

Chapter 2 PEDDLERS*

***Cross references:** Selling from vehicles, § 9-435; obstructing public ways, § 12-111.

Sec. 5-201. "Peddlers" defined.

The word "peddler" as used herein includes any person, whether a resident of the city or not, traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, or farm products or provisions who offers and exposes them for sale, or who makes sales and delivers articles to purchasers. The word "peddler" also includes any person who, without traveling from place to place, sells or offers the same for sale from a wagon, motor vehicle, railroad car, or other vehicle or conveyance. One who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The word "peddler" shall include the words "hawker" and "huckster," but shall not be deemed to include "charity solicitors" and "subscription solicitors" who are regulated herein.

(1963 Code, § 22-16)

Sec. 5-202. Permit required.

It shall be unlawful for any person to engage in the business of peddler within the city without obtaining a peddler's permit in accordance with the provisions of this chapter.

(1963 Code, § 22-17)

Sec. 5-203. Application for permit; accompanying documents.

Each applicant for a permit under this chapter must file with the commissioner of finance and revenue a sworn application, in writing on a form to be furnished by the commissioner of finance and revenue, which gives the following information:

- (1) *Name, description.* Name and description of the applicant.
- (2) *Address.* Address (legal and local).
- (3) *Description of business.* A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.
- (4) *Name of employer, if any.* If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) *Duration of business.* The length of time for which the right to do business is desired.
- (6) *Description of vehicle.* If a vehicle is to be used, a description of it, together with its license number and other means of identification.
- (7) *Photograph.* A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which is two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (8) *Fingerprints, references.* The fingerprints of the applicant and the names of at least two (2) reliable property owners of the County of Montgomery, Tennessee, who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant that will enable an investigator properly to evaluate the character and business responsibility.
- (9) *Previous convictions.* A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, and, if so, the nature of the offense and the punishment or penalty assessed therefor.
- (10) *Medical certificate.* Applicant shall file with his application a statement by a reputable physician of the city, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free of infectious, contagious, or communicable disease.

(11) *Fee.* At the time of filing the application, a fee of two dollars (\$2.00) shall be paid to the commissioner of finance and revenue to cover cost of investigation.
(1963 Code, § 22-18)

Sec. 5-204. Investigation.

(1) *Conduct of investigation.* Upon receipt of an application for a peddler's permit, the original shall be referred to the chief of police who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(2) *Disapproval of application.* If, as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on the application his disapproval and his reasons therefor, and return the application to the city clerk who shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) *Approval of application.* If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval and return it to the city clerk.

(1963 Code, § 22-19)

Sec. 5-205. Issuance and form of permit; record.

When the chief of police has approved an application for a peddler's permit, the city clerk shall, upon payment of any lawful privilege tax due the city, issue to the applicant a peddler's permit. The permit shall bear the signature of the city clerk and shall show the name, address, and photograph of the permittee; the kind of goods to be sold thereunder; the amount of privilege tax, if any, paid; the date of issuance; and the expiration date of the permit. The clerk shall keep a permanent record of all permits issued.

(1963 Code, § 22-20)

Sec. 5-206. License.

The city clerk shall issue to each peddler at the time of delivery of his permit a license to be used during the time he is engaged in peddling.

(1963 Code, § 22-21)

Sec. 5-207. Exhibit of permit required.

Peddlers are required to exhibit their permits at the request of any citizen.

(1963 Code, § 22-22)

Sec. 5-208. Transfer of permit or license prohibited.

No peddler's permit or license issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued.

(1963 Code, § 22-23)

Sec. 5-209. Loud noises to attract attention prohibited.

No peddler, nor any person in his behalf, shall shout, make any cryout, blow a horn, ring a bell, or use any sound device including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks, or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, parks, or other public places for the purpose of attracting attention to any goods, wares, or merchandise which the peddler proposes to sell.

(1963 Code, § 22-24)

Cross references: Noise regulated, § 10-224.

Sec. 5-210. Conduct of business in public ways restricted.

No peddler shall have any exclusive right to any location in the public streets, nor shall any peddler be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this section the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(1963 Code, § 22-25)

Cross references: Soliciting business from vehicle, § 9-610; obstructing public ways, § 12-111.

Sec. 5-211. Revocation of permit.

(1) *Grounds.* Peddlers' permits may be revoked by the city clerk after notice and hearing for any of the following causes:

- (a) Fraud, misrepresentation, or false statement contained in the application for the permit.
- (b) Fraud, misrepresentation, or false statement made in the course of carrying on his business as peddler.
- (c) Any violation of this chapter.
- (d) Conviction of any crime or misdemeanor involving moral turpitude.
- (e) Conducting the business of peddling 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 hearing.* Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. The notice shall be mailed, postage prepaid, to the peddler at his last known address at least five (5) days prior to the date set for hearing.

(1963 Code, § 22-26)

Sec. 5-212. Appeal from denial or revocation of permit.

Any person aggrieved by the action of the chief of police or the city clerk in denying or revoking a peddler's permit shall have the right of appeal to the city council. The appeal shall be taken by filing with the council, within fourteen (14) days after notice of the action complained of has been mailed to the person's last known address, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on the appeal, and notice of the hearing shall be mailed, postage prepaid, to the appellant's last known address at least five (5) days prior to the date for hearing. The decision and order of the council on the appeal shall be final and conclusive.

(1963 Code, § 22-27)

Sec. 5-213. Expiration and renewal of permits and licenses.

All permits and licenses issued under the provisions of this chapter shall expire on the thirty-first of December in the year for which issued, but may be renewed by the city clerk at any time within thirty (30) days before or after such expiration date without a new investigation. When applying for a renewal, the peddler shall be required to fill out only such portions of the application blank that reflect changed conditions since the filing of the original application.

(1963 Code, § 22-28)