TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.²

SECTION

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. Fund raising from passing motorists prohibited.
9-108. Exhibition of permit.
9-109. Suspension or revocation of permit.
9-110. Expiration and renewal of permit.
9-111. Violation and penalty.
9-112. Hours of permitted solicitation.

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

¹Municipal code references
Liquor and beer regulations: title 8.
Noise reductions: title 11.
Posting advertisements and signs: title 14.

²Municipal code reference
Privilege taxes: title 5.
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.

(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, 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 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" organization for charitable or religious organizations.
(c) Has been in continued existence as a charitable or religious organization in Hamilton 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" 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 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.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the town and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

9-102. Exemptions. The terms of this chapter shall not 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 any local church or locally established organization, including organizations of any local school, operated exclusively for charitable or religious purposes if the solicitations are conducted voluntarily and without emuneration for those person making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (Ord. #91, March 1986, as modified)

1State law references

Tennessee Code Annotated, section 62-30-101 et seq. contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from Tennessee Code Annotated, section 62-30-101(3). Note also that Tennessee Code Annotated, section 67-4-709(a) prescribes that transient vendors shall pay a tax of $50.00 for each 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, section 67-4-709(b).
9-103. **Permit required.** No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, 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 for permit.** Any applicant for a permit to be issued under this chapter must pay the town recorder a fee of seventy-five dollars ($75.00) and file a written application containing the following:

(a) Name and physical description of applicant.

(b) 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.

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

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

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

(f) A statement as to whether 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.

(g) 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.

(h) Such other available evidence as will enable an investigation to evaluate the applicant's moral reputation and business responsibility.

(2) **Issuance or refusal of a permit.** The town recorder shall submit the name of each applicant to the Hamilton County Sheriff's Department, the Tennessee Bureau of Investigations, or such other law enforcement agency or organization/business/group selected by the town recorder for the purposes of conducting a background check on the applicant. With respect to the issuance of a permit authorizing charitable or religious solicitations, the town recorder, after a reasonable investigation, must find the following facts to exist:

(a) The applicant has a good character and reputation for honesty and integrity;

(b) The solicitation is for a bona fide charitable or religious purpose; and

(c) The solicitation is prompted solely by a desire to finance the charitable or religious cause of the applicant.
If the background check reveals the applicant's moral reputation and/or business responsibility to be unsatisfactory, or, in the case of a permit authorizing charitable or religious solicitation the town recorder's investigation finds that any of the items listed as (a), (b) and (c) above are not met, then the town recorder shall notify the applicant that his or her application is disapproved and that no permit will be issued. If the background check reveals the applicant's moral reputation and business responsibility to be satisfactory, and in the case of a permit authorizing charitable or religious solicitation the town recorder's investigation finds that the items listed as (a), (b) and (c) above are met, then the town recorder shall issue the permit upon the payment of all applicable privilege taxes, if any. The town recorder shall keep a permanent record of all permits issued.

(3) Appeal from a refusal to issue a permit. Any person aggrieved by the action of the town recorder 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 town recorder, within fourteen (14) days after the notice of the denial of the permit, a written statement setting forth fully the grounds for the appeal. The town recorder 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/applicant. The notice shall be in writing and shall be mailed, postage prepaid, to the appellant/applicant at his or her last known address at least five (5) days prior to the date set for the hearing before the board of mayor and aldermen. (Ord. #91, March 1986 and Ord. #92, March 1986, as replaced by Ord. #2010-285, Oct. 2010)

9-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable or religious 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, 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 town.

(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. Fund raising from passing motorists prohibited. Fund raising or soliciting from passing motorists on the streets or highways of the Town of Walden by any and all organizations is prohibited.

