

TITLE 9

BUSINESS, PROFESSIONS AND OCCUPATIONS¹

CHAPTER

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3. POOL AND GAME ROOMS, PINBALL MACHINES, ETC.
4. REPEALED.
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CHAPTER 1

PEDDLERS, SOLICITORS, ETC.²

SECTION

- 9-101. Definitions.
- 9-102. Exemptions.
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- 9-105. Restrictions on peddlers, street barkers and solicitors.
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¹Municipal code references

Building, plumbing, wiring and housing regulations: title 4.

Health and sanitation: title 13.

Liquor and beer regulations: title 2.

Noise reductions: title 11.

Posting advertisements and notices: title 11.

Privilege taxes: title 6.

Zoning: title 14.

²Municipal code reference

Privilege taxes: title 5.

9-101. 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, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor," means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes," means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the city or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars (\$10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization 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 similar "umbrella" organization for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Rhea County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) "Solicitor for subscriptions," means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Transient vendor,"¹ means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. 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 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.

(6) "Street barker," means any peddler who does business 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. (1988 Code, § 5-101)

9-102. Exemptions. The terms of this chapter shall not apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. (1988 Code, § 5-102)

9-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter.

¹State law references

Tennessee Code Annotated, § 62-30-101 et seq. contains permit requirements for "transitory vendors."

Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of \$50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

(c) The dates for which the applicant intends to do business or make solicitations.

(d) The names and permanent addresses of each person who will make sales or solicitations within the city.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitation, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(f) Tennessee State sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of ten dollars (\$10.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the permit. (1988 Code, § 5-104)

9-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions 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.

(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 business or merchandise or to his 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 in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located. (1988 Code, § 5-105)

9-106. Restrictions on transient vendors. A transient vendor shall not 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, cancelled 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. (1988 Code, § 5-106)

9-107. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand. (1988 Code, § 5-107)

9-108. Suspension or revocation of permit. (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the city recorder for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in Paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1988 Code, § 5-108)

9-109. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days. (1988 Code, § 5-109)

9-110. 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 provision of this municipal code of ordinances. (1988 Code, § 5-110)

CHAPTER 2

PERSONAL PROPERTY SALES

SECTION

- 9-201. Intent and purpose.
- 9-202. Definitions.
- 9-203. Property permitted to be sold.
- 9-204. Permit required.
- 9-205. Written statement required.
- 9-206. Permit fee.
- 9-207. Permit issuance; conditions.
- 9-208. Hours of operation.
- 9-209. Exceptions.
- 9-210. Pre-permit investigation.
- 9-211. Display of sale property.
- 9-212. Display of permit.
- 9-213. Advertising; signs.
- 9-214. Public nuisance.
- 9-215. Police officers to enforce.
- 9-216. Parking.
- 9-217. Revocation and refusal of permit.
- 9-218. Persons exempted from chapter.
- 9-219. Separate violation.
- 9-220. Penalty.

9-201. Intent and purpose. The City Council of Dayton, Tennessee, finds and declares that:

(1) The intrusion of nonregulated garaged sales is causing annoyance to the citizens and residential areas in the City of Dayton, and congestion of the streets in residential areas in the City of Dayton.

(2) The provisions contained in this chapter are intended to prohibit the infringement of any businesses in any established residential areas by regulating the term and frequency of garage sales, so as not to disturb or disrupt the residential environment of the area.

(3) The provisions of this chapter are designed to control the operation of garage sales conducted in nonresidential areas where they are not carried on in a daily basis but rather on an occasional basis.

(4) The provisions of this chapter do not seek to control sales by individuals selling a few of their household or personal items.

(5) The provisions and prohibitions hereinafter contained are enacted not to prevent garage sales but to regulate garage sales for the safety and welfare of the city's citizens. (1988 Code, § 5-201)

9-202. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Garage sales" means and includes all general sales, open to the public, conducted from or on any premises in any residential or non-residential 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 businesses carried on in a non-residential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisement of the sale specifically names those items to be sold.

(2) "Personal property" means 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 that was purchased for resale or obtained on consignment. (1988 Code, § 5-202)

9-203. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property. (1988 Code, § 5-203)

9-204. Permit required. No garage sale shall be conducted until the individuals desiring to conduct the sale obtain a permit therefor from the City of Dayton. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them. Permits may be obtained for any non-residential location. (1988 Code, § 5-204)

9-205. Written statement required. Prior to issuance of any garage sale permit, the individuals conducting the sale shall file a written statement with the city manager, at least one (1) day in advance of the proposed sale, (mailed applications must be post marked at least two (2) days in advance of the sale) setting forth the following information:

(1) Full name and address of applicant.

