

ORDINANCE

AN ORDINANCE OF THE COMMISSION
OF KNOX COUNTY, TENNESSEE,
TO AMEND THE KNOX COUNTY
CODE, CHAPTER 12, ARTICLE II
ENTITLED "PEDDLERS AND SOLICITORS"
TO FURTHER REGULATE TRANSIENT
VENDORS AND ENABLE THE KNOX
COUNTY DEPARTMENT OF CODES
ADMINISTRATION AND INSPECTIONS
TO ENFORCE SAID REGULATIONS
(Ord. Nos. O-97-5-101, adopted 7-28-97
and O-10-6-101, adopted 7-26-10).

ORDINANCE: O-12-10-101

REQUESTED BY: COMMISSIONER SMITH

PREPARED BY: KNOX COUNTY LAW
DIRECTOR'S OFFICE

APPROVED AS TO FORM
AND CORRECTNESS:

Richard B. Gossington
DIRECTOR OF LAW

APPROVED 1ST READING: October 22, 2012
DATE

APPROVED 2ND READING: November 19, 2012
DATE

APPROVED EMERGENCY: _____
(YES) (NO)

VETOED: _____
DATE

VETO OVERRIDE: _____
DATE

MINUTE
BOOK _____ PAGE _____

WHEREAS, Knox County's business owners and other citizens have expressed concern over the proliferation of makeshift, unregulated, roadside flea markets operated by transient vendors that impede the safety of motorists, present an eyesore, and adversely affect the quality of life for citizens and business owners; and

WHEREAS, it is the sense of the Knox County Commission that additional restrictions on transient vendors should be codified to effectively regulate transient vendors and enable the Knox County Department of Codes Administration and Inspections to enforce these regulations.

NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF KNOX COUNTY AS FOLLOWS:

SECTION 1. Knox County Code, Chapter 12, Article II entitled "Peddlers and Solicitors", shall be amended by striking the word "permit" wherever it may appear in said article, including section titles, and refers to an authoritative or official certificate of permission, and substituting therefore the word "license".

SECTION 2. Knox County Code, Chapter 12, Article II entitled "Peddlers and Solicitors", shall be amended by inserting the words "or her" after the word "his" wherever the word "his" appears in said article and isn't already followed by the words "or her".

SECTION 3. Knox County Code, Chapter 12, Article II, Section 12-26 entitled "Definitions", shall be amended by deleting the definition of "Transient Vendor" in its entirety and substituting therefore the following:

Transient vendor means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six consecutive months or has occupied the premises as his or her permanent residence for more than six consecutive months.

SECTION 4. Knox County Code, Chapter 12, Article II, Section 12-31 entitled "Restrictions on transient vendors", shall be amended by inserting "(a)" at the beginning of the first sentence in said section and by adding new subsections (b) and (c), which subsections shall read as follows:

(b) A transient vendor shall not operate in the county until a temporary use permit is obtained from the Department of Codes Administration and Inspections in accordance with the Knox County Code requirements provided in Appendix A, Zoning, Chapter 10, Building Regulations, and Chapter 30, Fire Prevention and Protection.

(c) A transient vendor shall not be permitted to set up or operate any booth, stand, vehicle or other display of merchandise on any street, right-of-way, sidewalk or other public area within the county or in any location that will interfere with the view of traffic.

SECTION 5. Knox County Code, Chapter 12, Article II, Section 12-32 entitled "Display of permit", shall be amended by deleting said section in its entirety and substituting therefore the following:

Sec. 12-32. Display of license and temporary use permit.

Each peddler, transient vendor, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his or her possession a valid license while making sales or solicitations, and shall be required to display the same to any sheriff's officer or duly authorized Knox County official upon demand. A transient vendor shall be required to display both a valid license and a temporary use permit.

SECTION 6. Knox County Code, Chapter 12, Article II, Section 12-35 entitled "Permittee must leave on request", shall be amended by striking the word "Permittee" in the title of said section and substituting therefore the word "Licensee".

SECTION 7. This Ordinance shall take effect as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.



Presiding Officer of the Commission 11/19/12 Date



County Clerk 11/21/12 Date

Approved: 

County Mayor 11/21/12 Date

Vetoed: _____
County Mayor Date