisions of this chapter may be suspended or revoked by the board of mayor and aldermen for any of the following reasons:

- (1) Fraud, misrepresentation, or false statement contained in the application for the permit.
- (2) Fraud, misrepresentation, or false statement in the course of carrying on the business of peddling.
- (3) Conviction of any crime involving moral turpitude.
- (4) Conducting the business of peddling in such a manner as to create a public nuisance, cause a breach of the peace, or constitute a danger to the public health, safety, or welfare.
- (5) Allowing another to use said permit. (1976 Code, § 5-507)

9-208. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1976 Code, § 5-508)

CHAPTER 3

SOLICITORS AND CANVASSERS¹

SECTION

- 9-301. Permit required.
- 9-302. Application for permit.
- 9-303. Bond to be required.
- 9-304. Exhibition of permit.
- 9-305. Permit not transferable.
- 9-306. Revocation of permit.
- 9-307. Expiration and renewal of permit.

9-301. Permit required. It shall be unlawful for any person, firm, or corporation, whether a resident of the city or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for the sale of goods, wares, or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for services to be performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders, to induce or invite such orders, without having first applied for and received from the secretary and treasurer a solicitor's permit. This chapter shall also apply to any person who, for himself, or for another person, firm, or corporation hires, leases, uses, or occupies any building, motor vehicle, trailer, structure, tent, hotel room, lodging house, apartment, shop or other place within the city for the primary purpose of exhibiting samples and taking orders for future delivery. (1976 Code, § 5-401)

9-302. Application for permit. Any person desiring to secure a solicitor's permit shall apply therefor, in writing, to the secretary and treasurer. The application shall state and/or contain:

- (1) Name of applicant.
- (2) Complete permanent home and local address of applicant.
- (3) Brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.

¹Municipal code reference
Privilege taxes: title 5.

(6) The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof; where such goods or products are located at the time said application is filed; and, the proposed method of delivery.

(7) The last cities or towns not to exceed three (3), where the applicant carried on business immediately preceding the date of application and the addresses from which such business was conducted in those municipalities.

(8) A personal description and complete identification of the applicant.

(9) Such other credentials and evidence of the good moral character and identity of the applicant as may be reasonably required by the secretary and treasurer. (1976 Code, § 5-402)

9-303. Bond to be required. Each application for a solicitor's permit shall be accompanied by a surety bond, or a personal bond executed by two (2) good and sufficient sureties who are bona fide residents of the city. The bond shall be payable to the city in the amount of five hundred dollars (\$500.00) conditioned that the applicant shall comply fully with all the provisions of this code and the state law regulating solicitors and canvassers. It shall guarantee to all residents of the city that all money paid as a down payment will be accounted for and applied according to the representations made, that the property purchased will be delivered according to such representations, will be as represented by him, and that he will refund the purchase price of any goods sold by him which are not as represented. Action on such bond may be brought by the person or persons aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1976 Code, § 5-403)

9-304. Exhibition of permit. The solicitor's permit shall be carried at all times by the applicant to whom issued when soliciting or canvassing in the city and shall be exhibited upon the request of any police officer or person solicited. (1976 Code, § 5-404)

9-305. Permit not transferable. No solicitor's permit shall be used at any time by any person other than the one to whom it is issued. (1976 Code, § 5-405)

9-306. Revocation of permit. Any solicitor's permit may be revoked by the board of mayor and aldermen for violations by the holder thereof of any of the provisions of this code or of the state or federal law, or whenever the holder of such permit shall cease to possess the character and qualifications required by this chapter for the issuance of such permit. (1976 Code, § 5-406)

9-307. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's

privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1976 Code, § 5-407)

CHAPTER 4

CHARITABLE SOLICITORS

SECTION

- 9-401. Permit required.
- 9-402. Prerequisites for a permit.
- 9-403. Denial of a permit.
- 9-404. Exhibition of permit.

