CHAPTER 1
TRANSIENT DEALERS

SECTION
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9-101. Definitions. The following definitions are applicable to this chapter:
(1) "Merchandise," means any consumer item or goods that is or is represented to be new or not previously owned by a customer.
(2) "Person" means an individual, partnership or corporation.
(3) "Temporary premises" means any public or quasi-public place, including but not limited to a hotel, motel, storeroom, outbuilding, tent, vacant lot, warehouse, railroad car or motor vehicle, temporarily occupied and/or in any manner for the purpose of exhibiting and/or selling merchandise to the public. Premises are not considered temporary if the same person has conducted business at the 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.

(4) "Transitory dealer" means any person who brings into a temporary premises and exhibits to the public merchandise for the purpose of selling or offering to sell such merchandise to the public. (Ord. #02-10, July 2002)

9-102. Permit required. It shall be unlawful for any transient dealer to ply his trade within the town's corporate limits without first obtaining a permit therefore 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. (Ord. #02-10, July 2002)

9-103. Exemptions. This chapter shall not be applicable to:
(1) Persons selling at wholesale to retail merchants;
(2) Wholesale trade shows wherein there are no sales made to retail customers, and all purchases, if any, are made by licensed retail merchants;
(3) A person operating a permanent business but occupying a temporary premises and thereon prominently displays the business name and address;
(4) Yard sales. (Ord. #02-10, July 2002)

9-104. Application for permit. Applications for a permit must be made at least fourteen (14) days prior to exhibiting or offering for sale any merchandise. Applicants for a permit must file with the town administrator a sworn written application containing the following:
(1) Name and social security number;
(2) Permanent address;
(3) Local address of applicant;
(4) Address of temporary premises;
(5) Brief description of nature of business and merchandise to be sold;
(6) Dates and times during which business will be conducted;
(7) Description, state of registration and license number of motor vehicle used to make sales or solicitations;
(8) Name and address of employer, if any;
(9) Criminal record, if any;
(10) 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;
(11) Names and address of those who will conduct business of applicant;
(12) Name and address of true owner of merchandise if applicant is not true owner;
(13) Statement of gross sales from businesses conducted in the Town of Chapel Hill for three (3) years immediately preceding the application and estimate of gross receipts to be received from business conducted in the Town of Chapel Hill for the first year subsequent to the application;
(14) If a corporation, a copy of certificate of existence issued by the Secretary of State of Tennessee and the name and address of agent for service of process;
(15) A recent photograph of applicant;
(16) At the time of filing of the application, a non-refundable fee in an amount provided by resolution of the board of mayor and aldermen shall be paid to the town to cover the cost of investigating the facts stated therein. (Ord. #02-10, July 2002, modified)

9-105. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report the findings to the town administrator within seventy-two (72) hours.
(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the town administrator shall notify the applicant that his application is disapproved and no permit will be issued.
(3) If the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the town administrator shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-107 of this chapter. The town administrator shall keep a permanent record of all applications and permits issued. (Ord. #02-10, July 2002)

9-106. Appeal. Any person aggrieved by the action of the town administrator in the denial of a permit shall have the rights to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the town administrator within seven (7) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The town administrator shall set a time and place for a hearing of such appeal and written notice of the time and place of hearing shall be mailed, postage prepaid, to the applicant at the local address in the application 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. (Ord. #02-10, July 2002)
9-107. **Bond.** Before the issuance of a permit, the applicant shall file with the town recorder a surety bond approved by the town administrator running to the town in the amount of one thousand dollars ($1,000.00). The bond shall be issued on the condition that the permittee shall comply fully with all the provisions of the ordinances of the 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 purchaser and 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 purchaser and 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 the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (Ord. #02-10, July 2002)

9-108. **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 or quasi-public places of the town or upon private premises where sound of 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. (Ord. #02-10, July 2002)

9-109. **Use of streets.** No permittee shall have any exclusive neither right to any location in the public streets, nor be permitted a stationary location thereon, nor be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such 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. (Ord. #02-10, July 2002)

9-110. **Exhibition of permit.** Permittees are required to exhibit their permits at the temporary premises so as to be visible to the public. (Ord. #02-10, July 2002)

9-111. **Policemen to enforce.** It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (Ord. #02-10, July 2002)

9-112. **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 of the material fact contained in the application for permit or made in the course of carrying on the business of a transient dealer;
(b) Any violation of this chapter;
(c) Conviction of any crime or misdemeanor;
(d) Conducting the business of a transient dealer in any unlawful manner or in such 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) Material misrepresentation of quality of merchandise.
(2) Notice of the hearing for revocation of a permit shall be given by the town 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 the local address in the application 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) When necessary in the public interest the town administrator may suspend a permit pending the revocation hearing. (Ord. #02-10, July 2002)

