

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.**<sup>1</sup>**CHAPTER****1. SOLICITORS AND PEDDLERS.****CHAPTER 1****SOLICITORS AND PEDDLERS****SECTION**

- 9-101. Definitions.
- 9-102. Exemptions.
- 9-103. Permit required.
- 9-104. Permit procedure.
- 9-105. Restrictions on peddlers, street barkers, and solicitors.
- 9-106. Restrictions on transient vendors.
- 9-107. Display of permit.
- 9-108. Suspension or revocation of permit.
- 9-109. Expiration and renewal of permit.
- 9-110. Violations and penalty.

**9-101. Definitions.** (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 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, ware or merchandise, or personal property of any nature whatever for future delivery or for the provision of services, 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

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<sup>1</sup>Municipal code references  
Building code: title 12.  
Zoning: title 14.

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 (1) of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under § 501(c)(3) of the Internal Revenue Service Code of 1954, as subsequently amended;

(b) Is a member of qualified not-for-profit organization per (a) above for charitable purposes or religious organizations; or

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

(4) "Solicitors 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) "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.

(6) "Transient vendor" 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 or services 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 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.<sup>1</sup> (2011 Code, § 9-101)

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<sup>1</sup>State law reference

*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  
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**9-102. Exemptions.** The terms of this chapter shall neither 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, nor to persons soliciting for charitable or religious purposes. Nothing herein shall be construed in such a manner as to prevent or prohibit a homeowner's association from prohibiting any of the activities which are the subject of this chapter within the boundaries of the development of which they administer or manage. (2011 Code, § 9-102)

**9-103. Permit required.** No persons, firm, or corporation or other business entity shall operate a business as a peddler, transient vendor, solicitor, or street barker, and no 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. (2011 Code, § 9-103)

**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 solicitations, whether or not such vehicle is owned individually by the person making sales or solicitation(s), by the business or organization itself, or rented or borrowed from another business or person; and
- (f) Tennessee state sales tax number, if applicable.

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<sup>1</sup>(...continued)

transient vendors shall pay a tax of fifty dollars (\$50.00) for each fourteen (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).

(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 fifty dollars (\$50.00). 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 city recorder shall issue a permit and provide a copy of the same to the applicant. (2011 Code, § 9-104, modified)

**9-105. Restrictions on peddlers, street barkers, and solicitors.** No peddler, street barker, solicitor or solicitors, 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 of 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 service or solicit in vehicular traffic lanes, or operate a "road block" of any kind, except as is otherwise approved at the discretion of the board of mayor and commissioners;

(4) Call attention to his or her 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. Notwithstanding this provision, ice cream vendors in motor vehicles may play music which can be heard from the motor vehicles so long as the sound level of the music does not become a nuisance to residents of the City of Oak Hill;

(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; or

(6) Conduct such activities other than between the hours of 8:00 A.M. to 4:00 P.M., Monday through Friday of each week, those being the normal business hours of the city offices. (2011 Code, § 9-105, modified)

**9-106. Restrictions on transient vendors.** A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares, or merchandise or services 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. A transient vendor shall only conduct business in the City of Oak Hill from 9:00 A.M. to 6:00 P.M. Monday through Saturday of each week. (2011 Code, § 9-106)

**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 sale or solicitations, and shall be required to display the same to any city official upon demand. (2011 Code, § 9-107)

**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 commissioners. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and commissioners or their designee, after notice and hearing, for the same causes set out in subsection (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 as least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer or the city building official in the same manner as a summons at least three (3) days prior to the date set for the hearing. (2011 Code, § 9-108)

**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 subscriptions shall expire on the date provided in the permit. (2011 Code, § 9-109)

**9-110. Violations 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 subject to a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation occurs shall constitute a separate offense. This penalty shall be enforceable in any municipal court established by the City of Oak Hill or in the Metropolitan Nashville-Davidson County General Sessions Court, as the City of Oak Hill deems appropriate. (2011 Code, § 9-110, modified)