

CITY OF CHATTANOOGA
OFFICE OF CITY TREASURER

ROOM 100 CITY HALL - 101 E 11TH ST
CHATTANOOGA TENNESSEE 37402
(423) 643-7260 - PHONE
(423) 643-7278 - FAX

APPLICATION FOR SIDEWALK VENDORS

PERMIT FEE: \$25.00 DATE: _____
RECORDING FEE: \$5.00
TOTAL PAYMENT DUE: \$30.00 PERMIT#: _____

1 **VENDOR**

NAME: _____

HOME ADDRESS: _____

BUSINESS ADDRESS: _____

TELEPHONE NUMBER: () _____

2 **PUSHCART OWNER**

NAME: _____

HOME ADDRESS: _____

TELEPHONE NUMBER: () _____

3 Type of food, beverage or other permissible merchandise to be sold:

4 **PROOF OF INSURANCE POLICY: (20-40-10)**

(a) Name of insurance company (must be licensed to do business in Tennessee) _____

(b) Policy Number _____

© Expiration date (Annual Only) _____

5 Description and photograph of vendor's pushcart attached:

_____ YES _____ NO

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ARTICLE XII. SIDEWALK VENDORS⁸

Sec. 11-371. Definitions.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Push-cart. Any wheeled vehicle or device, other than a motor vehicle on trailer, which may be moved with or without the assistance of a motor; which is not required to be licensed or registered by the state department of revenue, and which is used for displaying, storing, or transporting articles offered for sale by a vendor.

Vendor. Any person holding a sidewalk vendor permit and who is engaged in the selling or offering for sale, of food, beverages, fruit or like consumable products, or flowers, from a push-cart.

(Code 1986, § 11-371)

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

Sec. 11-372. Permit-Required.

No person shall sell, or offer for sale, any food, beverage, fruit, or like consumable products, or flowers on any sidewalk or other public pedestrian right-of-way unless:

(1) Such person obtains a sidewalk vendor permit from the city treasurer in accordance with the provisions of this article.

(2) Such sales are made from a push-cart under the control of a sidewalk vendor.

(Code 1986, § 11-372)

Sec. 11-373. Same-Application.

Any person desiring a sidewalk vendor permit shall make written application to the city treasurer stating:

(1) Name, home address, business address, and telephone number of the applicant and the name, address, and telephone number of the owner of the push-cart, if other than the applicant, to be used in the operation of the vendor's business.

⁸ **Cross references** -- Persons standing or soliciting in the streets, § 24-176; news vendors' stands, § 32-33.

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- (2) A description of the type of food, beverage, or other permissible merchandise to be sold.
- (3) Proof of an insurance policy, issued by an insurance company licensed to do business in the state, with the city as a named insured, protecting the applicant and the city from all claims or suits for damages to property or bodily injury, including death, which may arise from operations under or in connection with the permit. Minimum liability limits for such insurance policy shall be not less than the minimum limits specified by Tennessee Code Annotated section 29-20-403. Such insurance shall show paid-up premiums for a minimum of one (1) year and shall provide that the policy will not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the mayor or his designee.
- (4) A description and photograph of the vendor's push-cart.
(Code 1986, § 11-373; Ord. No. 9654, § 85, 1-6-92)

Sec. 11-374. Same-Fee, issuance.

Upon compliance with the provisions of section 11-373, the city treasurer shall issue to the applicant a sidewalk vendor's permit authorizing him to do business upon payment of a permit fee of twenty-five dollars (\$25.00); provided, the applicant complies with the other provisions of this article. The twenty-five-dollar fee shall be used to help defray the cost of administering and enforcing the provisions of this article.
(Code 1986, § 11-374)

Sec. 11-375. Same-Validity.

A permit issued under this article shall be valid for one (1) year from the date of issuance and may be renewed annually upon proper application and payment of a permit fee. Each permit shall be valid for only one (1) push-cart. Each applicant shall file an additional application and pay an additional permit fee for each additional push-cart. Failure to keep liability insurance in force and effect for the duration of the permit shall result in revocation of the permit.
(Code 1986, § 11-375)

Sec. 11-376. Same-Display of and signs.

All permits issued under this article shall be displayed at all times during the operation of the vending business. The vendor shall have posted on the push-cart the current prices charged for each type of article sold. No other advertisement, sign, placard, or poster shall be allowed on the push-cart.

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(Code 1986, § 11-376)

Sec. 11-377. Same-Prohibited conduct.