9-108. Exhibition of permit. Each permittee under this chapter shall wear outside their clothing identification card issued by the town recorder after approval of the application for permit at all times when any solicitation occurs within the town. The identification shall always be worn by permittee in a visible manner to residences within the town and any permittee shall exhibit and show the identification issued by the town recorder to any law enforcement officer or citizen when requested. (Ord. #91, March 1986, as replaced by Ord. #2010-285, Oct. 2010)

9-109. Suspension or revocation of permit. Any permit issued under the provisions of this chapter may be revoked or suspended by the town recorder, or his or her designee, subject to the opportunity for an immediate appeal with notice and an opportunity for a hearing before the board of mayor and aldermen within thirty (30) days of any revocation or suspension. Immediate suspension and/or revocation may occur by the town recorder and shall be upheld by the board of mayor and aldermen for any of the following reasons:

(1) Fraud, misrepresentation, or any untruthful statement contained in the application for permit or made in the course of carrying on the business of peddler, solicitor, solicitor for charitable or religious purposes, solicitor for subscriptions, transient vendor, or street barker.

(2) Conducting the business of peddler, solicitor, solicitor for charitable or religious purposes, solicitor for subscriptions, transient vendor, or street barker in an unlawful manner without exhibiting identification as required by this chapter.

(3) Conducting the business of peddler, solicitor, solicitor for charitable or religious purposes, solicitor for subscriptions, transient vendor, or street barker in an unlawful manner resulting in any disorderly conduct or breach of the peace within the town or in any manner which constitutes a violation of any laws or ordinances of the town or the State of Tennessee.

(4) Any other violation of this chapter shall be grounds for suspension and/or revocation.
Immediate notice of any suspension and/or proposed revocation of permit shall be given by the town recorder in writing to any permittee, setting forth the grounds of the suspension and/or revocation and setting forth the time and place of hearing before the board of mayor and aldermen. Such notice shall be mailed to the permittee at the address provided on the application at least five (5) days prior to the date set for the hearing before the board of mayor and aldermen. 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. (as replaced by Ord. #2010-285, Oct. 2010)

9-110. 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 any peddler, solicitor (excluding solicitors for religious or charitable purposes and solicitors for subscriptions), or transient vendors 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 town. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided for in the permit, not to exceed thirty (30) days after the date of the issuance of the permit. An application for a renewal shall be made substantially in the same form as the original application, however, only so much of the application shall be completed as is necessary to reflect which have changed since the last application was filed. (as replaced by Ord. #2010-285, Oct. 2010)

9-111. Violation 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 according to the general penalty provision of this municipal code of ordinances.¹

9-112. Hours of permitted solicitation. Any permittee under this chapter shall not solicit for sale, enter in, or go on, or upon any premises of any property owner within the town except as provided in the chapter. Hours of permitted solicitation within the town shall only occur by permittees during normal business hours from 9:00 A.M. through 5:00 P.M. Monday through Friday. No permitted solicitation or sales may occur outside permitted hours. (as added by Ord. #2010-285, Oct. 2010)

¹See section 5, of Adopting Ordinance.
CHAPTER 2
CABLE TELEVISION

SECTION
9-201. To be furnished under franchise.
9-202. Regulation of rates charged for cable television service and equipment.
9-203. Definitions.

9-201. To be furnished under franchise. Cable television shall be furnished to the Town of Walden and its inhabitants under franchise granted to Chattanooga Cable TV by the Board of Mayor and Aldermen of the Town of Walden, Tennessee. The rights, powers, duties and obligations of the Town of Walden and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹ (Ord. #61, March 1981)

9-202.² Regulation of rates charged for cable television service and equipment. Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992, 47 U.S.C. § 543, and subject to Federal Communications Commission action under the authority of said Act certifying the Town of Walden to regulate basic cable television service within the boundaries of the Town of Walden; and for the purposes of regulating the rates charged to customers of any cable television operator franchised by the Town of Walden, the regulations contained in Title 47 of the Code of Federal Regulations, Part 76, Subpart N, sections 76,900 through 76,985, are hereby adopted and incorporated by reference as a part of this code. (as added by Ord. #94-160, June 1994)

9-203. Definitions. Whenever the regulations cited in section 9-203 refer to "franchising authority", it shall be deemed to be a reference to the Board of Mayor and Aldermen of the Town of Walden, Tennessee. (as added by Ord. #94-160, June 1994)

¹For complete details relating to the cable television franchise agreement see ordinance #61 dated March 1, 1981, in the office of the town recorder.

