

CUSTOMER CHECKLIST FOR PEDDLER-SOLICITOR-ITINERANT MERCHANT APPLICATION

1. Read Municipal Code and Zoning Ordinance
2. Complete Application and Have Notarized
3. Get Two Recent Clear Photographs Two Inches Square of Head and Shoulders
4. Copy of Drivers License or Other Official Photo ID
5. Copy of Business License (if applicable)
6. Surety Bond
7. Letter From Property Owner (if applicable)
8. Tent Permit from Fire Department (if applicable)-Contact Fire Dept. at (615) 791-3270
9. Sign Permit (if applicable)-Contact Codes at (615) 794-7012
10. County Health Department Permit (if applicable)-Contact Health Dept. at (615) 794-1542
11. Completed Zoning Certification Letter
12. \$50.00 Fee (Cash, Money Order or Local Check)

CITY OF FRANKLIN TENNESSEE

PEDDLER - SOLICITOR - ITINERANT MERCHANT APPLICATION

PLEASE READ AND AGREE TO THE FOLLOWING INFORMATION PRIOR TO SUBMITTING APPLICATION

All applications are referred to the Chief of Police for investigation. The Chief shall report the findings within 72 hours.

Required attachments to be submitted with application:

1. Two (2) recent clear photographs approximately two inches square showing the head and shoulders of the applicant
2. Non-refundable application Fee of \$50.00 per applicant for background check
Payment by cash, money order or local check
3. Copy of drivers license or other official photo ID
4. Copy of business license (if applicable)

Required following approval:

Surety bond in the amount of \$1,000 per applicant is required upon approval (not required for charitable solicitor)

Hours in which business may be conducted:

Door to Door Peddlers and Solicitors: Monday through Saturday between the hours of 9:00 A.M. and 7:00 P.M. (8:00 P.M. DST)

REFERENCE: Franklin Municipal Code – Title 9, Chapter 2 and Chapter 3 (as amended)

Type of permit requested: Full time Part time

- Peddler** – Door to door solicitations with concurrent, on-the-spot delivery of good/service
- Solicitor** – Door to door solicitations with future delivery of good/service
- Itinerant Merchant** – Selling or offering for sale (including giving away) from a temporary location
- Charitable Solicitor** – Specific to bona fide charitable, religious, patriotic or philanthropic organization

Give a brief description of the type business / type goods to be sold _____

If itinerant merchant, give the local address from which the sales will be made _____

If itinerant merchant, has property owner given permission for use of this property? Circle yes or no.

Length of time or date(s) for which to do business is desired _____

Personal Information of Applicant

Name of applicant _____

Permanent home address of applicant _____

City _____ ST _____ ZIP _____

Phone # (_____) _____

D.O.B. _____ S.S. # _____

Weight _____ Height _____ Hair _____ Eyes _____

Drivers license # _____ St _____

Vehicle Information of vehicle to be used to make sales or solicitations

Make of vehicle _____ Model of vehicle _____ Color of vehicle _____

License Tag No. _____ State registered _____

Give name and address vehicle is registered in:

Name _____

Address _____

City _____ ST _____ ZIP _____

Has the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance? Yes _____ No _____

If yes, give the nature of the offense; and the punishment or penalty assessed therefore.

Business Information

Name and address of the of the business or organization the applicant represents. Please provide credentials there-from establishing the exact relationship.

Name of business _____

Address of business _____

City _____ State _____ Zip _____

Does the business have a business license within the State of Tennessee? Yes _____ No _____
If yes, please provide copy of current business license.

Give the names of at least two 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. _____

List the last three 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. _____

I have read and agree to the rules and regulations regarding peddlers, solicitors, itinerant merchants and charitable solicitors. I hereby agree to submit all information required truthfully and completely and to abide by the rules and regulations of the City of Franklin.

Signature

Date

Notary

Date

Commission Expires

Office location:
109 Third Ave So, Suite 143
Franklin, TN 37064

Mailing Address:
P O Box 705
Franklin, TN 37065

Phone: (615) 791-3225
Office hours:
Monday – Friday
8:00 A.M. – 5:00 P.M.