No vendor shall:

- (1) Vend anywhere in the city without a satisfactory health permit which shall be affixed to the push-cart so as to be plainly visible to the public.
- (2) Leave any location without first picking up, removing, and disposing of all trash, refuse, and litter surrounding his location.
- (3) Solicit or conduct business with persons in motor vehicles unless such motor vehicles are parked in a parking area.
- (4) Vend on any sidewalk that is not over ten (10) feet in width.
- (5) Vend within ten (10) feet of any driveway entrance.
- (6) Vend within twenty-five (25) feet of a crosswalk at any intersection measured from the nearest edge of a crosswalk.
- (7) Conduct his business in such a way as would restrict or interfere with pedestrian traffic or the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.
- (8) Vend on any public right-of-way, including but not limited to the sidewalk area, on the city block which surrounds the Ross's Landing Plaza, more particularly described as that block which is bounded by Riverfront Parkway on the north, Chestnut Street on the west, 2nd Street on the south, and Market Street on the east.
- (9) Vend on any public right-of-way, including but not limited to the sidewalk area in the area which surrounds BellSouth Stadium, more particularly described as that area which is bounded by the eastern edge of the right-of-way of Power Alley Extended on the East, I-124 on the West, 4th Street on the South, and Riverfront Parkway on the North.
- (10) Vend on any public park property or public right-of-way without a permit issued by the Administrator of Parks and Recreation, in the 21st Century Waterfront

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Area along Riverfront Parkway between Market Street Bridge and Olgiati Bridge; on First Street; along the sidewalk connections between Walnut Street and Market Street adjacent to First Street Steps; on the Walnut Street Bridge and its approaches on the north and south between Frazier Avenue and Second Street; on the Holmberg Bridge; and on the city owned property adjacent to the Hunter Museum, except at the following seven (7) locations:

- a) The approach to the Walnut Street Bridge south of Frazier Avenue;
- b) The approach to the Walnut Street Bridge along the east side of Walnut Street;
- c) The approach to the Walnut Street Bridge along the south side of Walnut Street;
- d) The approach to the First Street Steps to the east of Market Street;
- e) An area to the west of "The Passage";
- f) An area of Ross's Landing Park north of the Chestnut Street intersection with Riverside Drive;
- g) An area north of Riverside Drive near the steps going down to the Riverboat dock.

as generally shown on the map attached hereto and incorporated herein by reference.

- (11) The Administrator of Parks and Recreation shall from time to time advertise for and accept proposals from persons who desire to provide vending in the identified locations. At a minimum the persons desiring to vend in the identified areas shall include within their proposals the following:
 - a) submit that they have or shall acquire before beginning to vend all legally required licenses and permits;
 - b) submit with the response to a request for proposals a picture and written description of the vending cart and equipment it proposes to use;
 - c) submit with the response a complete listing of products it proposes to provided for sale;

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- d) submit with the application the proposed prices of items to be vended; and
 - e) submit a financial proposal to pay the City for the privilege of vending on property owned by the City.
- (12) The Administrator of Parks and Recreation shall review the responses to the requests for proposals and in addition to verifying the requirements set forth in subsection 11 shall evaluate the responses upon the following factors:
- a) The appropriateness of the items for the locale, the uniqueness of items sold, and the reasonableness of the proposed prices, and;
 - b) Customer service experience with the vendor or the vendor's reputation for customer service;
 - c) Years the vendor has been in business;
 - d) The appearance of equipment ;
 - e) The quality of merchandise;
 - f) The availability of the proposer's preferred site or alternate sites;
 - g) The proposed hours of operation; and
 - h) Such other factors as the Administrator of Parks and Recreation shall deem advisable to maintain the unique character of this area and to protect the public health, safety and welfare.

- (13) The Administrator of Parks and Recreation may grant or deny a permit in his discretion. The Administrator may revoke a permit previously granted if the vendor fails to maintain all required licenses and permits; fails to properly pay the City; changes equipment, products or prices without approval of the Administrator; fails to maintain reasonable hours of operation ; or becomes subject to citizen complaints about the operation of the business.

(Code 1986, § 11-377; Ord. No. 9704, § 1, 4-28-92; Ord. No. 10977, § 1, 3-7-00; Ord. No. 11812, § 1, 3-28-06; Ord. No. 11878, §1, 8-29-06)

Sec. 11-378. Size requirement for push-carts.

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No push-cart shall exceed four (4) feet in width, five (5) feet in height, and six (6) feet in length.

(Code 1986, § 11-378)

Sec. 11-379. Compliance with state and local regulations.

Before any permit is issued by the city treasurer under this article, the applicant must submit satisfactory evidence that he has complied with the state business tax act and all state statutes and regulations controlling health and dispensing of food. Nothing herein shall excuse any applicant/vendor from complying with all applicable state statutes and city ordinances controlling health standards and requirements and the operation of businesses.

(Code 1986, § 11-379)

Sec. 11-380. Exceptions.

The provisions of this article shall not apply to festivals, community-wide projects, and other community-sponsored sales which may occur on a periodic basis and which are submitted to and approved by the mayor. The provisions of this article shall not apply to any sale, act or thing, the regulation or licensing of which would constitute regulation or licensing of interstate commerce, nor shall the provisions of this article apply to any sale, act or thing legally regulated by the Constitution or any law of the United States or of the state.

(Code 1986, § 11-380; Ord. No. 9654, § 13, 1-6-92)

Secs. 11-381 - 11-395. Reserved.

ARTICLE XIII. SPECIAL SALES

Sec. 11-396. Statutes adopted.

The provisions of sections 6-55-401 to 6-55-413, both inclusive, of the Tennessee Code Annotated are hereby adopted by the city, as authorized by section 6-55-413, as herein modified, and such sections so adopted and modified, as applied to the city, shall be as set out in this article.

(Code 1986, § 11-396)

Sec. 11-397. Definitions.

The following terms wherever used or referred to in this article, shall have the following meaning unless a different meaning appears from the context: