



Board of Commissioners

July 11, 2019

6:30 PM

City Hall – Massie Chambers

Agenda:

1. Call to order by the Mayor.

Prayer

Pledge of Allegiance

2. Roll call by the Recorder.
3. Reading of the minutes of the June 27, 2019 regular meeting of the Board of Commissioners by the Recorder for approval or correction.
4. Comments from citizens.
5. Comments of the City Manager and staff.
6. Reports and comments from committees, members of the Board of Commissioners and other officers.
7. Old Business.
  - a. Consider Ordinance 19-942, an ordinance to amend the City of Goodlettsville Municipal Code Title 9, Chapter 2 by deleting Chapter 2 in its entirety and replacing it with a new Chapter 2, as it relates to Peddlers. **SECOND READING / PUBLIC HEARING**
8. New Business.
  - a. Consider Ordinance 19-943, an ordinance to amend the City of Goodlettsville Municipal Code Title 7, Chapter 3 by deleting Chapter 3 in its entirety and replacing it with a new Chapter 3, as it relates to Fire Services.
  - b. Consider Resolution 19-856, a resolution declaring certain property surplus to the needs of the City of Goodlettsville and calling for its disposal by online auction or any other reasonable manner.
9. Adjournment.

For more information regarding this agenda, please contact the city recorder by email at:

[abaker@goodlettsville.gov](mailto:abaker@goodlettsville.gov)

*A government committed to operating with efficiency and integrity in all we do as we strive to enhance the quality of life for the community we serve.*

105 S. Main Street – Goodlettsville, TN 37072 – 615-851-2200 – Fax 615-851-2212

[www.goodlettsville.gov](http://www.goodlettsville.gov)

## ORDINANCE NO. 19-942

**AN ORDINANCE TO AMEND THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 9, CHAPTER 2 BY DELETING CHAPTER 2 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 2, AS IT RELATES TO PEDDLERS.**

**WHEREAS**, it has been determined that certain changes need to be made to the City of Goodlettsville Municipal Code as it relates to peddlers.

**NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE, THAT THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 9, CHAPTER 2 IS AMENDED AS FOLLOWS:**

**SECTION I.** That a new Chapter 2 is hereby created entitled:

### **Peddlers, Etc.**

**9-201 Permit required.** It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant 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 chapter. No permit shall be used at any time by any person other than the one to whom it is issued.

**9-202. Exemptions.** The terms of this chapter shall not be applicable to persons selling to wholesale dealers, 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.

**9-203. Application for permit.** Applications for a permit under this chapter must file with the permit administrator sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) 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.
- (3) A brief description of the nature of the business and the goods or services to be offered.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) A recent clear photograph approximately two inches (2") square showing the head and shoulders of the applicant.
- (7) 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.
- (8) The names of the last three (3) 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.
- (9) At the time of filing the application, the application fee shall be paid to the city to cover the administrative costs associated with processing permits.

**9-204. Issuance or refusal of permit.**

- (1) Each application shall be processed by the permit administrator.
- (2) If, as a result of the processed application, 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 the applicant's business responsibility to be unsatisfactory, the permit administrator shall notify the applicant that the application is disapproved and no permit will be issued.
- (3) If, on the other hand, the processed and complete application indicates that the moral reputation and business responsibility of the applicant are satisfactory the permit administrator shall issue a permit upon the payment of all fees and the filing of the bond required by 9-206.
- (4) Peddler permits issued to vendors shall not exceed 180 days within a calendar year. A fee of \$100.00 for a minimum of a fourteen (14) day period and each subsequent fourteen (14) day period a fee of \$50.00 shall be assessed to peddlers.

**9-205. Appeal from denial.** Any person denied a permit, required under this chapter, shall have the right to appeal to the city manager. Such appeal shall be taken by filing with the city manager within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The city 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 (5) 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 (3) days prior to the date set for hearing.

**9-206. Bond.** Every permittee shall file with the permit administrator a surety bond running to the city in the amount of two thousand five hundred dollars (\$2,500.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the City of Goodlettsville 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 said 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.

**9-207. Loud noises and speaking devices.** No permittee, 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 permittee proposes to sell.