²Ordinance Number 94-160 (June 1994) added the provisions of sections 9-202 and 9-203 to the municipal code in title 19. However since the Cable TV chapter is here in title 9, the provisions of Ord. #94-160 were added here.
CHAPTER 3
TEMPORARY SPECIAL EVENT

SECTION
9-301. Event permit required.
9-302. Temporary special event defined.
9-303. Application contents and fee.
9-304. Approval/denial of the event permit.
9-305. Duration.
9-308. Violation; penalties.

9-301. Event permit required. Whenever any property owner shall use or allow the use of his, her or its property by any person, including any corporation or other similar entity, for a temporary special event such property owner shall first obtain an "event permit" from the town. (as added by Ord. #2003-237, July 2003)

9-302. Temporary special event defined. A "temporary special event" shall mean the temporary use of property by the property owner or by vendor(s) who rent, lease or otherwise obtain a sales area from the property owner for the purpose of selling, bartering, exchanging, trading or displaying goods or services at an event which is open to the public, including without limitation, the world's longest yard sale, or other similar flea market, festival, or carnival. (as added by Ord. #2003-237, July 2003)

9-303. Application contents and fee. An event permit will be issued only upon the submission of an application. With the exception of the year in which this chapter is enacted, the event permit must be filed with the town recorder a minimum of thirty (30) days prior to the anticipated date of the temporary special event. Such application must contain the following information:
(1) A detailed description of the specific property in which the temporary special event or portion of the temporary special event will be held.
(2) The exact name, address, and telephone number of the owner and/or person to contact for all communications from the town.
(3) The approximate number of vendors that will be occupying and using the property during the temporary special event.
(4) A statement whereby the property owner agrees to defend, indemnify and hold the town harmless from any liability arising from the permitted activity and agreeing to abide by any conditions imposed upon the event permit, the provisions of this chapter and all other laws, rules and regulations of the town.
(5) A certificate of insurance evidencing the existence of comprehensive general public liability insurance against claims for bodily injury, death or property damage occurring in, on or about the property in which the temporary special event or portion of the temporary special event will be held in an amount of at least $300,000.00 combined single limit for bodily injury and property damage.

(6) The payment of a $50.00 application fee. (as added by Ord. #2003-237, July 2003)

9-304. Approval/denial of the event permit. The board of mayor and aldermen may impose reasonable conditions upon the issuance of an event permit or deny such event permit if it finds that the granting of the event permit would result in, create, or constitute any of the following:

1. A significant increase in traffic volumes which may adversely affect vehicular and pedestrian safety;
2. Potential crowd control problems dangerous to the well-being of the public;
3. Potential sanitary problems relating to a lack of bathroom facilities; and
4. Conditions detrimental to the health, safety, and welfare of the public. (as added by Ord. #2003-237, July 2003)

9-305. Duration. The duration of the event permit shall be in the sole discretion of the board of mayor and aldermen, but in no event will an event permit be issued for more than twelve (12) continuous days. (as added by Ord. #2003-237, July 2003)

9-306. General regulations. All activities relating to the temporary special event shall comply with all applicable town ordinances, rules and regulations, including those concerning businesses signage, and the following:

1. Ingress and egress to the property and adequate parking shall be maintained at all times; and
2. The property on which the temporary special event is occurring shall be maintained free of litter and, if such activity is causing litter on adjoining property, the property owner of the subject property shall be responsible for the cleanup of the adjacent property. (as added by Ord. #2003-237, July 2003)

9-307. Exercise of police power. This chapter is enacted as an exercise of the town's police powers and shall not be construed to impose any duty by the town to the property owner or to any member of the public, nor shall any event permit be construed as a waiver of any violation of the ordinances, rules and regulations of the town or the State of Tennessee. (as added by Ord. #2003-237, July 2003)
9-308. Violation; penalties. It shall be a misdemeanor for any person, corporation or other organization to violate any of the provisions of this chapter or the conditions imposed upon any event permit issued hereunder, which shall be punishable by a fine not to exceed one thousand dollars ($1,000). (as added by Ord. #2003-237, July 2003)