9-113. 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. (Ord. #02-10, July 2002)

9-114. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire ten (10) days from the date issued. 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. Renewal application shall be accompanied by a non-refundable fee in an amount provided by resolution of the board of mayor and aldermen. (Ord. #02-10, July 2002, modified)

9-115. Fee waived for certain businesses. Business conducted exclusively for religious, charitable, scientific or educational purposes and the sale of agricultural and handicraft products shall not be required to pay the ten dollar ($10.00) non-refundable fee as required in § 9-104(7) or file the bond as required in § 9-107. (Ord. #02-10, July 2002)

9-116. Violations. Any violation of this chapter shall subject the offender to a penalty under the general penalty provision of this code.
CHAPTER 2

MISCELLANEOUS

SECTION

9-201. Roadblocks, advertising or promotional activities on streets.

9-201. Roadblocks, advertising or promotional activities on streets. (1) Definitions. (a) "Person" means any person or group acting individually or in concert;

(b) "Roadblock" means any activity by one (1) or more persons which obstructs or slows traffic and includes, but is not limited to, a person standing on a street in such a position or moving to a position that when a vehicle stops for a traffic signal, such person can talk to the driver or any passenger for the purpose of selling or promoting the sale of anything or soliciting a contribution or gift of any kind.

(c) "Sign" means any type of display, sign, placard, signal or other device which advertises any activity and is not an official traffic control device or directional sign; and

(d) "Street" means any highway, street, alley or public right-of-way, except the square.

(2) Persons may establish a roadblock on the square for the purpose of selling or promoting the sale of anything or soliciting a contribution or gift for the national recognized organization, provided:

(a) Persons participating in a roadblock shall be at least twelve (12) years of age or older and each roadblock location shall be supervised by an adult;

(b) Person in charge of roadblock applies for a permit from the chief of police or his designee at least five (5) business days before the establishment of the roadblock;

(c) Persons participating in the roadblock remove all signs or other displays upon completion of the roadblock;

(d) Person in charge of roadblock, or his designee, shall be present throughout the time of the roadblock.

(e) Only one (1) permit will be issued for any given day.

(3) No person, except a law enforcement officer, fireman or one with authority to control traffic and the use of a street, shall establish a roadblock without a permit.

(4) No person shall be on a street without a permit:

(a) To solicit gifts or contributions or cause the solicitation of gifts or contributions;

(b) To sell, offer to sell or cause the selling or offering to sell any goods, whether the sale of such goods occurs on a street or off a street;

(c) To promote or advertise any activity; and
(d) To place a sign on a street to advertise or promote any activity.

(5) No person shall disobey an order to move or remove a sign issued by a person who is a law enforcement officer, firefighter, public works employee, or person with authority to control traffic on a street or to maintain public safety on a street.

(6) Any person violating any provision of this section shall be liable for any accident or other occurrence arising from the illegal use of a street and no liability shall attach to the town, its officials and any member of the Chapel Hill Police Department.

(7) This section is in accordance with Tennessee Code Annotated, § 39-17-307.

(8) Any person violating this section shall be subject to a penalty not to exceed fifty dollars ($50.00) and each day of violation constitutes a separate and distinct violation.

(9) Permits shall be issued by the chief of police, or his designee, and shall be available for inspection at all times during a roadblock. (Ord. #98-6, Jan. 1999, modified)
CHAPTER 3

GOING OUT OF BUSINESS

SECTION

9-301. "Going out of business" sales.

9-301. "Going out of business" sales. It shall be unlawful for any person to falsely 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.
CHAPTER 4

GARAGE SALE REGULATIONS

SECTION
9-401. Purpose.
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9-404. Penalty for violation of chapter.
9-405. Right of entry--authority of inspector.
9-406. Property permitted to be sold.
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9-408. Display of property.
9-409. Signs.
9-410. Responsibility for maintaining order.
9-411. Parking.
9-412. Yard and garage sales--registration required.
9-413. Means of advertisement of yard sales--obstructing traffic.

9-401. Purpose. The council finds and declares that unregulated garage sales and yard sales are causing annoyance to the citizens in residential areas in the town and congestion of the streets in residential areas in the town. The purpose of this chapter is to regulate the term and frequency of garage sales and yard sales, for the safety and welfare of the town's citizens. (as added by Ord. #11-08, Oct. 2011)

9-402. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "shall" is always mandatory and not merely directory.

(1) "Community yard sale" means the inclusion of five (5) or more surrounding neighbors in combination for the sole purpose of the sale of goods, wares, merchandise, personal property of such kind as household articles, utensils, jewelry, clothing, furniture, or other articles of this kind and may be also known as a garage sale.

