

## CHAPTER 2

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

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<sup>1</sup> Municipal code reference

Privilege taxes: title 5, chapter 3.

#### SECTION

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#### **9-201. Permit required.**

It shall be unlawful for any peddler, solicitor (selling door to door for immediate or for future delivery), or temporary sales vendor, to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter and any other city ordinance. No permit shall be transferable.

(Ord. #000-02-04, March 2000)

#### **9-202. Exemptions.**

The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor newspaper carriers, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide local charitable, religious, patriotic, philanthropic, governmental, literary/educational organizations, or to any vendor participating in a bona fide charitable fundraising event. Persons selling homegrown items, who, in fact, themselves produced the products and have not been purchased for resale, or persons having a valid, current City of Cookeville business license are exempt from fees/bond only.

(Ord. #000-02-04, March 2000, modified)

#### **9-203. Application for permit.**

Applicants applying for a permit under this chapter shall file a sworn, written application with the city clerk's office containing the following information and such other pertinent information as may be required:

- (1) Name, date of birth, and social security number.
- (2) Driver's license or other personal identification.
- (3) Home address.
- (4) Local address, if different from home address.
- (5) Name, address and phone number of corporation, company, or organization the applicant is representing.
- (6) A copy of a "Tennessee Certificate of Registration" for the collection of state and local sales or use taxes for sale of tangible personal property or taxable services for customers in Cookeville for each Cookeville location for which each permit is issued.
- (7) A description of the nature of the business and the goods to be sold.
- (8) A description of any vehicles, including make and model, license plate number and county of registration being used while soliciting or peddling.

(9) Address of premises to be occupied for the business.

(10) Proof of zoning approval from the City of Cookeville Codes Department.

(11) Proof of permission from owner of property that business is to occupy.

(12) The starting date and ending date of operation of the business.

(13) The names, addresses and phone numbers of two unrelated references who can certify as to the applicant's good moral reputation and business responsibility

(14) A sworn statement as to whether the applicant and additional assistants have been convicted of any crime (felony), or misdemeanor, or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed.

(15) The last two (2) cities or towns, if any, where the applicant transacted the business.

(16) An application fee of ten dollars (\$10.00), non-refundable, is required by the City of Cookeville to defray the cost of investigating the application.

(Ord. #000-02-04, March 2000, modified, as amended by Ord. #004-03-02, April 2004)

#### **9-204. Issuance or refusal of permit.**

Each application shall be investigated by the city clerk's office and police department. The city clerk's office shall report the results of the investigation within seventy-two (72) hours.

Each permit, permittee, or location shall not exceed 180 calendar days within a calendar year. A fee of \$70.00 for a minimum of a fourteen (14) day period and each additional fourteen (14) day period shall be assessed to temporary sales vendors, and any peddler, or solicitor. Each applicant must state and purchase the permit for the full term of their business. If, after issuance of a permit has expired, no additional permit shall be issued until a grace period of fourteen (14) days has been honored.

(Ord. #000-02-04, March 2000)

#### **9-205. Temporary sales permit.**

It shall be unlawful for any person to sell on a temporary basis any consumer item (new or used) or service, within the corporate limits of the City of Cookeville without first obtaining a "temporary sales permit." For the purpose of this section a "temporary sales vendor" means any person, persons or corporation who brings into any premise and exhibits stocks of merchandise (new, used or handcrafted) to the public for the purpose of selling or offering to sell merchandise, food/beverages (prepared for consumption), or offering to provide a service on a seasonal/temporary basis or providing amusement/entertainment for profit to the public. "Temporary premises" means any public or quasi-public place, including a hotel, motel, rooming house, storeroom, building or part of a building, mall, pavilion, county fairgrounds (if not sponsored by any exceptions listed in § 9-202), park, convention center, tent, parking lot, vacant lot, public streets/sidewalks (parades and etc. only), railroad car, tractor trailer or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise (new, used, or handcrafted) and/or providing a service to the public for profit to any private shareholder or individual. Premises used by a temporary sales vendor must be cleared of any merchandise/tables/display on the date their permit expires (in an effort to promote the safety/beauty of this city). Premises shall not be considered "temporary" if the same person has conducted business at said premises for more than six (6) consecutive months (open for a minimum of 3 days per week), and have permanently affixed sanitary facilities providing for hot/cold water supply attached to an approved water/sewer system available to the public during all operating hours at the local address and premises from which the proposed sales are made. Outside flea markets and temporary display of animals (domestic or agricultural), except with the local humane society, for sale or free are prohibited.

(Ord. #000-02-04, March 2000)

#### **9-206. Bond.**

Every permittee shall file with the city clerk's office a cash bond or other approved bond (surety bond/company bond) running to the municipality in the amount of two thousand, five hundred dollars (\$2,500.00).

The bond shall remain on file in the city clerk's office for a period of one (1) year and shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the city. It shall guarantee to any citizen of the city that all money paid as a down payment and/or complete purchase will be accounted for and applied according to the representations of the permittee, and shall further guarantee to any citizen of the city doing business with said permittee that the goods purchased will be delivered and/or guaranteed according to the representations of the permittee.

(Ord. #000-02-04, March 2000)

#### **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 city or upon private premises where sound of sufficient volume (in accordance with Title 11, § 11-202 of the municipal code) 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.

(Ord. #000-02-04, March 2000)

#### **9-208. Use of streets/sidewalks.**

No permittee shall have any exclusive right to any location of the public streets/sidewalks, nor shall any be permitted to operate a "road block" of any kind, 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 such streets/sidewalks. For the purpose of this chapter, the judgment of a police officer and/or codes officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

(Ord. #000-02-04, March 2000, modified)

#### **9-209. Exhibition of permit.**

Permittees are required to exhibit their permit at a visible site for the inspection of any police officer, codes enforcement officer and customer/person solicited.

(Ord. #000-02-04, March 2000)

#### **9-210. Enforcement and penalties.**

(1) It shall be the duty of all policemen and/or codes officers to see that the provisions of this chapter and/or any other city ordinance that pertains are enforced.

(2) Any person violating the provisions of this chapter and/or any other city ordinance shall be punished by a fine of no more than fifty dollars (\$50.00).

(Ord. #000-02-04, March 2000; modified)

#### **9-211. Revocation or suspension of permit.**

(1) Permits issued under the provisions of this chapter may be revoked by the city council 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, peddler, or temporary sales vendor.

(b) Any violation of this chapter or any other city ordinance that pertains.

(c) Conviction of any crime (felony) or misdemeanor.

(d) Conducting the business of peddler, solicitor, or temporary sales 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.

(e) 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.

(f) Enter in or upon any residential premises before 9:00 A.M. or after dusk.

(2) Notice of the hearing for revocation of a permit shall be given by the city clerk 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/her last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer or codes enforcement officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) When reasonably necessary in the public interest the city manager may suspend a permit pending the revocation hearing.

(Ord. #000-02-04, March 2000, modified)

#### **9-212. Reapplication.**

No permittee whose permit has been revoked shall make further application until a period of at least one (1) year has elapsed since the last revocation.

(Ord. #000-02-04, March 2000)

#### **9-213. Expiration and renewal of permit.**

Permits issued under the provisions of this chapter shall expire in no more than 180 days within a calendar year. Each application expires December 31st of the year it was submitted.

(Ord. #000-02-04, March 2000)