Office use:

Application Fee \$50.00 _____ Check Number _____

Received: Date _____ Time _____

Copy of application and Identification will be sent to Franklin Police Dept for background check.

City of Franklin
Zoning Certification
Peddler-Solicitor-Itinerant Merchant

Account # _____

Applicant name: _____

Email Address: _____

Phone Number: _____

Type of permit requested: _____

Local address from which sales will be made: _____

Length of time for which to do business is desired: _____

Applicant has read section 4.2 of the Zoning Ordinance? Y | N

Applicant has read Title 9 Chapter 2 of the Municipal Code? Y | N

Codes Department use only

Is a plot plan required and recorded? Y | N

Is a County Health inspection required and recorded? Y | N

Is a letter of consent required and recorded? Y | N

Is a tent permit required and recorded? Y | N

- This applicant is approved
- This applicant **is not** approved and reason for denial:

Codes Administration: _____ Date _____

CHAPTER 2

PEDDLERS, SOLICITORS, ETC.²

SECTION

- 9-201. Definitions.
- 9-202. Permit required; exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Limitations on use of streets and sidewalks.
- 9-209. Exhibition of permit.
- 9-210. Police officers and codes officers to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.
- 9-214. Hours in which business may be conducted; trespassing.

9-201. Definitions. (1) "Goods," "wares" or "merchandise" shall mean all variety of merchandise items, whether handmade or manufactured, or services, whether personal or professional categorized as, but not necessarily limited to, souvenirs, gifts, prizes, art, school supplies, cloth, clothing or wearing apparel, toys, balloons, novelties, small appliances, works of art or crafts, directional information and/or charts, street photographers, tools or mechanical, devices of any nature.

(2) "Itinerant merchant" shall mean any person who engages in the giving away, the selling or offering for sale, of goods, wares or merchandise, or who solicits patronage for any person, business, or service by word of mouth, or gesture, or by use of electrical, mechanical or sound-making devices, to entice or persuade anyone to buy, sell or accept goods, wares, or merchandise within the corporate limits of the city, where the above-mentioned activities are conducted from a temporary or transient location.

(3) "Peddler" shall mean any person who goes from dwelling to dwelling, business to business, place to place or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale. Connotes

²Municipal code reference
Privilege taxes: title 5.

one who makes sales and delivery of merchandise or services concurrently and on-the-spot to a residential or commercial customer.

(4) "Solicitor" shall mean any person 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. Does not include bona fide charitable, religious, patriotic or philanthropic organizations to the extent they are regulated by chapter 3 of this title. (1976 Code, § 5-201, as replaced by Ord. #2004-68, Dec. 2004)

9-202. Permit required; exemptions. (1) It shall be unlawful for any peddler, solicitor, or itinerant merchant to ply his or her trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. A permit shall be issued to an individual only. No permit shall be used at any time by any person other than the one to whom it is issued.

(2) Exemptions. Except as may be required in chapter 3 of this title, the terms of this chapter shall not be applicable 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 sellers responding to a prior invitation by the owner or occupant of a residence, nor to bona fide charitable, religious, patriotic or philanthropic organizations, nor to a person receiving authorization to ply his or her trade under a special event permit.

(3) Violation and penalty. Any person violating any of the provisions of this chapter, or filing, or causing to be filed, an application for a permit or certificate under this chapter containing false or fraudulent statements shall be fined not less than twenty-five dollars nor more than fifty dollars. Each solicitation that occurs in violation of this chapter shall be deemed a separate offense. (1976 Code, § 5-202, as amended by Ord. #2004-68, Dec. 2004)

9-203. Application for permit. (1) Applicants for a solicitor's permit under this chapter must file with the city recorder a sworn written application containing the following for each peddler, solicitor or itinerant merchant:

(a) Name and physical description of applicant.
(b) Complete permanent home address and local address of the applicant and, in the case of itinerant 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 or the nature of the solicitation.