- (2) The location at which the proposed garage sale is to be held.
- (3) The date or dates upon which the sale will be held. The date or dates of any garage sales held by the applicant within the current calendar year.
- (4) An affirmative 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.
- (5) An affirmative statement that the applicant will fully comply with this and all other applicable ordinances and laws. (1988 Code, § 5-205)

9-206. Permit fee. There shall be no charge for the issuance of the permit. (1988 Code, § 5-206)

9-207. Permit issuance; conditions. (1) Upon the applicant complying with the terms of this chapter, the city manager or appropriate City Official shall issue a permit.

(2) The permit shall set forth and restrict the time and location of the garage sale. No more than six (6) 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 the permit shall be considered as having been issued for each of the residents. No more than seven (7) permits may be issued for any residential location during any calendar year. (1988 Code, § 5-207)

9-208. Hours of operation. Garage sales shall be limited in time to nine (9:00) o'clock A.M. to six (6:00) o'clock P.M. (1988 Code, § 5-208)

9-209. Exceptions. (1) If sale not held because of inclement weather. If a 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, and an affidavit by the permit holder to this effect is submitted, the city manager or appropriate city official may issue another permit to the applicant for a garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.

(2) Seventh sale permitted. A seventh 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 city manager or appropriate city official. (1988 Code, § 5-209)

9-210. Pre-permit investigation. Before issuing, a permit, the city manager or his duly authorized representative shall conduct an investigation to determine if there is compliance with this chapter. The city manager or his duly

authorized representative may make such investigations as are necessary to carry out their responsibilities under this chapter. (1988 Code, § 5-210)

9-211. 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 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 a front or side yard. (1988 Code, § 5-211)

9-212. Display of permit. Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public, a representative of the City of Dayton, or his duly authorized representative. (1988 Code, § 5-212)

9-213. Advertising; signs. (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending 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 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 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 the 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 the sale is to commence.

(3) Removal of signs. Signs must be removed each day at the close of garage sale activities. (1988 Code, § 5-213)

9-214. Public nuisance. The individual to whom the permit is issued and the owner or tenant of the premises on which the sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of the sale or activity. No such individual shall permit any loud or boisterous conduct on the premises, nor permit vehicles to impede the passage of traffic on any roads or streets in the area of the premises. All such individuals shall obey the reasonable orders of any member of the police or fire departments of the City of Dayton in order to maintain the public health, safety and welfare. (1988 Code, § 5-214)

9-215. Police officers to enforce. Police officers shall enforce the provisions of this chapter not specifically to be enforced by other officials. (1988 Code, § 5-215)

9-216. Parking. All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the police department may enforce temporary controls to alleviate any special hazards and/or congestion created by any garage sale. (1988 Code, § 5-216)

9-217. Revocation and refusal of permit. (1) False information. Any permit used under this chapter may be revoked or any application for issuance of a permit may be refused by the city manager or his designated representative if the application submitted by the applicant or permit holder contains any false, fraudulent, or misleading statements.

(2) Conviction of violation. If any individual is convicted of any offense under this chapter, the city manager or his designated representative is instructed to cancel any existing garage sale permit held by the individual convicted and not to issue the individual another garage sale permit for a period of two (2) years from the date of the conviction. (1988 Code, § 5-217)

9-218. Persons exempted from chapter. The provision 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 the sale would be permitted by zoning regulations of the City of Dayton or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer, or vendor which is conducted from properly zoned premises and not otherwise prohibited in other ordinances.

(4) Any bona fide charitable, eleemosynary, education, cultural, or governmental institution or organization when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis. (1988 Code, § 5-218)

9-219. Separate violation. Every article sold and every day a sale is conducted in violation of this chapter shall constitute a separate offense. (1988 Code, § 5-219)

9-220. Penalty. Any person found guilty of violating the terms of this ordinance shall be fined in accordance with the general penalty clause for this code. (1988 Code, § 5-220)

CHAPTER 3

POOL AND GAME ROOMS, PINBALL MACHINES, ETC.

SECTION

9-301. Pool and game rooms.

9-302. Minors prohibited from playing pinball machines.

9-303. Operators of businesses required to prohibit minors from playing pinball machines.

