

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

CHAPTER

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3. CABLE TELEVISION.
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CHAPTER 1

PEDDLERS, SOLICITORS, ETC.¹

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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 town, 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

¹Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: § 11-701.

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 town 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" organizations for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Anderson or Roane Counties 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"

¹State law references

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

The definition of "transient vendors" is taken from Tennessee Code Annotated, § 62-30-101(3). Note also that 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).

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 town and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade. (1989 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. (1989 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 town unless the same has obtained a permit from the town in accordance with the provisions of this chapter. (1989 Code, § 5-103)

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the town administrator 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 town.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, 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 twenty dollars (\$20.00). 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 town administrator 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 town administrator, the town administrator shall submit to the chief of police a copy of the application form and the permit. (1989 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 town.

(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 town.

(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. (1989 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. (1989 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. (1989 Code, § 5-107)

9-108. Suspension or revocation of permit. (1) Suspension by the administrator. The permit issued to any person or organization under this chapter may be suspended by the town administrator 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 town council. The permit issued to any person or organization under this chapter may be suspended or revoked by the town council, 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 town administrator 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. (1989 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 town. 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. (1989 Code, § 5-109)

9-110. Additional licensing requirements, relationship to zoning districts, and structure standards.

(1) Residential districts.

(a) Product. Merchandise being sold must be produced on site and may include plants from the resident's garden and/or items such as arts and crafts produced as a hobby by a resident or produced by an approved and licensed home occupation.

(b) City business license. (i) No license required if sales do not extend beyond seven consecutive days or more than a total of twenty (20) days within a ninety (90) day period.

(ii) Where a license is required such license may be purchased at city hall. Failure to comply with required standards can result in forfeiture of license and closure of the operation.

(c) Structures. Tables, shelving and/or racks are permitted, but no structures for shelter shall be erected. Shelter must be limited umbrellas.

(d) Site plans. No approvals required if a business license is not required; however, the city building inspector shall be notified of the location and anticipated duration of the operation; failure to comply with required standards can result in closure of the operation. If a license is required, follow business district procedures; however, product and structure restrictions still apply.

(2) Business districts.

(a) Product. No restrictions.

(b) City business license. Required.

(c) Permanent structures. C structures, (defined as any structure providing shelter and/or storage space, and intended to remain in place for one year or longer) shall meet the following requirements:

(i) A concrete floor and other requirements of the Standard Building Code, ch. 19.

(ii) All structures shall be of sound and safe construction (no loose board, panels, etc.). The use of tarpaulins, plastic and such material as a part of the structure or shelter shall not be allowed.

(iii) All structures and surroundings must be neat and orderly.

(iv) All additions to permanent structures shall be permanent or have the appearance of permanent construction.

(d) Temporary structures. Shall meet the following minimum standards:

(i) Structures must be completely enclosed on at least three (3) sides except for screened windows or other openings for ventilation. The fourth side may be covered with neat lattice works or other material. The use of tarpaulins, plastic and such material as a part of the structure or shelter shall not be allowed.

(ii) All structures shall be of sound and safety construction (no loose board, panels, etc.)

(iii) All structures and surroundings must be neat and orderly.

(iv) The structure must have a floor.

(3) Licensing, site plan and structure approvals.

(a) An application with a site plan must be submitted to the building inspector at least fifteen (15) days prior to the regular meeting for approval by the planning commission.

(b) The site plan must show the exterior property boundaries and the proposed location of all structures.

(c) The application shall include a list of materials to be used for the structure. The planning commission may reject materials believed

to be unsafe and/or harmful to the aesthetic character and economic value to the town. (Ord. #90-18-10, Oct. 1990)

9-111. Violation and penalty. In addition to any other action the town 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. (1989 Code, § 5-110)

9-112. Issuance of permits. Permits for charitable or religious solicitations within the corporate limits shall be issued on a first to apply basis, to be conducted on Sunday between the hours of 1:00 PM and 3:00 PM by the requesting charitable or religious organization. All charitable or religious solicitation permits issued shall allow no more than eight (8) solicitors from the permittee to be within the street at any one (1) time and all solicitations shall take place at the intersection of Tri-County Boulevard and Winter Gap Road and Tri-County Boulevard and Oliver Springs Highway within the town corporate limits. Any violation of this section will be subjected to a fine of not less than fifty dollars (\$50.00) per incident. (as added by Ord. #03-04-03D, April 2003, and replaced by Ord. #05-11-17A, Nov. 2005)

CHAPTER 2

GAME ROOMS¹

SECTION

9-201. Prohibited in residential areas.

