

CHAPTER 5

TEMPORARY VENDING PERMITS

SECTION

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9-501. Temporary vending permit. It shall be unlawful for any person, firm, corporation, partnership, association or any other organization to set up any booth, trailer, tent or other temporary vending operations where products of any kind are to be sold within the corporate limits of the City of Columbia, without first obtaining a temporary vending permit in compliance with the provisions of this chapter. (Ord. #3495, April 2003)

9-502. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) The name and addresses of the persons, firms, corporations, or other organizations wishing to obtain said permit;
- (2) The complete home address and local address of the applicant;
- (3) A brief description of the location where such applicant intends to locate the temporary vending business;
- (4) A brief description of the nature of the business and the products to be sold;
- (5) The date and length of time for which the right to do business is desired;
- (6) 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 to properly evaluate the applicant's moral reputation and business responsibility;

(7) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and the punishment and penalty assessed therefore;

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

(9) At the time of filing the application, a fee of fifty dollars (\$50.00) shall be paid to the city to cover the cost of issuing such permit and investigating the facts stated in such application. (Ord. #3495, April 2003)

9-503. Loud noises and speaking devices. No permittee, nor any person in his or her 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 of Columbia 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. (Ord. #3495, April 2003)

9-504. 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 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. #3495, April 2003)

9-505. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (Ord. #3495, April 2003)

9-506. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (Ord. #3495, April 2003)

9-507. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the city manager on due notice to applicant for any of the following causes:

(a) Fraud, misrepresentation or incorrect statement or statements contained in the application for permit, or made in the course of carrying on the business of such permittee;

(b) Any violation of this chapter;

(c) Conviction of any crime or misdemeanor;

(d) Conducting business in an 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. (Ord. #3495, April 2003)

9-508. 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. #3495, April 2003)

9-509. Expiration of permit. Permits issued under the provisions of this chapter shall expire on the date written on such permit, with such permits to be effective for a period of no longer than three (3) days. (Ord. #3495, April 2003)

9-510. Exceptions. Pursuant to Tennessee Code Annotated, § 62-30-104, this chapter does not apply to:

- (1) Any corporation, community chest, fund, and other foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes of which no part of the new earnings benefits any private shareholder or individual;
- (2) State fairs, arts and crafts fairs, and other fairs and festivals conducted primarily for amusement and entertainment;
- (3) Wholesale trade shows;
- (4) The sale of agricultural or handcrafted products;
- (5) A person who operates a permanent business, occupies temporary premises and prominently displays the business name and address while business is conducted from the temporary premises; or
- (6) Flea markets. (Ord. #3495, April 2003)