9-301. Pool and game rooms. (1) Definition of coin operated amusement device. "Coin-operated amusement device" means any coin or token operated game, machine, or device which, as a result of depositing a coin, token, or other object automatically or by or through some mechanical or electronic operation involving skill, chance, or a combination thereof, affords music, amusement, or entertainment of some character without vending any merchandise. "Coin-operated amusement device" shall include, but shall not be limited to, the following: Coin-operated pool tables, juke boxes, and video games which may require the operation of buttons, sticks, knobs or the like; video amusement machines; video card games; and shall not include any bona fide merchandise vending machines as defined in Tennessee Code Annotated, § 67-4-503 or any device operated for the purpose of unlawful gambling, or a pinball machine as defined in Tennessee Code Annotated, § 39-6-631, or an individually owned amusement device located in a private dwelling and intended for the exclusive private enjoyment of the owner and his guests and not used or operated for gain, profit, or other commercial purpose.

(2) Reductions on hours of operation; exception. It shall be unlawful for any person to open, maintain, conduct, or operate any place where a "coin-operated amusement device" or pool tables or billiard tables are kept for public use or hire at any time between the hours of 12:00 P.M. and 8:00 A.M.

The closing hours as set forth above shall not apply to an establishment where pool tables or billiard tables or coin-operated amusement devices are located unless fifty percent (50%) or more of the establishment's income derived for the operation of these devices, i.e. pool tables, billiard tables, or coin-operated amusement devices.

(3) To be on street floor, etc. All places where non-coin-operated pool tables or non-coin-operated billiard tables are kept for public use or hire shall be located on the street floor, and shall front on a public street, and shall offer a clear and unobstructed view of their interior from the street or sidewalk.

(4) Minors to be kept out; exception. It shall be unlawful for any person engaged regularly or otherwise in keeping billiard, bagatelle, pool rooms or tables, or coin-operated amusement devices, 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 these tables at any game of billiards, bagatelle, pool or other games requiring the use of cue and balls, or on coin-operated amusement devices, without first having obtained the written consent of the minors legal guardian.

(5) Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables, billiard tables, or coin-operated amusement devices are kept for public use or hire, to permit any gambling or other unlawful or immoral conduct on such premises. (1988 Code, § 5-301)

9-302. Minors prohibited from playing pinball machines. No person under the age of eighteen (18) years shall play or operate on such premises any pinball machine or any game of miniature football, golf, baseball, or any other miniature game, whether made playable by a mechanical device or otherwise, or whether the charge for playing is collected by mechanical device or otherwise. (1988 Code, § 5-302)

9-303. Operators of businesses required to prohibit minors from playing pinball machines. No owner, operator, manager, or person in charge of any restaurant, cafe, filling station, beer tavern, hotel, motel, drug store, or any other store, establishment, place of business or otherwise, or any employee therein, shall allow any person under the age of eighteen (18) years to play or operate on such premises any pinball machine or any game of miniature football, golf, baseball, or any other miniature game, whether made playable by a mechanical device or otherwise.

It shall be the duty of the owner, operator, manager, person in charge, or employee to ascertain or determine the age of any such player, and ignorance of the age or misinformation relative thereto shall not excuse the owner, operator, manager, person in charge, or employee. (1988 Code, § 5-303)

CHAPTER 4

(this chapter was repealed by Ord. #606, Jan. 2018)

CHAPTER 5**CABLE TELEVISION****SECTION**

9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television shall be furnished to the City of Dayton and its inhabitants under franchise granted by the City Council of the City of Dayton, Tennessee. The rights, powers, duties and obligations of the City of Dayton and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹ (1988 Code, § 5-501, modified)

¹Franchise agreements are available in the office of the city recorder.

CHAPTER 6

TAXICABS

SECTION

- 9-601. Taxicab franchise and privilege license required.
- 9-602. Requirements as to application and hearing.
- 9-603. Liability insurance or bond required.
- 9-604. Revocation or suspension of franchise.
- 9-605. Mechanical condition of vehicles.
- 9-606. Cleanliness of vehicles.
- 9-607. Inspection of vehicles.
- 9-608. License and permit required for drivers.
- 9-609. Qualifications for driver's permit.
- 9-610. Revocation or suspension of driver's permit.
- 9-611. Drivers not to solicit business.
- 9-612. Parking restricted.
- 9-613. Drivers to use direct routes.
- 9-614. Taxicabs not to be used for illegal purposes.
- 9-615. Miscellaneous prohibited conduct by drivers.
- 9-616. Transportation of more than one passenger at the same time.

