

MEMPHIS POLICE DEPARTMENT POLICY AND PROCEDURES
SECTION: City & County Business Permits & Transient Vendors

The City, particularly during summer months, is flooded with individuals selling merchandise on the public streets, particularly around places where large groups are gathered, such as the Elvis Presley mansion. These persons are all required to have the following City and State permits, and there are restrictions imposed as to the locations from which these persons can sell.

1. Definition:

Peddlers - hucksters - vendors: This definition refers to all persons who engage in the giving away, the selling or offering for sale, goods, wares, or merchandise or who solicit patronage for any person, business, or service by word of mouth, or gesture, or by distributing handbills or other printed matter, or by use of electrical, mechanical, or sound-making device to entice or persuade anyone to buy, sell, or accept goods, wares, or merchandise upon the public streets, highways, or rights of way, within the City limits and where said person engages in the above-mentioned activities from a temporary or transient location.

2. Required Licenses:

A. State of Tennessee Business License

This license must be obtained from the County Licensing and Privilege Office, which is located in the Shelby County Court Clerk's Office, 150 Washington. The vendor should be advised to obtain this permit. If an officer receives repeated complaints regarding an individual who does not have this license, then a memo should be submitted to the County Licensing and Privilege Office. No arrests are to be made for this violation. Enforcement will be done by County officials in General Sessions Court.

B. Health Permit

This is required whenever the vendor sells any type food products. It can be obtained from the Shelby County Health Department. The primary responsibility for enforcing health laws regarding the sale of food rests with the Memphis & Shelby County Health Department. If a peddler is found to be in violation of the Health permit law, the officer should notify the Health Department by written memo. This memo should include the peddler's name, location of occurrence, vehicle license number, etc. The peddler should then be told to cease operation. If the peddler refuses to cease operations, he should be arrested and charged with Failure to Have a Health Permit, City Code Section 16-256. If the peddler agrees to cease operation, he should be allowed to leave and told to go to the Health Department to get the necessary license. If the peddler is later observed to be again operating without a license, he should be arrested and charged. Any time an individual is arrested by an officer for violation of the health permit law, the arresting officer is responsible for notifying the Health Department in writing so that a Health Department official can be sent to court to testify that no license existed. All such reports should be made to the Health Department at 528-3957.

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3. Business Operations:

Once an individual has obtained the appropriate licenses, he may do business. However, he must exhibit these licenses upon demand by a law enforcement officer. If the individual peddler is only an employee of a business, he will not have a separate license. However, he must carry a formal letter from the company or company identification card containing his name, age, address, etc., and including the official name of the business with all up-to-date permit numbers, so that the officer can check with the Licenses and Privileges Office to verify the existence of the City license. Once the licenses have been obtained, the individual may conduct his business on public property with the following restrictions:

A. No individual or group (including religious groups) can operate in any manner that interferes with or obstructs traffic, (vehicular traffic in the streets or pedestrian traffic on sidewalks) as this violates City Code.

B. No individual or group can solicit from the median strip of a public street if, in the officer's opinion, it interferes with or obstructs traffic, or constitutes a danger to the vendor or others. A violation occurs if the vendor steps into the roadway. If the transaction occurs after the vehicle is legally parked or stopped on private property such as a parking lot, no violation has occurred.

C. No individual or group may erect any stand or booth on a public street, sidewalk, or other public place except for any public place which has been designated as an open air market or farmer's market.

D. No individual or group may conduct their business within 200 feet of the following locations:

(1) Mid-America Mall (except with the approval of the Center City Commission)

(2) Downtown Loop bounded by the Mississippi River on the west, Third Street on the east, Calhoun on the south, and Mill Avenue on the north.

(3) Places of historical or public attraction to include the Pink Palace Museum, Overton Park Zoo, the Elvis Presley Estate, the Brooks Art Gallery, the Mud Island Entertainment Complex, the Pyramid Complex, the Pinch District (as defined by the Landmark Commission), the Beale Street Historic District (except where the Beale Street Management Association does so designate), and all other areas that may hereafter be designated by the City Council by means of resolution.

(4) The Mid-South Fairgrounds, except those activities regulated and under the

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control of the Memphis Park Commission and activities or events managed by the Mid-South Coliseum.

This 200 feet requirement means that the person cannot conduct his business within 200 feet of the farthest boundary of the above locations.

E. No individual or group may use any parked vehicle on the public streets, highways, or rights-of-way as a business stand to sell his merchandise to other occupants of moving or standing vehicles.

F. No individual or group may sell his merchandise from any private property without the permission of the owner of said private property.

G. Street vendors and solicitors are allowed to solicit from the street corner while standing on the sidewalk.

H. If a violation is observed by the officer, a warning should be given the vendor. If the violation continues, then a City Ordinance Summons should be issued or a physical arrest made, when appropriate.

4. Yard Sales:

The Police Department will no longer enforce the city ordinance relating to yard sales.

Complaints regarding yard sales should be referred to the, Memphis and Shelby County Office of Construction and Code Enforcement, 6465 Mullins Station Road, 385-5197, since the Building Department is responsible for enforcing violations of the ordinance.

5. Exceptions:

No permits are required for persons who are passing out religious pamphlets or other literature which is entitled to constitutional protection of freedom of speech, religion or press, or to persons who are soliciting funds for a religious institution.

MEMPHIS POLICE DEPARTMENT POLICY AND PROCEDURES
SECTION: Magazine Sales

State Law **requires** persons engaged in the business of selling orders for magazines **or** making contracts for the future delivery of magazines to register with the Sheriff of the county before engaging in business. In addition, they are **also required** to furnish the Sheriff with an adequate description of vehicles used in the business. Contracts sold in violation of these sections are void and unenforceable.

Where complaints are received regarding the selling of subscription orders, Officers investigating the complaint should determine if the salesman has registered in compliance with the above section.

The Shelby County Sheriff's Department, Records and Identification Bureau, (bp) 576-5695, can verify the registration of such persons. The Sheriff's Department issues a permit to persons selling magazine orders, but State Law does not require them to carry it on their person.

If he has not registered with the Sheriff as required, he may be charged with a state misdemeanor.

MEMPHIS POLICE DEPARTMENT POLICY AND PROCEDURES
SECTION: Door to Door Solicitations

When an officer receives a complaint concerning a door to door vendor, the officer is to:

A. Ascertain whether that person has a Business License allowing them to solicit sales door to door. A photo copy of the Business License will suffice.

B. If the vendor does not have the required license or photocopy of same, an attempt should be made to contact the vendor's employer to determine whether the appropriate license is in effect. **(See D. and E.)**

C. If the appropriate license is in effect, the officer should take no further action as to the license, however, appropriate action may be taken in the event some other offense, such as Disorderly Conduct, etc. is observed by the officer.

D. The Shelby County Clerk's Office, (bp) 576-4252 or 576-4249, open Monday-Friday from 0800-1600 hours; and the Shelby County Sheriff's Department's Records and Identification Bureau, (bp) 576-5695, are responsible for the registration and licensing of vendors operating in the Memphis/Shelby County area.

E. After hours, the Shelby County Sheriff's Department Communication Bureau, (bp) 576-5555, keeps information on vendors operating with licenses in Memphis/Shelby County Tennessee.

F. If it cannot be ascertained that the required license is in effect, an arrest should be made. If the vendor cannot produce adequate identification, a physical arrest may be made, otherwise, an Ordinance Summons should be issued. A memo to the County Clerk's Office should also be submitted.