

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

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CHAPTER 1

PEDDLERS²

SECTION

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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.

²Municipal code references

Privilege taxes; title 5.

Trespass by peddlers, etc.: § 11-801.

9-101. "Peddlers" defined. The word "peddler" as used herein shall include any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place, to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, and, further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The word "peddler" shall include the words "hawker" and "huckster," but shall not be deemed to include "charity solicitors" and "subscription solicitors" who are regulated herein.¹ (1983 Code, § 5-101)

9-102. Permit required. It shall be unlawful for any person to engage in the business of peddler as defined in section 9-101 of this chapter within the city without first obtaining a peddler's permit in accordance with the provisions of this chapter. (1983 Code, § 5-102)

9-103. Application for permit - contents; accompanying documents. Each applicant for a permit under this article must file with the city clerk a sworn application, in writing on a form to be furnished by the city clerk, which shall give the following information:

- (1) Name, description. Name and description of the applicant.
- (2) Address. Address (legal and local).
- (3) Description of business. A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant.
- (4) Name of employer, if any. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) Duration of business. The length of time for which the right to do business is desired.
- (6) Description of vehicle. If a vehicle is to be used, a description of the same, together with its license number and other means of identification.
- (7) Photograph. A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two inches (2") by two inches (2") showing the head and shoulders of the applicant in a clear and distinguishing manner.

¹Municipal code reference

Subscription and charitable solicitors: title 9, chapter 2.

(8) Fingerprints, references. The fingerprints of the applicant and the names of at least two (2) reliable property owners of the County of Franklin, Tennessee, who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

(9) Previous convictions. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, and if so the nature of the offense and the punishment or penalty assessed therefor.

(10) Medical certificate. Applicant shall file with his application a statement by a reputable physician of the city, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free of infectious, contagious or communicable disease.

(11) Fee. At the time of filing the application, a fee of two dollars (\$2.00) shall be paid to the city clerk to cover the cost of investigation. (1983 Code, § 5-103)

9-104. Investigation of applicant for permit. (1) Conduct of investigation. Upon receipt of an application for a peddler's permit, the original shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(2) Disapproval of application. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and his reasons for the same, and return the application to the city clerk, who shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) Approval of application. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval and return it to the city clerk. (1983 Code, § 5-104)

9-105. Issuance of permit; record to be kept. When the chief of police has approved an application for a peddler's permit, the city clerk shall, upon payment of any lawful privilege tax due the city, issue to the applicant a peddler's permit. The permit shall bear the signature of the city clerk and shall show the name, address and photograph of the permittee; the kind of goods to be sold thereunder; the amount of privilege tax, if any, paid; the date of issuance; and the expiration date of the permit. The city clerk shall keep a permanent record of all permits issued. (1983 Code, § 5-105)

9-106. Exhibit of permit required. Peddlers are required to exhibit their permits at the request of any citizen. (1983 Code, § 5-106)

9-107. Transfer of permit prohibited. No peddler's permit or license issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued. (1983 Code, § 5-107)

9-108. Loud noises to attract attention prohibited. No peddler, nor any person in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which the peddler proposed to sell. (1983 Code, § 5-108)

9-109. Conduct of business in public ways restricted. No peddler shall have any exclusive right to any location in the public streets, nor shall any peddler be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this chapter the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. (1983 Code, § 5-109)

9-110. Revocation of permit. (1) Grounds. Peddler's permits may be revoked by the city clerk after notice and hearing, for any of the following causes:

- (a) Fraud, misrepresentation, or false statement contained in the application for the permit.
- (b) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler.
- (c) Any violation of this chapter.
- (d) Conviction of any crime or misdemeanor involving moral turpitude.
- (e) Conducting the business of peddling in any 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.

(2) Notice of hearing. Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the peddler at his last known address at least five (5) days prior to the date set for hearing. (1983 Code, § 5-110)

9-111. Appeal from denial or revocation of permit. Any person aggrieved by the action of the chief of police or the city clerk in denying or revoking a peddler's permit shall have the right of appeal to the city council. Such appeal shall be taken by filing with the council, within fourteen (14) days after notice

of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed, postage prepaid, to the appellant's last known address at least five (5) days prior to the date for hearing. The decision and order of the council on such appeal shall be final and conclusive. (1983 Code, § 5-111)

9-112. Expiration, renewal of permits and licenses. All permits and licenses issued under the provisions of this chapter shall expire on the 31st of December in the year for which issued, but may be renewed by the city clerk at any time within thirty (30) days before or after such expiration date without a new investigation. When applying for a renewal, the peddler shall be required to fill out only such portions of the application blanks as will be necessary to reflect changed conditions since the filing of his original application. (1983 Code, § 5-112)