9-601. Taxicab franchise and privilege license required. It shall be a civil offense 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. (Ord. #399, March 2000)

9-602. 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. Application for taxicab franchises shall be made under oath and in writing to the city recorder. The applications 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 city recorder 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 mayor and city councilmen; and make a recommendation to either grant or refuse a franchise to the applicant. The city council 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 city council 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 the other provisions thereof. (Ord. #399, March 2000)

9-603. 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 or bond 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 recorder of the city. (Ord. #399, March 2000)

9-604. Revocation or suspension of franchise. The city council, 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. (Ord. #399, March 2000)

9-605. Mechanical condition of vehicles. It shall be a civil offense 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 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. (Ord. #399, March 2000)

9-606. 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. (Ord. #399, March 2000)

9-607. 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. (Ord. #399, March 2000)

9-608. 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. (Ord. #399, March 2000)

9-609. 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. (Ord. #399, March 2000)

9-610. Revocation or suspension of driver's permit. The city council, 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 § 9-609. (Ord. #399, March 2000)

9-611. 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. (Ord. #399, March 2000)

9-612. Parking restricted. It shall be a civil offense to park any taxicab on any street with the intent to transact business. 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 unreasonably to interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (Ord. #399, March 2000)

9-613. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (Ord. #399, March 2000)

9-614. 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. (Ord. #399, March 2000)

9-615. Miscellaneous prohibited conduct by drivers. It shall be a civil offense 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. (Ord. #399, March 2000)

9-616. 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. (Ord. #399, March 2000)

CHAPTER 7

FARMERS MARKET

SECTION

- 9-701. Establishment and bounds of the farmers market.
- 9-702. Who may use the farmers market.
- 9-703. Hours of the farmers market.
- 9-704. Hucksters, peddlers, etc.. . shall not use the farmers market.
- 9-705. Parking space and traffic flow to be designated.
- 9-706. Health regulations.
- 9-707. Hold harmless and indemnification.
- 9-708. Sales taxes and licenses.
- 9-709. Permit required.
- 9-710. Permit expiration; renewal; suspension; revocation.
- 9-711. Cleanup.
- 9-712. Miscellaneous.

9-701. Establishment and bounds of the farmers market. (1) There is hereby established within the city limits of the City of Dayton, Tennessee, a farmers market. The farmers market is hereby located on Third Avenue between Market Street and Court Street. However, the City Council for the City of Dayton, Tennessee, may change the location of the farmers market from time to time by resolution of the governing body of the City of Dayton.

(2) The purpose of establishing a farmers market is to provide a safe and convenient place for farmers to sell their produce and citizens to make their purchases safely and without impeding the flow of traffic on and about Third Avenue and the Rhea County Courthouse and to local businesses and government offices. (as added by Ord. #471, March 2006)

9-702. Who may use the farmers market. The privilege of using the farmers market may be extended to vendors for the purpose of selling, offering for sale, or exposing for sale, produce, vegetables, fruits, plants, and any other product of farm and garden, other than live animals, but including canned goods, grown in the State of Tennessee during its appropriate growing season by farmers, truck growers, fruit growers and horticulturists who are citizens and residents of the State of Tennessee. (as added by Ord. #471, March 2006)

9-703. Hours of the farmers market. (1) The hours during which the farmers market may be occupied and used by those to whom the privilege of such use is extended are Monday through Sunday from daylight to dark, but not to be operated after 9:00 o'clock PM EST in any circumstance.

(2) No empty or partially loaded or loaded vehicle, trailer, etc. shall be allowed to occupy any portion of the farmers market for the purpose of

pre-empting a position thereon. Further, no vehicle, trailer, awning, etc. shall remain on the premises after the hour of 9:00 o'clock PM EST. Vehicles and trailers, etc. found to be in violation of this provision shall be towed at the owner's expense.

(3) No vehicle shall be parked or exposed upon the farmers market for the purpose of selling that vehicle. Vehicles found to be in violation of this provision shall be towed at the owner's expense. (as added by Ord. #471, March 2006)

9-704. Hucksters, peddlers, etc. shall not use the farmers market.

It shall be unlawful for any huckster, peddler, operator of a rolling store, or any other person than one to whom the privilege has been extended under the provisions of this chapter to come upon or to take any position upon the area of the farmers market at any time for the purpose of selling, offering for sale, or exposing for sale any fruits, vegetables, produce, canned items, meats, or any other article or item whatsoever. (as added by Ord. #471, March 2006)

9-703. Parking space and traffic flow to be designated.

Parking spaces and lanes shall be marked as such. It shall be unlawful for any person to park a vehicle in other than a designated parking space and it shall also be unlawful to obstruct areas designated for traffic flow. (as added by Ord. #471, March 2006)

9-706. Health regulations.

