PEDDLER PERMIT REQUIREMENTS

Each applicant must submit a **completed** application, **which includes** a copy of an employee ID or letter from the organization authorizing representation.

Each applicant must submit a $40.00 background investigation fee.

Each applicant must submit a copy of his/her driver's license for the background investigation.

Each applicant must submit a $1,000 Surety Bond (License and Permit Bond) made payable to the City of Brentwood. (See attached Sec. 18-100.-Bond.)

**Attached to the application is a copy of Article III.Peddlers*
Be sure and note Sec. 18-101.-Exhibition and Sec. 18-102.-Trespassing.

After all is received the paperwork is turned in for the background investigation. The process could take up to 7 business days.

The peddler permit will be good for one year.

PERMIT APPLICATION FOR PEDDLER OR CHARITABLE SOLICITOR

NAME _____ HEIGHT _____ WEIGHT _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

SOCIAL SECURITY NO. _____ DRIVERS LICENSE NO.(Attach copy) _____

LOCAL ADDRESS _____

HOME ADDRESS (IF DIFFERENT) _____

PURPOSE OF PERMIT _____

ORGANIZATION REPRESENTED _____

(Attach copy of employee I.D. or letter from organization authorizing representation.)

TELEPHONE NO. _____ ADDRESS _____

PRODUCT TO BE SOLD (IF ANY) _____ DESCRIPTION _____

NATURE AND METHOD OF SOLICITATION _____

PLACES PRODUCT WILL BE SOLD OR SOLICITATIONS WILL BE MADE:

_____

LENGTH OF TIME PERMIT REQUESTED _____

REFERENCES:

PERSONAL 1. _____ 2. _____

_____ _____

BUSINESS 1. _____ 2. _____

_____ _____

HAVE YOU EVER BEEN CONVICTED OF ANY CRIME, MISDEMEANOR OR MUNICIPAL ORDINANCE VIOLATION, OTHER THAN MINOR TRAFFIC VIOLATIONS? _____

IF YES, LIST OFFENSES AND SENTENCE OR PENALTY IMPOSED. _____

_____

LIST LAST THREE CITIES IN WHICH YOU HAVE WORKED:

_____

I DO HEREBY SWEAR (OR AFFIRM) THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. I HAVE NOT ENGAGED IN ANY FRAUDULENT OR OTHER ACTIVITIES WHICH WOULD INDICATE MY BUSINESS RESPONSIBILITY TO BE UNSATISFACOTRY. I CONSENT TO ANY BACKGROUND CHECKS AS MAY BE DEEMED NECESSARY BY THE CITY OF BRENTWOOD FOR THE ISSUANCE OF THIS PERMIT. I UNDERSTAND THAT THIS PERMIT MAY BE REVOKED AT ANY TIME.

_____ _____

DATE APPLICANT'S SIGNATURE

FOR PEDDLERS' PERMITS: A surety bond of $1,000.00 shall be required. An investigation fee of $40.00 will be charged.
FOR CHARITABLE SOLICITATION: Attached statement must be signed.

APPLICATION ACCEPTED _____ DENIED _____ DATE _____

APPROVED BY: _____

ARTICLE III. PEDDLERS*

CITY OF BRENTWOOD, TN

***State law reference(s)**—Authority to license and regulate businesses, occupations, etc., T.C.A. § 6-19-101(20).

DIVISION 1. GENERALLY

Sec. 18-81. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canvasser means one who goes from place to place in an effort to take orders for goods or services.

Peddler means one who sells merchandise which he carries with him in traveling about from place to place.

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 18-82. - Loud noises and speaking devices.

No permittee under division 2 of this article, 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 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.

(Code 1978, § 5-207)

Sec. 18-83. - Use of streets.

No permittee under division 2 of this article 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 article, 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.

(Code 1978, § 5-208)

Sec. 18-84. - Exemptions.

The terms of this article 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.

(Code 1978, § 5-202)

Secs. 18-85—18-95. - Reserved.

DIVISION 2. PERMIT

Sec. 18-96. - Required.

It shall be unlawful for any peddler or canvasser to ply his trade in any residential area within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this division. No permit shall be used at any time by any person other than the one to whom it is issued.

(Code 1978, § 5-201)

Sec. 18-97. - Application.

Applicants for a permit under this division must file with the city recorder a sworn written application containing the following:

(1) Name and physical description of applicant.

(2) Social security and driver's license numbers of applicant.

(3) 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.

(4) A brief description of the nature of the business and the goods or services to be offered.

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

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

(7) A recent clear photograph approximately two inches square showing the head and shoulders of the applicant.

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

(9) 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.

(10) 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.

(11) At the time of filing the application, a fee shall be paid to the city to cover administrative costs associated with processing permits in such amount as established from time to time by the city manager.

(Code 1978, § 5-203)

Sec. 18-98. - Investigation of application; issuance or refusal of permit.

(a) Each application for a permit under this division shall be investigated by the police department, which shall prepare a report of its findings within 72 hours.

(b) If as a result of such investigation the applicant is found to have engaged in fraudulent or other illegal activities within a ten-year period preceding the date of the application which indicate his business responsibility to be unsatisfactory, he will be notified that his application is disapproved and that no permit will be issued.

(c) If, on the other hand, the report indicates that the applicant has not committed such fraudulent or other illegal activities within the aforementioned ten-year period, he will be issued a permit upon the payment of all applicable privilege taxes and the filing of the bond required by section 18-100.

(Code 1978, § 5-204)

Sec. 18-99. - Appeal from denial.

Any person denied a permit required under this division shall have the right to appeal to the city manager. Such appeal shall be taken by filing with the manager within 14 days after notice of the action complained of, a written statement setting forth fully the grounds for the

appeal. The manager 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, by certified mail, to the applicant at his last known address at least five 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 days prior to the date set for hearing.

(Code 1978, § 5-205)

Sec. 18-100. - Bond.

Every permittee under this division shall file with the city recorder a surety bond running to the city in the amount of $1,000.00. The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the city and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants or itinerant vendors, as the case may be, 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 the 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.

(Code 1978, § 5-206)

Sec. 18-101. - Exhibition.

Permittees under this division are required to exhibit their permits at the request of any police officer or citizen.

(Code 1978, § 5-209)

Sec. 18-102. - Trespassing.

It shall be unlawful and deemed to be a trespass for any permittee acting under this article to fail to leave promptly the private premises of any person who requests or directs him to leave.

Sec. 18-103. - Revocation or suspension.

(a) Permits issued under the provisions of this division may be revoked by the city manager after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation or incorrect statement contained in the application for permit or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.

(2) Any violation of this article.

(3) Conviction of any crime or misdemeanor.

(4) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, 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.

(b) 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 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 days prior to the date set for hearing.

(c) When it is reasonably necessary in the public interest, the manager may suspend a permit pending the revocation hearing.

(Code 1978, § 5-211)

Sec. 18-104. - Reapplication after revocation restricted.

No permittee under this division whose permit has been revoked shall make further application until a period of at least six months has elapsed since the last revocation.

(Code 1978, § 5-212)

Sec. 18-105. - Expiration and renewal.

Permits issued under the provisions of this division 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 30 days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for a period not to exceed one year. An application for a renewal shall be made substantially in the same form as an original application. The application shall be completed to the extent necessary to reflect conditions which have changed since the last application was filed.

(Code 1978, § 5-213)

Secs. 18-106—18-125. - Reserved.