9-202. Hours of operation regulated.

9-203. Definitions.

9-201. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where game rooms are kept for public use or hire on any premises located in any residential area except as may be permitted by title 14. (Ord. #91-21-11, _____)

9-202. Hours of operation regulated. It shall be unlawful for any person or entity to open, maintain, conduct, or operate any games for public use or hire from Saturday midnight until 1:00 P.M. on Sunday afternoon, or between the hours of midnight and 6:00 a.m. on other days. (Ord. #91-21-11, _____)

9-203. Definitions. A game room is defined as any room or any part thereof, store, establishment, or any area where any person or entity maintains pool tables, billiard tables, video games, bumper pool, table tennis, pen ball flipper machines, or any games of like or similar nature, used for fun and recreation whether maintained as a primary business function or a secondary business function. (Ord. #91-21-11, _____)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 3**CABLE TELEVISION****SECTION**

9-301. To be furnished under franchise.

9-301. To be furnished under franchise. Cable television service shall be furnished to the Town of Oliver Springs and its inhabitants under franchise granted to Tennessee Cablevision, Inc. by the Town Council of the Town of Oliver Springs. The rights, powers, duties and obligations of the Town of Oliver Springs and its inhabitants are executed by, and clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹ (1989 Code, § 13-401)

¹For complete details relating to the cable television franchise agreement see Ord. #509 dated 9/16/84, and any amendments, in the office of the city recorder.

CHAPTER 4

FLEA MARKETS¹

SECTION

9-401. Definitions.

9-402. Permit.

9-403. Display of permit.

9-404. Suspension or revocation of permit.

9-401. Definitions. (1) "Flea market." An activity where stalls or spaces within the bounds of a specific location are made available to the vendor of: handicraft items; new merchandise; or second hand items.

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

(3) "Person." Any individual, firm, trust, partnership, public or private association or corporation, or any other entity. (as added by Ord. #2014-19-15B, May 2014, repealed by Ord. #2015-19-3, April 2015, and added by Ord. #2015-2-4, April 2015)

9-402. Permit. The market management (the person who owns or has the charge, care, or control of the flea market) shall apply to the city manager for a permit. The permit application shall contain the name, address, telephone number, and any other information that would be necessary, reasonable, and appropriate, for either the town or the market management to efficiently and effectively operate and manage the flea market and for the town to enforce this chapter and/or any other ordinances. The permit shall also contain the statement as follows: "the market management agrees to comply with all laws, rules, and regulations issued or promulgated passed or approved by the State of Tennessee and the Town of Oliver Springs." (as added by Ord. #2014-19-15B, May 2014, repealed by Ord. #2015-19-3, April 2015, and added by Ord. #2015-2-4, April 2015)

9-403. Display of permit. The market management shall be required to display or exhibit the permit to any police officer, building inspector, city manager, or other official of the town or the state. (as added by Ord. #2014-19-15B, May 2014, repealed by Ord. #2015-19-3, April 2015, and added by Ord. #2015-2-4, April 2015)

9-404. Suspension or revocation of permit. The permit may be suspended by the city manager or the town council based on any false

¹Chapter 4 "Flea markets" was originally added by Ord. #2014-19-15B which was repealed by Ord. #2015-19-3, April 2015.

statement, material or mission, or untrue or misleading information which is contained in or left out of the application or any violation of this chapter. Notice of the hearing for suspension or revocation shall be given by the city administrator in writing, setting forth specifically the grounds of the complaint and the time and the place of the hearing. Such notice shall be mailed or hand delivered to the market management at the address shown on the permit application, and the hearing shall be held at least fifteen (15) days after the delivery of the notice. Market management shall be entitled to all aspects of due process of law regarding administrative hearings. (as added by Ord. #2014-19-15B, May 2014, repealed by Ord. #2015-19-3, April 2015, and added by Ord. #2015-2-4, April 2015)