CHAPTER 2

SUBSCRIPTION AND CHARITABLE SOLICITORS¹

SECTION

- 9-201. License required.
- 9-202. Application for license.
- 9-203. Approval of application for license.
- 9-204. Issuance of license.
- 9-205. Possession, exhibition of license.
- 9-206. Transfer of license; use in violation of restrictions prohibited.
- 9-207. Revocation of license.
- 9-208. Solicitors to be bonded.
- 9-209. Charitable solicitors - permit required; exceptions.
- 9-210. Application for charitable solicitation permit.
- 9-211. Screening committee for charitable solicitation applications.
- 9-212. Term, renewal of charitable solicitation permits.
- 9-213. Charitable solicitations prohibited on certain days; exception.
- 9-214. Solicitors to wear insignia.

9-201. License required. No person shall engage in soliciting subscriptions for books, magazines or other literature within the city without first obtaining a subscription solicitor's license from the city clerk. Such license shall be required whether the solicitations are made by canvassing from house to house, in business places, or by telephone and irrespective of whether a payment, either in part or in whole, is necessary or required prior to delivery of the literature sold. (1983 Code, § 5-201)

9-202. Application for license. (1) Contents, accompanying documents. Application for the license required in section 9-201 shall be made to the city clerk upon such blank form as he shall provide. On such application, the applicant shall set forth the following:

- (a) Name.
- (b) Residence.
- (c) Business address.
- (d) Age.
- (e) Occupation.
- (f) The name and business address of the person by whom employed.
- (g) The length of time applicant has been with such employer.

¹Municipal code reference
Trespass by peddlers, etc.: § 11-801.

(h) Place of residence and nature of employment of applicant during the previous year.

(i) The nature, character or description of the books, magazines, or literature for which subscriptions are to be solicited.

(j) A personal description of the applicant.

(k) The length of time for which the license is desired, provided the same shall not exceed one (1) year.

(l) The fingerprints of the applicant.

(m) An affidavit of the applicant as to the truth of the matters set forth in the application.

(n) Such other information as may reasonably be required by the city clerk.

(2) Supporting evidence. The application shall be accompanied by such credentials or evidence of good moral character and identity of the applicant as may be required by the city clerk. (1983 Code, § 5-202)

9-203. Approval of application for license. If the city clerk shall determine after a reasonable investigation that the applicant has a good moral character and proposes to engage in a lawful and legal enterprise, he shall approve such application, retaining a copy of the same, and forwarding another to the chief of police. (1983 Code, § 5-203)

9-204. Issuance of license. The city clerk shall issue the license required by this chapter to each applicant whose application is approved and who has filed the bond required by section 9-208. (1983 Code, § 5-204)

9-205. Possession, exhibition of license. The license required by the provisions of this chapter shall be carried at all times by the applicant to whom issued when he is soliciting or canvassing and shall be exhibited upon request of any police officer or person solicited or canvassed. (1983 Code, § 5-205)

9-206. Transfer of license; use in violation of restrictions prohibited. Each license issued pursuant to the provisions of this chapter shall have stamped upon it in red letters "Not Transferable" and "Not good on the streets, sidewalks or public places, or in the vestibule of any store or place of business in this city." No license shall be transferred or used in violation of the restrictions or prohibitions so stamped on it. (1983 Code, § 5-206)

9-207. Revocation of license. Any license issued under the provisions of this chapter may be revoked by the city clerk for the violation by the holder thereof of any provision of this code or of state or federal law. Such license may also be revoked for misrepresentations contained in the application therefor, for any other misrepresentation or deceit, or if the licensee ceases to possess the character and other qualities required for the issuance of the license. (1983 Code, § 5-207)

9-208. Solicitors to be bonded. Each applicant for a subscription solicitor's license shall file and maintain with the city clerk a bond in the sum of one hundred dollars (\$100.00). The bond shall be made to the city by a bonding company authorized to do business within the state and shall inure to the benefit of any person damaged by fraudulent representations on the part of the bonded solicitor. (1983 Code, § 5-208)

9-209. Charitable solicitors - permit required; exceptions. It shall be unlawful for any person to solicit or receive any gift or gifts of money, goods, wares, merchandise or other thing of value, or to offer for sale or to solicit the sale of tickets, or other thing entitling one to admission to any entertainment, benefit, picnic, game, or other function, or for a patriotic, charitable or other public cause or purpose, or to sell, offer for sale or distribute to the public, banners, badges or tags to be worn or displayed by the persons buying or receiving the same, without first securing a permit therefor from the city council. However, nothing contained herein shall be deemed to be applicable to persons acting under direct authority from any of the following: U.S. Government, State of Tennessee, Franklin County, City of Winchester, or to solicitations by organizations from their own members. (1983 Code, § 5-209)

