

## TITLE 9

### BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CABLE TELEVISION.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 9-101. "Going out of business" sales.  
 9-102. Food truck mobile concession stand regulations.

**9-101. "Going out of business" sales.** It shall be unlawful for any person falsely to represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1995 Code, § 9-101)

**9-102. Food truck mobile concession stand regulations.** (1) Each vendor who desires to operate within the corporate limits of the Town of Dandridge, a food truck or mobile concession stand with any cooking equipment shall obtain a permit and pay a filing fee, provided said vendor is not a 501(c)(3) organization as designated by the Internal Revenue Service. There shall be no filing fee paid by such vendor who is a 501(c)(3) although they are required to obtain a permit from town hall.

(2) There are three (3) types of permits allowed to be issued herein as follows:

- (a) Twenty-four (24) hour permit - Fee \$25.00

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<sup>1</sup>Municipal code references

Building, plumbing, wiring and residential regulations: title 12.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

(b) Seventy-two (72) hour permit - Fee \$50.00

(c) One (1) year permit - Fee \$200.00

(3) Any food truck or mobile concession stand shall park on private property or shall park only on public property parking within the town restricted areas designated by the town administrator and/or designee.

(4) Any food truck or mobile concession stand which operates within the town in the central business district and/or the historic district of the town, during any town approved festival or event shall do so only upon the consent of the town administrator after coordination of the same with the festival operator.

(5) At no time shall any vendor herein authorized be permitted to operate or be situated on any sidewalk of the town and the same is specifically prohibited.

(6) No vendor hereunder shall be allowed to operate in any zone of the town which does not permit commercial activity.

(7) No vendor hereunder shall operate within the town unless all signage for the same is attached to the vehicle and said vehicle or vehicle signage shall not contain flashing lights. Said vendor shall also be prohibited from using amplified sound with its operation.

(8) Each vendor hereunder shall keep the area around its location clear of trash and debris and the vendor shall contain on board at all times any waste liquids generated by its operator, e.g., oils, wash water, etc.

(9) In the event a vendor utilizes electrical service, the same shall be in accordance with all regulations of the state and town and subject to approval by the building inspector for the town.

(10) All vendors hereunder shall be free standing and not use stakes, rods or any support method which must be drilled or driven into asphalt, pavement, sidewalks or buildings.

(11) There shall be limited to two (2), the number of vendors hereunder which may operate at any time on any tract of private property.

(12) Any vendor hereunder shall comply within the prevailing fire code in the Town of Dandridge.

(13) Any vendor operating on private property with the town shall have at all times in their possession a letter of permission from the property owner granting the vendor permission to operate on their property and said letter shall be no older than twelve (12) months from the date of operation.

(14) Any person operating a hand cart for the sale of merchandise or food shall be subject to all regulations hereunder. (Ord. # 16/17-05, Oct. 2016)

## CHAPTER 2

### PEDDLERS, ETC.<sup>1</sup>

#### SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Police officers to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.
- 9-214. Restrictions during parades.

**9-201. Permit required.** It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1995 Code, § 9-201)

**9-202. Exemptions.** The terms of this chapter shall not be applicable 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 bona fide charitable, religious, patriotic or philanthropic organizations, nor to craft, food, or civic/business vendors at festivals which do not exceed two (2) days, nor to producers who sell their home grown agricultural products or value added agricultural products, i.e. jams, jellies, salsas, breads, etc., provided they have complied with state and federal agriculture departments guidelines. (1995 Code, § 9-202, as amended by Ord. #07/08-21, June 2008)

**9-203. Application for permit.** Applicants for a permit under this chapter must file with the recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.

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<sup>1</sup>Municipal code reference

Privilege taxes: title 5.

(2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

(3) A brief description of the nature of the business and the goods to be sold.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

(6) A recent clear photograph approximately two inches (2") square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator properly to evaluate the applicant's moral reputation and business responsibility.

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

(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(10) At the time of filing the application, a fee of thirty-five dollars (\$35.00) shall be paid to the town to cover the cost of investigating the facts stated therein. (1995 Code, § 9-203, as amended by Ord. #06/07-05, Sept. 2006)

**9-204. Issuance or refusal of permit.** (1) Each application shall be referred to the chief of police or town administrator for investigation. The chief or town administrator shall report his findings to the recorder within five (5) working days.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The recorder shall keep a permanent record of all permits issued. (1995 Code, § 9-204, as amended by Ord. #06/07-05, Sept. 2006)

**9-205. Appeal.** Any person aggrieved by the action of the town personnel in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the mayor

within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal, and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or 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. (1995 Code, § 9-205, modified)

**9-206. Bond.** Every permittee shall file with the recorder a surety bond running to the town in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this town and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the town that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the town doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may be relieved without costs of all further liability, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced. (1995 Code, § 9-206)

**9-207. Loud noises and speaking devices.** No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the town or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1995 Code, § 9-207)

**9-208. Use of streets.** No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1995 Code, § 9-208)

**9-209. Exhibition of permit.** Permittees are required to exhibit their permits at the request of any police officer or citizen. (1995 Code, § 9-209)

**9-210. Police officers to enforce.** It shall be the duty of all police officers to see that the provisions of this chapter are enforced. (1995 Code, § 9-210)

**9-211. Revocation or suspension of permit.** (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for 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 hearing. Such notice shall be mailed to the permittee 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.

(3) The mayor may suspend a permit pending the revocation hearing when he considers such action reasonably necessary in the public interest. (1995 Code, § 9-211)

**9-212. Reapplication.** No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1995 Code, § 9-212)

**9-213. Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1995 Code, § 9-213)

**9-214. Restrictions during parades.** (1) It shall be unlawful for any street vendor, peddler, or transient merchant to display or sell any goods or

wares while walking or riding along the parade route during the course of the parade.

(2) A street vendor, peddler, or transient merchant may sell their goods or wares from a stationary point along the parade route upon their obtaining a peddler's permit from the town and obtaining written permission from the owner or occupant of the property at the designated stationary point. The stationary point shall be designated by the town administer or his designee. (Ord. #07/08-11, Oct. 2007)

**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 Dandridge and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Dandridge and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>1</sup> (1995 Code, § 9-501)

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. #00/01-14, in the office of the recorder.