

## ORDINANCE 2018-18

**TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 9 CHAPTER 2 SECTION 9-201(2) OF THE CITY OF FRANKLIN MUNICIPAL CODE AS IT PERTAINS TO ITINERANT MERCHANTS AND THE REMOVAL OF VEHICLES, TRAILERS, KIOSKS, STANDS, TABLES, SIGNAGE, FURNITURE, AND RELATED ANCILLARY EQUIPMENT WHEN NOT OPEN FOR BUSINESS."**

**WHEREAS**, for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, the Board of Mayor and Aldermen of the City of Franklin is authorized to license and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law within the City; and

**WHEREAS**, in its legislative judgment the Board of Mayor and Aldermen has found that business regulations and standards must be dynamic and modified from time to time to reflect changes in recognized business methods, and safety standards necessary to preserve and promote the private and public interest.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN BOARD OF MAYOR AND ALDERMEN, AS FOLLOWS:**

**SECTION I.** That Title 9, Chapter 2, Section 9-201(2) of the City of Franklin Municipal Code is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**; and is approved to read as follows:

### **Definitions.**

(2) *Itinerant merchant* shall mean any person who **is not a mobile food vendor, and is authorized to**, engages in the giving away, the selling or offering for sale, of goods, wares or merchandise, or who solicits patronage for any person, business, or service by word of mouth, ~~gesture, or by use of electrical, mechanical or sound-making devices~~, to entice or persuade anyone to buy, sell or accept goods, wares, or merchandise within the corporate limits of the city, where the above-mentioned activities are conducted from a temporary or transient location **with the express, written permission of the private property owner(s). For purposes of this section, "temporary or transient location" means from a stand, stall, kiosk, trailer, and/or vehicle that is temporary and removed from the property when not open for business (unless otherwise expressly permitted by the City). This section shall also apply to any and all ancillary equipment associated with the itinerant merchant, including, but not limited to, signs, tables, chairs, marketing materials, set-ups, and/or trash bins.**

**SECTION II. Severability.** In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable full force and effect. If any part of this ordinance is found to be invalid in any

one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

**SECTION III. Repeal and Savings Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City of Franklin prior to the effective date of this ordinance.

**SECTION IV:** BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that this ordinance shall be in full force and in effect for any itinerant merchant permit application received by the Building and Neighborhood Services Department from and after its passage on second and final reading, the health, safety, and welfare of the citizens of Franklin, Tennessee, requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: \_\_\_\_\_  
Eric S. Stuckey  
City Administrator/Recorder

By: \_\_\_\_\_  
Dr. Ken Moore  
Mayor of Franklin

Approved as to Form:

\_\_\_\_\_  
Misty Lavender Foy, Assistant City Attorney

PASSED FIRST READING \_\_\_\_\_

PASSED SECOND READING \_\_\_\_\_