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

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

(f) Two (2) recent clear photographs approximately two (2) inches square showing the head and shoulders of the applicant.

(g) 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 evaluate properly the applicant's moral reputation and business responsibility.

(h) 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 or penalty assessed therefor.

(i) 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 itinerant merchants, the addresses from which such business was conducted in those municipalities.

(j) At the time of filing the application, a non-refundable fee of fifty dollars (\$50.00) shall be paid to the city to cover the cost of investigating the facts stated therein. (1976 Code, § 5-203, as amended by Ord. #2002-27, Aug. 2002, and Ord. #2004-68, Dec. 2004)

9-204. Issuance or refusal of permit. (1) Upon receipt of a complete application and all applicable fees and taxes, each application shall be referred by the city recorder to the chief of police for investigation. The chief shall report his findings to the city recorder 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 city recorder shall notify the applicant that his application is disapproved and that no permit will be issued. If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a revocable permit upon the payment of all applicable fees and taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1976 Code, § 5-204, as amended by Ord. #2004-68, Dec. 2004)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city 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 mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor 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. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address 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. (1976 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the city in the amount of one thousand dollars (\$1,000.00), or if named as an authorized participant in a special event, a peddler, solicitor or itinerant merchant shall be considered to be covered by the special event's bond or deposit as required under title 16, chapter 5 of this code. The bond shall be conditioned that the

permittee shall comply fully with all the provisions of the ordinances of this city and the statutes of the state and shall guarantee to any citizen of the city 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 citizen of the city 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, among others, 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. (1976 Code, § 5-206, as amended by Ord. #2004-68, Dec. 2004)

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 in violation of the city's noise ordinance. (1976 Code, § 5-207, as amended by Ord. #2004-68, Dec. 2004)

9-208. Limitations on use of streets and sidewalks. (1) Non-exclusive 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 the operation might impede or inconvenience the public use of the 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.

(2) Prohibitions. The following activities shall be declared unlawful:

(a) Soliciting by parked vehicle or movable receptacle on public streets, highways, sidewalks, right-of-way, and public places.

(b) The erection of stands or similar contrivances on public streets, highways, sidewalks, rights-of-way, and public places for the purpose of giving away displaying and/or buying or selling of goods, wares or merchandise.

(c) Sale of drinks or other prepared foods and/or edible items upon public streets, sidewalks, highways and rights-of-way, except as may be regulated elsewhere in this code. (1976 Code, § 5-208, as amended by Ord. #2004-68, Dec. 2004)

9-209. Exhibition of permit. Permittees are required to exhibit their permits for inspection at all times and upon the request of any police officer or citizen. Failure to exhibit a permit shall constitute a violation of this section. (1976 Code, § 5-209, as amended by Ord. #2004-68, Dec. 2004)

9-210. Police officers and codes officers to enforce. It shall be the duty of all police officers and codes officers to see that the provisions of this chapter are enforced. (1976 Code, § 5-210, as amended by Ord. #2004-68, Dec. 2004)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked or suspended by the board of mayor and aldermen 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 permitted business.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, solicitor, or itinerant merchant, 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.

(2) Notice of the hearing for revocation of a permit shall be given by the city 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 his last known address 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 reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1976 Code, § 5-211, as amended by Ord. #2004-68, Dec. 2004)

9-212. 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. (1976 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire one year from the date of issuance or upon the expiration of a permit holder's privilege license, whichever is sooner. Permits may be revoked if, at any time, any condition of the permit or requirement of this chapter has not been met, including but not limited to maintaining all required permits and licenses. (1976 Code, § 5-213, as amended by Ord. #2004-68, Dec. 2004)

9-214. Hours in which business may be conducted; trespassing.

(1) No permittee shall conduct any solicitations or sales except between the hours of 9:00 A.M. and 7:00 P.M. (8:00 P.M. during daylight savings time) on Monday through Saturday, it being the intent that door-to-door sales occur during daylight hours and at times when citizens feel secure in their homes to receive unexpected visitors.