9-210. Application for charitable solicitation permit. Any person or organization desiring to secure a permit as described in section 9-209 shall make written application therefor to the city at least thirty (30) days prior to the date such solicitation is contemplated, and said application shall include such information as may be required by the application form supplied by the city clerk. (1983 Code, § 5-210)

9-211. Screening committee for charitable solicitation applications. There is hereby established a screening committee, consisting of three members of the city council, to be appointed by the mayor, who shall investigate applications in accordance with the provisions of this chapter, and make recommendations to the city council. (1983 Code, § 5-211)

9-212. Term, renewal of charitable solicitation permit. No permit as required by section 9-209 shall be valid for a longer period than thirty (30) days after the issuance thereof; provided, however, that renewal of a permit may be granted by the city, upon application. Such application shall be filed at least ten (10) days prior to the expiration date of the permit. (1983 Code, § 5-212)

9-213. Charitable solicitations prohibited on certain days; exception. Except by special dispensation, no solicitation regulated by section 9-209 shall be permitted during the first five (5) days of any month. (1983 Code, § 5-213)

9-214. Solicitors to wear insignia. It shall be unlawful for any person to act as a solicitor or to assist in soliciting without displaying and keeping in a

conspicuous place on his clothing during such soliciting, the insignia of authority which shall have been approved by the city. (1983 Code, § 5-214)

CHAPTER 3

VEHICLES FOR HIRE¹

SECTION

9-301. Definitions.

9-302. Bond or insurance required.

9-303. Parking regulations.

9-304. Buses not to unload or load passengers on streets or public square.

9-301. Definitions. (1) "Taxicabs" as used in this chapter, shall be held to include all motor vehicles operated as public carriers of passengers for hire, which are licensed as taxicabs, except the following: Auto buses having a seating capacity of more than twenty (20) passengers, exclusive of the driver's seat; common carriers; passenger automobiles used for specific purposes and not generally termed taxicab operations, such as service for funerals and weddings.

(2) "Owner" when used in this chapter, shall be construed to mean any person, firm or corporation who has the control, direction, operation, maintenance and the benefit of the collection of revenue derived from the operation of taxicabs on or over the streets or public ways of the city, whether as owner, licensee, bailee, or otherwise, except as "driver" as hereinafter defined.

(3) "Vehicle for hire" shall include any vehicle which carries passengers for a fee, and shall include buses, taxicabs, and leased vehicles.

(4) "Driver" shall be held to include every person in actual charge of the operation of a taxicab, as herein defined, whether as owner, or agent, servant or employee of the "owner" as herein defined. (1983 Code, § 5-301)

9-302. Bond or insurance required. It shall be unlawful for any person to operate any taxicabs or vehicles for hire on the streets of the city until the owner of such taxicabs or vehicles for hire has filed with the city clerk for each and every taxicab or automobile for hire so operated or employed, a bond in the sum of fifty thousand dollars (\$50,000.00) with good and solvent surety, indemnifying any person and agreeing to pay any final judgment rendered against the owner or owners of such taxicab or vehicle for hire on account of injuries to person or persons or damage to property. Such owner may in lieu of such bond file with the city clerk a liability insurance policy in some public liability insurance company authorized to do business in the State of Tennessee covering each and every taxicab or vehicle for hire. Said policy shall be issued to the person owning and operating such taxicabs or vehicles for hire and shall provide for the payment of any final judgment not to exceed the sum of one hundred thirty thousand dollars (\$130,000.00) for injury to one person and not

¹Charter reference

Corporate powers: art. I, § 1.04(p)

to exceed three hundred fifty thousand dollars (\$350,000.00) for injury to more than one person in any one accident, and of fifty thousand dollars (\$50,000.00) property damage, that may be rendered against such person, owning or operating such taxicabs or vehicles for hire, for injury to person or persons or damage to property, who may recover such final judgment. (1983 Code, § 5-302)

9-303. Parking regulations.¹ It shall be unlawful for any owner or driver of any taxicab to park or bring his taxicab to a stop on any street, avenue, or alley in the corporate limits for a longer period of time than three (3) minutes and then only for the purpose of loading or unloading passengers. (1983 Code, § 5-303)

9-304. Buses not to unload or load passengers on streets or public square.² It shall be unlawful for any motor carrier of passengers for hire, commonly known as buses, holding Certificates of Convenience and Necessity from the Railroad and Public Utilities Commission of the State of Tennessee, to stop on any street on the Public Square of Winchester, Tennessee, for the purpose of loading and unloading passengers or for any other purposes except to obey traffic regulations. (1983 Code, § 5-304)

¹Municipal code reference
Parking: title 15, chapter 6.

