

ORDINANCE NO. 2010—285

AN ORDINANCE TO AMEND THE TOWN OF WALDEN,  
TENNESSEE'S MUNICIPAL CODE TO REGULATE  
PEDDLERS, SOLICITORS, STREET BARKERS, ETC.

WHEREAS, the Board of Mayor and Aldermen (the "Board") of the Town of Walden finds that it would be in the interest of public health, safety, morals and welfare to adopt and clarify certain laws, rules and regulations relating to Peddlers, Solicitors, Street Barkers, etc.

NOW, THEREFORE, BE IT ORDAINED by the Board as follows:

**Section 1. Amendment to Town's Municipal Code Regulating Peddler's, Solicitors, etc.** Section 9-104 of Section 1 (Permit procedure) of Title 9 (Business, Peddlers, Solicitors, Etc.) of the Town's Municipal Code is deleted in its entirety and replaced by the following:

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: (i) the applicant has a good character and reputation for honesty and integrity; (ii) the solicitation is for a bona fide charitable or religious purpose; and (iii) 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 (i), (ii) and (iii) in the preceding sentence 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 (i), (ii) and (iii) 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.

**Section 2. Amendment to Town's Municipal Code Regulating Peddler's, Solicitors, etc..** Section 9-108 of Section 1 (Display of permit) of Title 9 (Business, Peddlers, Solicitors, Etc.) of the Town's Municipal Code is deleted in its entirety and replaced by the following:

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.

**Section 3. Amendment to Town's Municipal Code Regulating Peddler's, Solicitors, etc..** Section 9-109 of Section 1 (Suspension or revocation of permit) of Title 9 (Business, Peddlers, Solicitors, Etc.) of the Town's Municipal Code is deleted in its entirety and replaced by the following:

**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:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) Any other violation of this chapter shall be grounds for suspension and/or revocation.

Immediate notice of any suspension and/or proposed revocation of a 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.

**Section 4. Amendment to Town's Municipal Code Regulating Peddler's, Solicitors, etc..** Section 9-110 of Section 1 (Expiration and renewal of permit) of Title 9 (Business, Peddlers, Solicitors, Etc.) of the Town's Municipal Code is deleted in its entirety and replaced by the following:

**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),



**TOWN OF WALDEN**

**APPLICATION FOR SOLICITATION PERMIT**

NAME: \_\_\_\_\_ TEL: \_\_\_\_\_ CELL: \_\_\_\_\_  
PRESENT ADDRESS: \_\_\_\_\_ YEARS: \_\_\_\_\_ MONTHS: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_  
PREVIOUS ADDRESS: \_\_\_\_\_ YEARS: \_\_\_\_\_ MONTHS: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_  
DOB: \_\_\_\_\_ AGE: \_\_\_\_\_ SEX: \_\_\_\_\_ HEIGHT: \_\_\_\_\_ WEIGHT: \_\_\_\_\_ EYES: \_\_\_\_\_  
DRIVERS LICENSE: \_\_\_\_\_ STATE: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_  
SS NUMBER: \_\_\_\_\_ MARKS OR TATTOOS: \_\_\_\_\_

HAVE YOU EVER BEEN CONVICTED OF A FELONY OR AN OFFENSE OF MORAL TURPITUDE? YES: \_\_\_\_\_

NO: \_\_\_\_\_

IF SO PLEASE PROVIDE DETAILS ON THE BACK SIDE.

ORGANIZATION/BUSINESS: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ TEL: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_ YEARS/MONTHS: \_\_\_\_\_  
SUPERVISOR: \_\_\_\_\_ TITLE: \_\_\_\_\_  
PRODUCT OR SERVICE OFFERED: \_\_\_\_\_  
PREVIOUS EMPLOYER: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ TEL: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_ YEARS/MONTHS: \_\_\_\_\_

PLEASE USE THREE REFERENCES. DO NOT USE RELATIVES.

1. NAME: \_\_\_\_\_ YEARS KNOWN: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ TEL: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_
2. NAME: \_\_\_\_\_ YEARS KNOWN: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ TEL: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_
3. NAME: \_\_\_\_\_ YEARS KNOWN: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ TEL: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT ANY FALSE OR INCORRECT INFORMATION WILL RESULT IN THE REVOCATION OF THE SOLICITATION PERMIT.

SIGN: \_\_\_\_\_ DATE: \_\_\_\_\_