**9-208. Use for solicitations and displaying, selling, etc., goods and merchandise.**

- (1) Except as permitted by other portions of this code, no person shall use or occupy any portion of the public right-of-way, including any public street, median, alley or sidewalk for the purpose of:
  - (a) Storing or exhibiting any goods, merchandise or other materials.
  - (b) Selling or attempting to sell any goods, merchandise or other materials or any services.
- (2) No person shall stand on or otherwise occupy any portion of the public right-of-way, including any public street, median, alley or sidewalk for the purpose of soliciting or accepting a donation of money or any other item from the occupant of any vehicle.

(3) No person shall, by means of a sign or other device of any kind, use or occupy any portion of the public right-of-way, including any public street, median, alley or sidewalk, to attempt to alert the driver or any occupant of a motor vehicle that is on a street to any commercial activity.

(4) Nothing in this section shall be construed to apply to:

(a) Licensees, lessees, franchisees, permittees, employees or contractors of the city, county or state authorized to engage in inspection, construction, repair or maintenance or in making traffic or engineering's surveys.

(b) Any of the following persons while engaged in the performance of their respective occupations; firefighting and rescue personnel, law enforcement personnel, emergency medical services personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, solid waste or recycling personnel; public works personnel or public utilities personnel.

(c) Use of public streets, alleys, sidewalks or other portions of the public right-of-way in areas which have been closed to vehicular traffic for festivals or other events or activities permitted by the city.

(5) Nothing in this section or in any other part of this code shall be construed as prohibiting the sale or distribution of newspapers, magazines, periodicals, handbills, flyers or similar materials, except that:

(a) Such activity shall be prohibited on any portion of any street within the city.

(b) Such materials shall not be handed to the occupant of any motor vehicle that is on a street, nor shall any action be taken which is intended or reasonably calculated to cause the vehicle occupant to hand anything to the person selling or distributing the materials.

**9-209. Exhibition of permit.** Permittees are required to exhibit their permits at the request of any police officer, city employee or citizen.

**9-210. Police department to enforce.** It shall be the duty of all police officers to see that the provisions of this chapter are enforced.

**9-211. Revocation or suspension of permit.**

- (1) Permits issued under the provisions of this chapter may be revoked by the city manager, after notice and hearing, for any of the following causes:
  - a) 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.
  - b) Any violation of this chapter.
  - c) Conviction of any crime or misdemeanor.
  - d) 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.
- (2) Notice of the hearing for revocation of a permit shall be given by the permit administrator 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 (5) 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 (3) days prior to the date set for hearing.
- (3) When reasonably necessary in the public interest, the city manager may suspend a permit pending the revocation hearing.

**9-212. Reapplication after revocation.** No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation.

**9-213. Expiration and renewal of permit.**

- (1) Permits issued under the provisions of this chapter shall expire in no more than 180 days within a calendar year.
- (2) Each application expires December 31<sup>st</sup> of the year it was submitted.
- (3) A permit may be renewed within the active permit dates, if it has not exceeded the 180 days allowed within a calendar year.
- (4) If, after issuance of a permit has expired, no additional permit shall be issued until a grace period of fourteen (14) days has been honored.

**9-214. Prohibition of Door to Door Solicitors.**

(1) ALL SOLICITATION PROHIBITED BY POSTING OF "NO SOLICITATION" OR "NO TRESPASSING" SIGN OR STICKER.

a) No solicitor, whether commercial or noncommercial, shall enter or remain upon any private premises in the City where:

(i) A "No Solicitation" or "No Trespassing" sign is clearly posted or placed at or near the entrance(s) to such premises or, in the case of a multi-family dwelling, at or near the entrance(s) to such individual dwelling

b) This provision shall apply to all solicitation, including, without limitation, all activities that are religious, charitable or political in nature and all solicitation of newspaper or magazine subscriptions.

(2) NO-SOLICITATION LIST.

a) The no-solicitation list allows any property owner or lawful occupant of any residence within the City to prohibit solicitation at said residence by registering the address with the City. Such registration shall take effect as soon as it is noted on the City's no-solicitation list.

b) The City shall maintain and publish on the City's website and have available at the office of the City Clerk such no-solicitation list consisting of all addresses that have been registered thereon.

(i) Such list shall be made available without charge to any person requesting same. No person shall be required to provide identification as a condition of obtaining a copy of such list.

(ii) The City will make the necessary arrangements to periodically update the no-solicitation list.