9-401. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the secretary and treasurer authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1976 Code, § 5-601)

9-402. Prerequisites for a permit. The secretary and treasurer shall, upon application, issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1976 Code, § 5-602)

9-403. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1976 Code, § 5-603)

9-404. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1976 Code, § 5-604)

CHAPTER 5

TAXICABS¹

SECTION

- 9-501. Taxicab franchise and privilege license required.
- 9-502. Requirements as to application and hearing.
- 9-503. Liability insurance or bond required.
- 9-504. Revocation or suspension of franchise.
- 9-505. Mechanical condition of vehicles.
- 9-506. Cleanliness of vehicles.
- 9-507. Inspection of vehicles.
- 9-508. License and permit required for drivers.
- 9-509. Qualifications for driver's permit.
- 9-510. Revocation or suspension of driver's permit.
- 9-511. Drivers not to solicit business.
- 9-512. Parking restricted.
- 9-513. Drivers to use direct routes.
- 9-514. Taxicabs not to be used for illegal purposes.
- 9-515. Miscellaneous prohibited conduct by drivers.
- 9-516. Transportation of more than one passenger at the same time.

9-501. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the city and has a currently effective privilege license. (1976 Code, § 5-301)

9-502. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the secretary and treasurer of the city. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the secretary and treasurer may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the board of mayor and

¹Municipal code reference
Privilege taxes: title 5.

aldermen; and make a recommendation to either grant or refuse a franchise to the applicant. The board shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the board shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1976 Code, § 5-302)

9-503. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12. 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 secretary and treasurer of the city. (1976 Code, § 5-303)

9-504. 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 therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1976 Code, § 5-304)

9-505. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the city unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of 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. (1976 Code, § 5-305)

9-506. 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. (1976 Code, § 5-306)

9-507. 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. (1976 Code, § 5-307)

9-508. 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. (1976 Code, § 5-308)

9-509. 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 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. (1976 Code, § 5-309)

9-510. 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 § 9-509. (1976 Code, § 5-310)

9-511. 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. (1976 Code, § 5-311)

9-512. 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 interfere unreasonably with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1976 Code, § 5-312)

9-513. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1976 Code, § 5-313)

9-514. 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. (1976 Code, § 5-314)

9-515. 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 city in any way. (1976 Code, § 5-315)

9-516. 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. (1976 Code, § 5-316)

CHAPTER 6

POOL ROOMS¹

SECTION

9-601. Hours of operation.

9-602. Minors to be kept out; exception.

9-601. Hours of operation. It shall be unlawful for the operator of any pool room, or any of his employees, to allow such pool room to be open for business at any time on Sundays or on weekdays and nights except between the hours of 6:00 a.m. and 11:00 p.m. (1976 Code, § 5-201)

9-602. Minors to be kept out; exception. It shall be unlawful for the operator of any pool room, or any of his employees, to allow minors under the age of eighteen (18) years to visit in, loiter in or around, or to play pool or any other game therein unless said minor's parent or guardian has given him a written, dated, and signed permission which has been filed with the owner or operator of the pool room. It shall be the duty of the operator of the pool room, immediately upon receiving the written permission, to file with the chief of police the name of the minor having such permission together with the name of the parent or guardian signing same. A written permission obtained after a violation of this section shall not be a defense to prosecution of such violation. (1976 Code, § 5-202)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 7

CABLE TELEVISION

SECTION

9-701. To be furnished under franchise.

9-701. To be furnished under franchise. Cable television service shall be furnished to the City of Smithville and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Smithville 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

¹For complete details relating to the cable television franchise agreement see Ord. #138 dated October, 1979, Ord. #322, May 2002, and any amendments, in the office of the city recorder.

CHAPTER 8**BOWLING ALLEYS**¹**SECTION**

9-801. Not to disturb public, etc.

9-802. Buildings must be sound-proof.

9-801. Not to disturb public, etc. It shall be unlawful for any person to maintain or operate any bowling alley or similar game or device in any place or location within the city where it will interfere with or disturb the quietude of the public generally and/or the operation of any other legitimate business. (1976 Code, § 5-701)

9-802. Buildings must be sound-proof. No bowling alley shall be maintained or operated adjacent to any other building unless the building housing the bowling alley is so constructed and prepared as to be in fact sound-proof. (1976 Code, § 5-702)

¹Municipal code reference
Privilege taxes: title 5.