

CHAPTER 182:  
**FOOD & MERCHANDISE VENDOR LICENSES**

**Article I:**  
**Special Vendor License.**

*[Adopted 07/18/2011 by act of Council]*

**§ 182-1. License Required.**

It shall be unlawful for any food or merchandise vendor to transact any phase of business in the Town of Pennington Gap without first applying for and obtaining a Special Vendor License.

**§ 182-2. Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. Food and Merchandise Vendor means any person who changes retail locations from day to day, week to week, or month to month and who displays samples, models, goods, wares, food, or other merchandise for the purpose of selling such items at retail sale.
- B. Merchandise means any goods, wares, or any other property being capable of being the object of sale regulated under this article.

**§ 182-3. Application for Permit.**

- A. Permits shall be obtained by application to the Permit Officer, representative authorized by the Town to grant said application. The Town Council shall designate a Permit Officer or Officers as the representative authorized by the Town to grant said application. Said Permit Officer may be the Town Manager, Town Mayor, or other designated individual appointed at the discretion of the Town Council by resolution of the Town Council.
- B. The fee for such permit shall be \$10.00. In the event the sale is solely for a legitimate charitable purpose, no fee shall be required.
- C. The Town may issue sale permits only to the owner of record or tenant of record of the residential property or residential unit upon which such sale is to take place.
- D. A permit issued pursuant hereto shall specifically state the name of the holder of such permit, the location of the permitted sale and the date(s) for which such sale is permitted.
- E. A permit shall be valid for only sixty (60) days for the same address.

- F. Application must be made at least 24 hours in advance of such proposed sale. Application made less than 24 hours in advance of such proposed sale shall be reason for the denial of the permit by the Town.

**§ 182-4. Permit Application.**

An application for a special vendor license shall provide the following information:

- A. His home address;
- B. The business or firm he represents, if any;
- C. A description of the nature of the business and the kind of merchandise or food he desires to sell;
- D. The number of days he intends to solicit orders or sales;
- E. The location where the applicant desires to sell such merchandise or food;
- F. The lease or permission of the property owner where he intends to sell;
- G. A copy of the policy of liability insurance which covers the location where the selling is to take place; and
- H. Signature of applicant and date.

**§ 182-5. Operating Requirements.**

The following general operating requirements shall apply to all sales regulated by this Chapter:

- A. During the hours of such sale, a permit issued as required hereunder shall be made available for inspection upon request by any Town of Pennington Gap police officer or any authorized representative of the Town.
- B. The conduct of the sale shall not interfere with the orderly flow of pedestrian or vehicular traffic.
- C. There shall be no parking on any main thoroughfare in which a sale is being conducted.
- D. Sale goods may not be displayed in the public right-of-way, and all sale goods shall be arranged so that fire safety service and other officials may have access for inspection at all times during the sale.
- E. No individual, firm, corporation, or other partnership shall be permitted to engage in the business of promoting or conducting sales for others for a fee or other consideration.

- F. On any day when the farmer's market, organized pursuant to section 182-12 et seq. of this Code, is in operation, any vendor of farm produce shall be restricted to sale said produce at the location of the farmer's market. A vendor of farm produce who has a valid special vendor permit pursuant to this section is not required to purchase an additional permit, namely a farmer's market vendor permit, pursuant to section 182-14. The term "produce" in this section means the product of a farm or agriculture.

*[Amended 5-21-12 by adding subsection F with the establishment of a farmer's market]*

**§182-6. Violations & Penalty.**

Any violation of this article shall constitute a class 3 misdemeanor. Each day of the violation shall constitute a separate violation.

**§182-7. Revocation of Permit.**

A special vendor's license may be revoked by the Town of Pennington Gap if the merchandise or food vendor is in non-compliance with this ordinance or for other reason related to the protection of public health, safety, or welfare.

**§ 182-8. Renewal of Permit.**

The vendor's license shall be applied for every sixty (60) days. Vendor's license renewal shall be on a sixty (60) day basis, from date of issuance of the vendor's license.

**§ 182-9. Enforcement.**

This Chapter 182 shall be primarily enforced by the Town of Pennington Gap Police Department. Enforcement for violation of this Chapter 182 shall be by criminal complaint or by non-criminal disposition as hereunder provided.

**§ 182-10. Effective Date.**

This Article shall take effect upon its passage.

**Article II:  
Farmers Market.**

*[Adopted 05/21/2012 by act of Council]*

**§ 182-11. Preamble.**

The Town of Pennington Gap desires to promote and encourage local farmer's opportunities to sell and trade products which are grown or produced by themselves or members of their households at their own farms, homes, or gardens. To this end, the Town of Pennington Gap endeavors to create a Farmers Market within the Town for the sale of farm or domestic products.

**§ 182-12. Farmers Market Committee.**

- A. The Town Council shall at the adoption of this Ordinance appoint a committee to promote, organize, and develop the Farmers Market.
- B. The Committee shall consist of at least three members. At least two committee members shall be farmer / vendor representatives who will be selected biennially by Council. A representative from the Town, an employee of the Town, a Town Council Member, the Town Manager, or the Special Projects Coordinator shall serve on the Committee and shall serve as liaison between the Council and the Committee.

**§ 182-13. Guidelines for operation.**

- A. The Farmers Market Committee shall prepare Guidelines for operation of the Farmers Market, which shall specify the following: rules for display of products, regulations for vendor attendance, responsibilities of vendors, dates of operation, hours of operation, location of the Market, and allocation of vendor spaces.
- B. The Guidelines for operation of the Farmers Market, as prepared by the Farmers Market Committee, shall be subject to review and approval of Council.

**§ 182-14. Farmers Market Vendor Permit.**

- A. Vendors participating in the Farmers Market shall obtain a Farmers Market Vendor Permit.
- B. The Farmers Market Vendor Permit shall be obtained in lieu of the Special Vendors License Permit ordinarily required for Food and Merchandise Vendors pursuant to the provisions of Article I of this Chapter, Section 182-1, requiring a Special Vendor License for any food or merchandise vendor to transact any phase of business in the Town.
- C. The Farmers Market Vendor Permit shall only allow the vendor to operate business within the dates and times and at the location for the Pennington Gap Farmers Market.

**§ 182-15. Farmers Market Vendor Permit Application.**

An application for a special vendor license shall provide the same information required by § 182-4 of this chapter for Special Vendor Licenses.

**§ 182-16. Cost for Farmers Market Vendors.**

Together with the Farmers Market Vendor Permit Application required by this Chapter, vendors participating in the Farmers Market shall pay a fee in the following amounts.

- A. A fee of Ten Dollars (\$10.00) per day; or

B. A fee of Thirty Dollars (\$30.00) for the entire season.

**§ 182-17. Revocation of Permit.**

A Farmers Market Vendor's license may be revoked by the Town of Pennington Gap if the merchandise or food vendor is in non-compliance with this ordinance or for other reason related to the protection of public health, safety, or welfare.

**§ 182-18. Renewal of Permit.**

The Farmers Market Vendor's license shall be applied for annually.

**§ 182-19. Effective Date.**

This Article shall take effect upon its passage.