

ORDINANCE NO. 208

AN ORDINANCE AMENDING TITLE 9, "BUSINESS, PEDDLERS, SOLICITORS, ETC", CHAPTER ONE "PEDDLERS, SOLICITORS, ETC.", BY SUBSTITUTING A NEW SECTION 9-105 "RESTRICTIONS ON PEDDLERS, STREET BARKERS AND SOLICITORS" TO THE MOUNT CARMEL MUNICIPAL CODE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE TOWN OF MOUNT CARMEL, TENNESSEE as follows:

SECTION I. That section 9-105 of the Code of Ordinances shall be deleted in its entirety.

SECTION II. That in its place there is substituted the following:

9-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the town.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind unless specifically authorized to do so by way of variance issued by the Board of Mayor and Aldermen. No such person or organization will be granted more than one (1) variance in any calendar year and only upon such terms and conditions as specified by the Board of Mayor and Aldermen

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the town.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

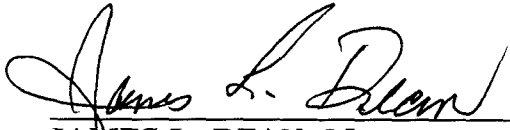
(6) Be under the age of 16.

SECTION III. LEGAL STATUS PROVISIONS.

A. Conflict With Other Ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel, the most restrictive shall in all cases apply.

B. Validity. If any section, clause, provision or portion of this ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

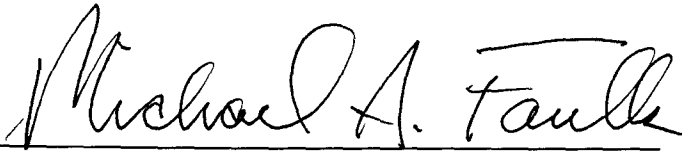
C. Effective Date. This ordinance shall become effective upon passage and publication, the public welfare requiring it.


JAMES L. DEAN, Mayor

ATTEST:


NANCY F. CARTER, Recorder

APPROVED AS TO FORM:


LAW OFFICE OF MICHAEL A. FAULK

FIRST READING	AYES	NAYS	OTHER
WAYNE ALLEY			
HENRY BAILEY	✓		
EUGENE CHRISTIAN	✓		
JAMES DEAN, MAYOR			
GARY LAWSON			
THOMAS WHEELER	✓		
CARL WOLFE	✓		
TOTALS	4	0	0

PASSED FIRST READING: May 27, 1999

SECOND READING	AYES	NAYS	OTHER
WAYNE ALLEY			
HENRY BAILEY			
EUGENE CHRISTIAN	✓		
JAMES DEAN, MAYOR			
GARY LAWSON	✓		
THOMAS WHEELER	✓		
CARL WOLFE	✓		
TOTALS	4	0	0

PASSED SECOND READING: 6-24-99

PUBLICATION AFTER PASSAGE:

DATE:

NEWSPAPER:

7-02-99
Kingsport Times-News