(2) "Garage sale" means and includes all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone as defined by the zoning ordinance, for the purpose of disposing of personal property, including but not limited to all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market" or "rummage" sale. This definition does not include the legal operation of licensed businesses carried on in a nonresidential zone where the person conducting the sales does so, on a regular day-to-day basis. This definition shall not include a situation where no
more than three (3) specific items or articles are held out for sale and where all advertisement of such sale specifically names those items to be sold.

(3) "Personal property" means property which is owned, utilized and maintained by an individual or members of its residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

(4) "Yard sales." A yard sale is defined as a sale of goods, wares, merchandise, personal property of such kind as household articles, utensils, jewelry, clothing, furniture, or other articles of this kind and may be also known as a garage sale. Such a sale is usually held by a private citizen or citizens on property owned by the citizen and/or property occupied as rental property, and may be held on a space rented for the sale. (as added by Ord. #11-08, Oct. 2011)

9-403. Exemptions from chapter. The provisions of this chapter shall not apply to or affect the following:
(1) Persons selling goods pursuant to court order.
(2) Persons acting within their powers and duties as public officials.
(3) Any sale conducted by any merchant or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the town or under the protection of the nonconforming use provisions thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises and which is not otherwise prohibited by other ordinances.
(4) Any bona fide charitable, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution or organization and the goods or articles are not sold on a consignment basis. (as added by Ord. #11-08, Oct. 2011)

9-404. Penalty for violation of chapter. (1) Every article sold and/or every day a sale is conducted in violation of this article shall constitute a separate offense.
(2) Any person found guilty of violating the terms of this chapter shall be subject to punishment by a civil penalty of not less than fifty dollars ($50.00) per day. (as added by Ord. #11-08, Oct. 2011)

9-405. Right of entry—authority of inspector. A police officer or any other public official shall have the right of entry to any premises showing evidence of a garage sale or yard sale for the purpose of enforcement or inspection. (as added by Ord. #11-08, Oct. 2011)

9-406. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property. (as added by Ord. #11-08, Oct. 2011)
9-407. **Duration of sale.** Garage sales and yard sales shall be registered with the building official as provided for in § 9-412 of this chapter at no cost and shall be limited as follows:

1. A period during a week not greater than four (4) consecutive days.
2. Each property address shall be limited to four (4) yard sales annually with persons holding more than four (4) yard sales per year being subject to application for a license for the commissioner of finance and revenue under the Business Tax Act, shall be subject to sales tax, and may be required to keep an inventory of items on hand for the sale for inspection by the commissioner of finance and revenue.
3. The hours of operation for any such sales shall be within the hours of 7:00 A.M. to 7:00 P.M on Thursdays, Fridays, Saturdays and Sundays only. (as added by Ord. #11-08, Oct. 2011)

9-408. **Display of property.** No personal property offered for sale at a garage sale or yard sale shall be displayed in any public right-of-way. (as added by Ord. #11-08, Oct. 2011)

9-409. **Signs.** (1) Only the following specified signs may be displayed in relation to a pending garage sale or yard sale; provided however, that such signs shall be subject to any other applicable ordinance of the town relating to the placement of signs:

   a) Two (2) signs of not more than twelve (12) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the garage sale or yard sale is being conducted.

   b) Directional signs of not more than two (2) square feet each are permitted, provided that the premises on which the garage sale or yard sale is conducted is not on a major thoroughfare and that written permission to erect such signs is received from the property owners on whose property such signs are to be placed.

2. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

3. Signs must be removed at the conclusion of the garage sale or yard sale activities. (as added by Ord. #11-08, Oct. 2011)

9-410. **Responsibility for maintaining order.** The individual to whom a permit is issued under this chapter and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on the premises or permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member
of the police or fire department of the town in order to maintain the public health, safety and welfare. (as added by Ord. #11-08, Oct. 2011)

9-411. Parking. All parking of vehicles at sales regulated under this chapter shall be conducted in compliance with all applicable laws and ordinances. The police department may enforce such temporary controls as necessary to alleviate any special hazards and congestion created by any garage sale or yard sale. (as added by Ord. #11-08, Oct. 2011)

9-412. Yard and garage sales—registration required. All persons who hold or engage in a garage sale or yard sale within the town limits shall be residents of the town at the time of the sale and shall register such sales at town hall at least three (3) days prior to the sale. (as added by Ord. #11-08, Oct. 2011)

9-413. Means of advertisement of yard sales—obstructing traffic. It shall be unlawful for any person or persons holding or engaged in a garage sale or yard sale to cause congestion of traffic in the areas where the sale is being held. It shall be unlawful for any person or persons holding or intending to hold a garage sale or yard sale to post advertisement of the sale on telephone poles, utility poles, or in any manner anywhere except for temporary signs within the yard or space where the sale is being held or is to be held as set forth in other sections of this chapter. Advertising also may be given to the local news media for publication or other means of informing the public. (as added by Ord. #11-08, Oct. 2011)