

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. CABLE TELEVISION.
3. SOLICITATION ROADBLOCKS.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.¹

SECTION

- 9-101. Definitions.
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- 9-109. Expiration and renewal of permit.
- 9-110. Violations and penalty.

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 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.

¹Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: § 11-401.

(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. 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 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 Monroe 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 town, 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

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*, § 67-4-710(a)(2) prescribes that transient vendors shall pay a tax of \$50.00 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.

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.

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.

9-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor or solicitor, 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.

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the recorder by each applicant for a permit as a peddler, transient vendor or solicitor, 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 or solicitor 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 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 recorder, the recorder shall submit to the chief of police a copy of the application form and the permit.

9-105. Restrictions on peddlers and solicitors. No peddler, 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.

(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.

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.

9-107. Display of permit. Each peddler, 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.

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 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 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.

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 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.

9-110. Violations 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 under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense.

CHAPTER 2**CABLE TELEVISION****SECTION**

9-201. To be furnished under franchise.

9-201. To be furnished under franchise. Cable television shall be furnished to the Town of Vonore and its inhabitants under franchise granted under the Competitive Cable and Video Services Act, *Tennessee Code Annotated*, § 7-59-301, *et. seq.* (1997 Code, § 9-201, modified)

CHAPTER 3

SOLICITATION ROADBLOCKS

SECTION

- 9-301. Definitions.
- 9-302. Prohibited acts.
- 9-303. Application for permit.
- 9-304. Authorized location.
- 9-305. Permits; issuance, denial, revocation.
- 9-306. Violations and penalty.

9-301. Definitions. The following terms shall apply in the interpretation and application of this chapter:

(1) "Authorized organization" means any organization that has received a determination of exemption from the internal revenue service under 26 U.S.C. § 501(c)(3) or (4).

(2) "Charitable purpose" means any organization philanthropic, religious or other nonprofit objectives, including the benefit of poor, needy, sick, refugee or handicapped persons; the benefit of any church or religious society, sect, group or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civic organization, or the benefit of any educational institution.

(3) "Organization" means and includes an individual, corporation, partnership, association, or other such entity.

(4) "Solicit" or "solicitation" means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value.

(5) "Solicitation roadblock" means the solicitation by any person of money on or in the right-of-way of any street, road, highway, or any other public way and place generally open to, and used by, the public for travel in or upon motor vehicles. (Ord. #15-08, Aug. 2015)

9-302. Prohibited acts. It is prohibited, without a permit, for any person to solicit money or other thing of value, or to solicit the sale of goods or services from any operator of a motor vehicle that is in traffic on a public street, including, but not limited to, major intersections in the town and near and on Tennessee State Highway 411. This section shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle. (Ord. #15-08, Aug. 2015)

9-303. Application for permit. (1) Every authorized organization seeking a permit for the purpose of conducting a solicitation roadblock shall file

an application with the town recorder. The application shall contain the following information:

(a) The full and legally recognized names and any associated aliases, logos, nicknames, and abbreviated names of the authorized organization applying for a permit to solicit;

(b) Whether the authorized organization applying is an individual, partnership, corporation or association and:

(i) The business or residence address and telephone number of the applicant;

(ii) If a partnership, the names of all partners and the principal business address and telephone number of each partner;

(iii) If a corporation, the authorized organization applying shall state whether it is organized under the laws of this state, another state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the individual in charge of such corporation, and, if a foreign corporation, the place of incorporation;

(iv) If an association, the application shall show the association's principal business address and telephone number, if any, and shall show names and principal business or residence addresses and telephone numbers of all members of the association unless they exceed ten (10) in number, in which case the application shall so state and the person registering may alternatively list the name and principal business or residence addresses and telephone numbers of the officers and directors, or trustees of the association; and

(v) If the association is a part of a multi-state organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its local office.

(c) The name, mailing address and telephone number of all individuals who will be in direct charge or control of the solicitation roadblock;

(d) The proposed date and time period within which the solicitation roadblock is to be conducted;

(e) A description of the methods and means by which the solicitation roadblock is to be accomplished;

(f) The exact location the authorized organization proposes that the solicitation roadblock will be held;

(g) The authorized organization shall propose the specific precautions and safety measures to be taken during the solicitation roadblock. All precautions and safety measures must receive the written approval of the Chief of Police for the Town of Vonore; and

(h) Any other information that the Town of Vonore deems necessary for the administration of this chapter.

(2) The application must be signed by the applicant and accompanied by a non-refundable application fee of twenty-five dollars (\$25.00). Such application shall also show satisfactory written proof of the individual's authority to represent the company, organization, association, or partnership.

(3) Failure to provide a complete and thorough application or falsification of any part of the application shall be grounds for the denial or revocation of a permit.

(4) A solicitation roadblock application shall be created in accordance with this chapter.

(5) After review of the permit application and within ten (10) business days of the receipt of the application, the chief of police, or his designee, shall either issue a permit, as provided in this chapter, or notify the authorized organization applying for the permit that the application does not comply with the requirement of this chapter, specifying why the application is incomplete or otherwise does not comply.

(6) Before a permit is issued by the chief of police, the applicant will be required to furnish a policy of liability insurance (Ord. #15-08, Aug. 2015, modified)

9-304. Authorized location. (1) Solicitation roadblocks at the approved location, date and time are restricted to authorized organizations.

(2) All solicitation roadblocks shall be conducted at either the intersection of Church Street and Carver Street or at a location that is approved around town hall on Church Street. (Ord. #15-08, Aug. 2015)

9-305. Permits; issuance, denial, revocation. (1) A permit granted shall be valid only until the termination of the solicitation roadblock period specified in the permit. A permit shall not be renewed, except upon another application and approval in accordance with this chapter.

(2) The chief of police, or his designee, shall issue the applicant a solicitation roadblock permit, if the chief of police determines that the application has been fully and accurately completed, the permit application fee has been paid, and the applicant has satisfied each requirement of this chapter. If not, the chief of police may deny the permit. (Ord. #15-08, Aug. 2015)

9-306. Violations and penalty. Any person violating any provision of this chapter or failing to observe any provisions of this chapter shall have their permit revoked immediately and will not be entitled to reapply for a period of one (1) year from the date of the revocation. In addition, a fine in the amount of fifty dollars (\$50.00), for each violation or incident shall be imposed upon any authorized organization for violating any provision of this chapter. In the case of any willful violation of any of the terms and provisions of this chapter, the

Town of Vonore, in addition to imposing the penalties above provided, may institute any appropriate action or proceeding in any court having proper jurisdiction, to restrain, correct or abate such violations; and the Town of Vonore shall not be precluded from invoking any civil remedies given it by the laws of the state, but the same shall be cumulative and subject to prosecution. (Ord. #15-08, Aug. 2015)