(2) Trespass. It shall be unlawful and deemed to be a trespass for any permittee acting under this division to fail to leave promptly the private premises of any person who requests or directs the permittee to leave or has posted a sign that indicates solicitors are not welcome. (as added by Ord. #2002-27, Aug. 2002, and amended by Ord. #2004-68, Dec. 2004)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

9-301. Definition; permit required.

9-302. Prerequisites for a permit; revocation or suspension of permit.

9-303. Time, place, and manner of restrictions.

9-304. Appeal from denial of permit.

9-305. Exhibition of permit.

9-306. Hours in which business may be conducted; trespassing.

9-301. Definition; permit required. (1) Definition. "Charitable solicitor" means any person firm, corporation or organization who or which solicits contributions from the public, either on the streets of the city or from door to door, business to business, place to place or from street to street, for any charitable or religious organization. No entity shall qualify as a "charitable" or "religious" organization unless the organization has a current exemption certificate from the Internal Revenue Service.

(2) Permit required. No person shall solicit contributions or anything else of value for any charitable or religious purpose on any public street, sidewalk, or other public or private property in the City of Franklin, without a permit authorizing such solicitation in accordance with the procedure in chapter 2 of this title. This section applies only to commercial activities and to the solicitation of funds and shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, and if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church.

(3) Violation and penalty. Any person violating any of the provisions of this chapter, or filing, or causing to be filed, an application for a permit or certificate under this chapter containing false or fraudulent statements shall be fined not less than twenty-five dollars nor more than fifty dollars. Each solicitation which occurs in violation of this chapter shall be deemed a separate offense. (1976 Code, § 5-301, as amended by Ord. #2004-68, Dec. 2004)

9-302. Prerequisites for a permit; revocation or suspension of permit. The city recorder shall issue a revocable permit, subject to revocation or suspension under the conditions and procedures in chapter 2 of this title. The following prerequisites must be met:

(1) The application form has been completed by the applicant and all information requested has been verified by the police chief or his designee. The application shall include all information required to be submitted of every solicitor and shall be subject to the procedure in §§ 9-203 -- 9-205 of this code.

(2) The organization requesting permission to solicit must prove that it is a tax-exempt organization under one of the applicable provisions of the Internal Revenue Code as evidenced by a current letter from the Internal Revenue Service. (1976 Code, § 5-302, as amended by Ord. #2004-68, Dec. 2004)

9-303. Time, place, and manner of restrictions. The following restrictions are placed on the time, place and manner of charitable solicitations that may be done on any street, sidewalk, or other property in the City of Franklin, Tennessee.

(1) No person under the age of 18 is permitted to solicit on public property.

(2) No person shall be upon or go upon any street or roadway or shall be upon or go upon any shoulder of any street or roadway for the purpose of soliciting employment, business, or charitable contributions of any kind from the occupant of any vehicle.

(3) Solicitors will wear adequate identification regarding the club/charity for which they are soliciting.

(4) No club or charity may conduct a solicitation within the city limits more than once every ten months. (1976 Code, § 5-303)

9-304. Appeal from denial of permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if a permit has not be granted within fifteen (15) days after completion of the application requirements therefor. (1976 Code, § 5-304, as amended by Ord. #2004-68, Dec. 2004)

9-305. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit for inspection all times and upon the request of any police officer or person solicited. Failure to exhibit a permit shall constitute a violation of this section. (1976 Code, § 5-305, as amended by Ord. #2004-68, Dec. 2004)

9-306. Hours in which business may be conducted; trespassing.

(1) No charitable solicitor shall conduct any solicitations or sales except between the hours of 9:00 A.M. and 7:00 P.M. (8:00 P.M. during daylight savings time) on Monday through Saturday, it being the intent that door-to-door charitable solicitations occur during daylight hours and at times when citizens feel secure in their homes to receive unexpected visitors.

(2) **Trespass.** It shall be unlawful and deemed to be a trespass for any permittee acting under this division to fail to leave promptly the private premises of any person who requests or directs the permittee to leave or has posted a sign that indicates solicitors are not welcome. (as added by Ord. #2004-68, Dec. 2004)