(iii) Each address appearing on the no-solicitation list will remain on the list until removed by the occupant.

c) Each permit holder shall be responsible for obtaining and reviewing a copy of the no-solicitation list immediately upon issuance of a permit under this chapter and at such intervals thereafter as may be reasonably necessary to ensure compliance with the requirements of division (D) of this section.

d) As of the effective date of the registration of a residential address under division (A) of this section, door-to-door solicitation at such address shall be prohibited until such time, if at all, that the address has been deleted from the no-solicitation list.

e) Neither the City nor any of its officers, employees, agents or authorized volunteers shall be liable to any person for any injuries, damages or liabilities of any kind arising from or relating to any errors or omissions that may occur in compiling or maintaining the no-solicitation list.

(3) OFFENSE. It shall constitute a general offense against the regulations of the City of Goodlettsville for any person or persons who violates this Chapter

(4) PENALTY. Anyone who is found in violation of this chapter shall be subject to a fine of fifty dollars (\$50.00) per offense for each day of occurrence, regardless of the time period involved, and shall constitute a separate offense under this chapter.

**9-215 Trespassing.** It shall be unlawful and deemed to be trespass for any permittee acting under this article to fail to promptly leave the private premises of any person who requests or directs him to leave.

**9-216 Sales hours for peddlers.** No permittee shall conduct any solicitations or sales except between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday, it being the intent that door-to-door sales occur during daylight hours and at times when citizens feel secure in their homes to receive unexpected visitors.

**SECTION 2.** This ordinance shall take effect fifteen (15) days from and after its final passage, the public welfare requiring it.

\_\_\_\_\_  
MAYOR JEFF G. DUNCAN

Passed: \_\_\_\_\_

Passed: \_\_\_\_\_

\_\_\_\_\_  
CITY RECORDER

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
CITY ATTORNEY

**ORDINANCE NO. 19-943**

**AN ORDINANCE TO AMEND THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 7, CHAPTER 3 BY DELETING CHAPTER 3 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 3, AS IT RELATES TO FIRE SERVICES.**

**WHEREAS**, it has been determined that certain changes to the City of Goodlettsville Municipal Code as it relates to the fire department need to be made.

**NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE, THAT THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 7, CHAPTER 3 IS AMENDED AS FOLLOWS:**

**SECTION I.** That a new Chapter 3 is hereby created entitled:

**FIRE DEPARTMENT.**

**7-301. Establishment and equipment.** There is hereby established a fire department to be supported and equipped from appropriations by the board of commissioners. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the city manager and such number of subordinate officers and firemen as the city manager shall appoint.

**7-302. Objectives.** The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.
- (7) Provide first responders for emergency medical care at the highest level that the equipment and training of the personnel makes practical.
- (8) The investigation of the cause, origin and circumstances of fires, arson, false alarms calls, and bomb threats

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<sup>1</sup>Charter references

For detailed charter provisions governing the operation of the fire department, see Tennessee Code Annotated, Title 6, Chapter 21, Part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

Fire chief

Appointment: § 6-21-701.

Duties: § 6-21-702.

Emergency: § 6-21-703.

Fire marshal: § 6-21-704

Firemen

Appointment: § 6-21-701.

Emergency powers: § 6-21-703.

Tennessee Code Annotated reference:

Special privileges with respect to traffic: 55-8-108.

### **7-303. Emergency Powers.**

- (a) When any fire department or company recognized as duly constituted by the commissioner of commerce and insurance pursuant to § 68-102-108 is requested to respond to a fire, hazardous materials incident, natural disaster, service call, or other emergency, it may, regardless of where the emergency exists, proceed to the emergency site by the most direct route at the maximum speed consistent with safety. While responding to, operating at, or returning from such emergency, the chief of the responding fire department or company, or any member serving in capacity of fire officer-in-charge, shall also have the authority to:

- (1) Control and direct the activities at the scene of the emergency;
- (2) Order any person or persons to leave any building or place in the vicinity of such scene for the purpose of protecting such person or persons from injury;
- (3) Blockade any public highway, street or private right-of-way temporarily while at such scene;
- (4) Trespass at any time of the day or night without liability while at such scene;
- (5) Enter any building or premises, including private dwellings, where a fire is in progress, or where there is reasonable cause to believe a fire is in progress, for the purpose of extinguishing the fire;
- (6) Enter any building or premises, including private dwellings, near the scene of the fire for the purpose of protecting the building or premises, or for the purpose of extinguishing the fire that is in progress in another building or premises;
- (7) Inspect for preplanning all buildings, structures, or other places in the chief's fire district, except the interior of a private dwelling, where any combustible material, including waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels, rubbish, or other combustible material that is or may become dangerous as a fire menace to such buildings, structures, or other places has been allowed to accumulate, or where such chief or the chief's designated representative has reason to believe that such combustible material has accumulated or is likely to accumulate;
- (8) Direct without liability the removal or destruction of any fence, house, motor vehicle, or other thing, if such person deems such action necessary to prevent the further spread of the fire;

(9) Request and be furnished with additional materials or special equipment at the expense of the owner of the property on which the emergency occurs, if deemed necessary to prevent the further spread of the fire or hazardous condition; and

10) Order disengagement or discouplement of any convoy, caravan, or train of vehicles, craft, or railway cars, if deemed necessary in the interest of safety of persons or property.

- (b) When any fire department or company responds to any emergency outside its fire district, however, it shall at all times be subject to the control of the fire chief or designated representative in whose district the emergency occurs. [Acts 1921, Ch. 173, art. 19, § 3; Shan. Supp., § 1997a234; Code 1932, § 3632; T.C.A. (orig. ed.), § 6-2135; Acts 1975, Ch. 166, § 2; Acts 1993, Ch. 171, § 1.]

**7-304. Fire Marshal.** The city manager may appoint a fire marshal whose duty shall be, subject to the chief of the fire department, to investigate the cause, origin, and circumstances of fires and the loss occasioned thereby, and assist in the prevention of arson. [Acts 1921, Ch. 173, art. 19, § 4; Shan. Supp., § 1997a235; Code 1932, § 3633; T.C.A. (orig. ed.), § 6-2136.]

**7-305. Organization, rules, and regulations.** The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, under the direction of the city manager.

**7-306. Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the city manager as the city manager requires. The city manager shall submit a report on those matters to the board of commissioners as they may require.

**7-307. Tenure and compensation of members.** The chief shall hold office so long as conduct and efficiency are satisfactory to the city manager. All disciplinary action of the chief and staff members shall be done in accordance to the City of Goodlettsville Personnel Policy and the City of Goodlettsville Municipal Code.

The compensation of all officers and employees of the fire department shall be fixed by the city manager within the limits of the appropriations ordinance and in accordance with a comprehensive pay plan adopted by the board of commissioners.

**7-308. Chief responsible for training and maintenance.** The chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the city manager.

**7-309. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof.

**SECTION 2.** This ordinance shall take effect fifteen (15) days from and after its final passage, the public welfare requiring it.

\_\_\_\_\_  
MAYOR JEFF G. DUNCAN

Passed: \_\_\_\_\_

Passed: \_\_\_\_\_

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CITY CLERK

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
CITY ATTORNEY

**RESOLUTION NO. 19-856**

**A RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS TO THE NEEDS OF THE CITY OF GOODLETTSVILLE AND CALLING FOR ITS DISPOSAL BY ONLINE AUCTION OR ANY OTHER REASONABLE MANNER.**

**WHEREAS**, occasionally, the City of Goodlettsville owns property that is no longer of use or has value for its intended use; and,

**WHEREAS**, The City of Goodlettsville foresees no future need or use of said property; and,

**WHEREAS**, The City of Goodlettsville desires to dispose of said property;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE THAT PROPERTY LISTED IN EXHIBIT 1 OF THIS RESOLUTION IS DECLARED TO BE SURPLUS PROPERTY.**

**BE IT FURTHER RESOLVED THAT SAID PROPERTY SHALL BE DISPOSED OF BY ONLINE AUCTION OR ANY OTHER MEANS IN ACCORDANCE WITH STATE LAW AND THE CITY'S PURCHASING POLICY.**

**THIS RESOLUTION IS EFFECTIVE UPON ADOPTION, THE WELFARE OF THE CITIZENS OF GOODLETTSVILLE REQUIRING IT.**

Adopted: July 11, 2019

\_\_\_\_\_  
MAYOR JEFF G. DUNCAN

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CITY RECORDER

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
CITY ATTORNEY

**EXHIBIT 1**

**SURPLUS PROPERTY (RESOLUTION 19-856)**

- 2000 Ford Expedition  
VIN # 1FMPU18L8YLA11146