²Municipal code reference
Loading and unloading zones: § 15-605.

CHAPTER 4

FAIR HOUSING

SECTION

- 9-401. Definitions.
- 9-402. Acts prohibited.
- 9-403. Exceptions.
- 9-404. Discrimination by real estate organizations prohibited.
- 9-405. Discrimination complaint process.
- 9-406. Penalty.
- 9-407. Remedy not exclusive.

9-401. Definitions. Whenever used in this chapter, the following words and terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location of any such building.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trust, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant. (1983 Code, § 5-401)

9-402. Acts prohibited. Subject to the exceptions hereinafter set out it shall be unlawful for any person to do any of the following acts:

(1) To refuse to sell or rent after the making of a bona fide offer to do so or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, national origin.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provisions of services or facilities in connection therewith, because of race, color, religion, national origin.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, or national origin.

(4) To represent to any person because of race, color, religion, national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religions or national origin. (1983 Code, § 5-402)

9-403. Exceptions. Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental or occupance of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or from giving preferences to such persons, unless membership in such religion is restricted on account of race, color, or national origin. (1983 Code, § 5-403)

9-404. Discrimination by real estate organizations prohibited. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, color, religion, national origin. (1983 Code, § 5-404)

9-405. Discrimination complaint process. Any person who claims to have been injured by an act made unlawful by this chapter, or who claims that he will be injured by such an act, may file a complaint with the chairman of said sub-committee. A complaint shall be filed within 180 days after the alleged unlawful act occurred. Complaints shall be in writing and shall contain such information and be in such form as required by the mayor and city council. Upon receipt of a complaint the mayor and city council shall promptly investigate it and shall complete its investigation within fifteen (15) days. If the mayor and city council find reasonable cause to believe that a violation of this chapter has occurred, or if a person charged with violation of this chapter refuses to furnish information to said mayor and city council, the mayor and city council may request the city attorney to prosecute an action in the city court against the person charged in the complaint. Such request shall be in writing.

Upon receiving such written request and with the assistance of the aggrieved person and said mayor and councilmen within fifteen (15) days after receiving such request, the city attorney shall be prepared to prosecute an action in the city court, provided a warrant is sworn out by the aggrieved person and served upon the person or persons charged with the offense. (1983 Code, § 5-405)

9-406. Penalty. Any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall be punished under the general

penalty provision of this code. Each day such violation shall continue shall constitute a separate offense. (1983 Code, § 5-406)

9-407. Remedy not exclusive. Nothing in this chapter requires any person claiming to have been injured by an act made unlawful by this chapter to exhaust the remedies provided herein, nor prevents any such person from seeking relief at any time under the Federal Civil Rights Acts or other applicable legal provisions. (1983 Code, § 5-407)

CHAPTER 5

POOL ROOMS

SECTION

9-501. Minors to be kept out; exception.

9-501. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, or for their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the parents of such minor, if living; if the parents are dead, then the guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1983 Code, § 5-501)

CHAPTER 6

MISCELLANEOUS

SECTION

9-601. "Going out of business" sales regulated.

9-602. Inspection fee for carnivals.

9-601. "Going out of business" sales regulated. It shall be unlawful for any person, partnership, firm or corporation, to conduct a "going out of business" sale within the City of Winchester without first having obtained a special permit for the express purpose of conducting such a sale. Prior to conducting such a sale or advertising the same, said person, partnership, firm or corporation shall be required to surrender its regular business license and obtain a special permit to conduct the sale. The application for a permit shall be accompanied by an inventory of the stock of goods and merchandise on hand to be sold at such sale and shall specify the name and address of the applicant and any agent, person, partnership, firm or corporation who will be substantially involved in the "going out of business" sale. The application shall designate the place where the sale will be conducted and the length of time during which the proposed sale is to continue, not to exceed 120 days from the issuance of said special permit. Said permit shall automatically become void 120 days after its issuance.

Any significant addition to inventory during a "going out of business" sale shall be a violation of this chapter.

No person, partnership, firm or corporation shall be issued more than one permit for a "going out of business" sale within a period of 24 months. (1983 Code, § 5-601)

9-602. Inspection fee for carnivals. An inspection fee of \$500.00 shall be levied on any and all carnivals locating or operating within the corporate limits of the City of Winchester, Tennessee. Said fee shall be payable to the city clerk before the carnival is located and set-up within the corporate limits. (1983 Code, § 5-602)

CHAPTER 7

CABLE TELEVISION

SECTION

9-701. To be furnished under and governed by franchise.