All participants/vendors in the farmers market shall comply with all federal, state and local health rules and regulations. (as added by Ord. #471, March 2006)

9-707. Hold harmless and indemnification.

All vendors participating in the farmers market shall be individually and severally responsible to the City of Dayton, Tennessee for any loss, personal injury, deaths, property damage and/or loss, and/or any other damage that may occur as a result of the vendors' negligence or that of its servants, agents, and employees, and all vendors hereby agree to indemnify and save the City of Dayton harmless from any loss, cost, damages, and any and all other expenses and costs, including but not limited to, attorney fees and court costs, suffered or incurred by the City of Dayton, Tennessee by reason of the vendor's negligence or that of its servants, agents and employees; provided that the vendors shall not be responsible nor required to indemnify the City of Dayton, Tennessee for negligence of the City of Dayton, Tennessee, its servants, agents and employees. No insurance is provided to participants and vendors in the farmers market and each vendor and participant will need to obtain his/her own liability insurance. (as added by Ord. #471, March 2006)

9-708. Sales taxes and licenses. Each vendor is responsible for collecting his/her own sales taxes, where it is applicable. Further, each vendor is responsible for obtaining any and all licenses and permits required by federal, state and local law, where applicable. (as added by Ord. #471, March 2006)

9-709. Permit required. (1) Every person who is privileged to occupy and use the farmers market for selling, offering for sale, or exposing for sale the articles that may be sold thereon shall first before going upon the farmers market make an application for a permit at the City Hall (municipal building) for the City of Dayton located at 399 1st Avenue in Dayton, Tennessee, in writing and upon a farmers market application form being completed, the applicant must file the application with the City of Dayton, with the contents of said application to be subscribed and sworn to by the applicant. Additionally, each applicant shall pay a five (\$5.00) Dollar application fee prior to a permit being issued. The permit shall be carried by the person to whom it has been issued to at all times while the person is present on the farmers market. It shall be unlawful for any person to whom a permit has not been issued to go upon and occupy any space of the farmers market for the purpose of selling thereon.

(2) No holder of a permit shall allow any person other than himself/herself or the persons stated on the application to have or use the permit for the purpose of occupying a space and selling on the farmers market.

(3) It shall be unlawful for any person to make, use, have in his/her possession, or exhibit any false or counterfeit permit.

(4) The making of an application for a permit and the issuance of a permit to any bona fide farmer, grower, horticulturist, or other person under this chapter who is a citizen and resident of the State of Tennessee shall not entitle the holder to use any particular space thereon to such holder of a permit. The provisions of this chapter are designed to prevent the preemption of any particular space by any permittee and to secure sanitary conditions of use and occupation of the farmers market by those to whom the privilege is extended. The requirements as to application for and issuance of permits are designed to keep the use of the farmers market for those only to whom the privilege of use has been extended by the provisions of this chapter. (as added by Ord. #471, March 2006)

9-710. Permit expiration; renewal; suspension; revocation. A permit issued pursuant to this chapter shall be valid for the calendar year in which the permit is issued, with permits expiring each December 31 of every year.

A permit may be suspended or revoked by the codes enforcement officer for the City of Dayton when the provisions of this chapter have been violated. Upon being notified of an alleged violation of this chapter, the codes enforcement officer shall investigate the complaint. Any person found to have violated the provisions of this chapter shall receive at least a written warning initially, but

may, depending upon the severity of the violation, have his/her permit suspended or revoked for a period not to exceed one (1) year. However, in the event an offender has been found to have violated the provisions of this chapter on three (3) or more occasions within any twelve (12) month period, the offender shall have his permit suspended or revoked for a period of one (1) year. Said offender may reapply for a permit at the expiration of the one (1) year revocation period. Persons who have had their permit suspended or revoked for violations of this chapter may appeal the decision to the city manager in writing within fifteen (15) days from the time their privileges were revoked. The city manager shall investigate the matter and render a decision in writing. Any appeal of the City manager's decision shall be made to the city council and directed to the mayor in writing within thirty (30) days from the date of the city manager's decision. (as added by Ord. #471, March 2006)

9-711. Cleanup. All vendors shall clean up their areas at the end of each day. Vendors shall be responsible for the cleanliness of their selling areas. All vendors agree to keep the farmers market free of any trash and debris generated by the market activity. Any vendor found to be in violation of this section may have his/her permit suspended or revoked and shall be responsible for the costs of cleanup incurred by the City of Dayton. (as added by Ord. #471, March 2006)

9-712. Miscellaneous. No firearms and alcoholic beverages are permitted at or on the farmers market. (as added by Ord. #471, March 2006)