9-701. To be furnished under and governed by franchise.¹ Cable television services shall be furnished to the City of Winchester and governed under franchise granted to various parties by the city council. The rights, powers, duties and obligations of the City of Winchester are clearly stated in the franchise agreement executed by, and which shall be binding upon all the parties concerned. (1983 Code, § 13-201)

¹For complete details relating to the Cable television franchise agreement see Ord. #320, Oct. 1964, and Ord. #329 dated December 14, 1965 in the office of the city recorder.

CHAPTER 8

YARD/GARAGE SALES

SECTION

- 9-801. Definitions.
- 9-802. Property permitted to be sold.
- 9-803. Permit required.
- 9-804. Permit procedure.
- 9-805. Permit conditions.
- 9-806. Hours of operation.
- 9-807. Exceptions.
- 9-808. Display of sale property.
- 9-809. Display of permit.
- 9-810. Advertising.
- 9-811. Persons exempted from chapter.
- 9-812. Violations and penalty.

9-801. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

(2) "Yard/garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. (as added by Ord. #833, Jan. 2005)

9-802. Property permitted to be sold. It shall be unlawful for any for person sell or offer for sale , under authority granted by this chapter, property other than personal property. (as added by Ord. #833, Jan. 2005)

9-803. Permit required. No yard/garage sale shall be conducted unless and until the individuals desiring to conduct such sale obtain a permit therefore from the building/codes enforcement department. Members of more than one (1) residence may join in obtaining a permit for yard/garage sale to be conducted at

the residence of one (1) of them. Permits may be obtained for any nonresidential location. (as added by Ord. #833, Jan. 2005)

9-804. Permit procedure. (1) Application. The applicant or applicants for a yard/garage sale permit shall file a written application with the building/codes enforcement department at least three (3) days in advance of the proposed sale setting forth the following information:

- (a) Full name and address of applicant or applicants;
- (b) The location at which the proposed yard/garage sale is to be held;
- (c) The date or dates upon which the sale will be held;
- (d) The date or dates of any other yard/garage sales by the same applicant or applicants within the current calendar year;
- (e) A statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale;
- (f) A statement that the applicant will fully comply with this and all other applicable ordinances and laws.

(2) Permit fee. An administrative processing fee of five dollars (\$5.00) for the issuance of such permit shall accompany the application.

(3) Issuance of permit. Upon the applicant complying with the terms of this chapter, the building/codes enforcement department shall issue a permit. (as added by Ord. #833, Jan. 2005)

9-805. Permit conditions. The permit shall set forth and restrict the time and location of such yard/garage sale. No more than two (2) such permits may be issued to one (1) residential location, residence and/or family household during any calendar year. If members of more than one (1) residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences. No more than two (2) permits may be issued for any nonresidential location during any calendar year. (as added by Ord. #833, Jan. 2005)

9-806. Hours of operation. Sales shall be limited in time to no more than 7:00 A.M. to 6:00 P.M. on three (3) consecutive days. (as added by Ord. #833, Jan. 2005)

9-807. Exceptions. (1) If sale not held because of inclement weather. If a yard/garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the building/codes department shall issue another permit to the applicant for a yard/garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee is required.

(2) Third sale permitted. A third yard/garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the building/codes enforcement department. (as added by Ord. #833, Jan. 2005)

9-808. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a yard/garage sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. (as added by Ord. #833, Jan. 2005)

9-809. Display of permit. Any permit in possession of the holder or holders of a yard/garage shall be posted on the premises in a conspicuous place so as to be seen by the public, or any city official. (as added by Ord. #833, Jan. 2005)

9-810. Advertising. (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending yard/garage sale:

(a) Two signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the yard/garage sale is being conducted.

(b) Directional signs. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises on which the yard/garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed.

(2) Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

(3) Removal of signs. Signs must be removed at the close of the yard/garage sale activities. (as added by Ord. #833, Jan. 2005)

9-811. Persons exempted from chapter. The provisions of this chapter shall not apply to or affect the following:

(1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any sale, conducted by any merchant or mercantile or other business establishment on a regular, day-to day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the city, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be

conducted from properly zoned premises, and not otherwise prohibited by other ordinances. (as added by Ord. #833, Jan. 2005)

9-812. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be subject to a penalty of up to twenty-five dollars (\$25.00) for each offense, up to two (2) offenses. Each subsequent offense shall be subject ,to a penalty of two hundred and fifty dollars (\$250.00) each. (as added by Ord. #833, Jan. 2005)