

REGULATIONS FOR TEMPORARY SIDEWALK ENCROACHMENTS
(Street Vendors)

Promulgated by the Metropolitan Traffic and Parking Commission
Pursuant to Metropolitan Code of Laws §13.08.040. Adopted on
The 13th day of March 2023

Section 1. Effective Date.

These Regulations shall become effective on the date that they are filed in the Office of the Metropolitan Clerk.

Section 2. Findings and Purpose.

It is found and declared that:

- a) The primary purpose of public streets, sidewalks, and other ways is for use by vehicular and pedestrian traffic;
- b) Vending and commercial displays on such public ways promotes the public interest by contributing to an active and attractive pedestrian environment;
- c) Reasonable regulation of any temporary encroachment on public ways is necessary to protect the public health, safety, and welfare and,
- d) These Regulations are not intended to prohibit or hamper speech that is protected by the First Amendment, but merely to regulate specific activities which are commercial in nature and to ensure that the public right-of-way remain safe and useful for their primary purpose and are attractive to tourists and the public.

Section 3. Definitions.

- a) "License" or "permit" means the form issued by the Davidson County Clerk or NDOT evidencing that the vendor is allowed to sell or offer to sell goods and services on the public way.
- b) "Pedestrian" shall mean a person who is walking or otherwise traveling on the sidewalk or other area created for pedestrian travel.
- c) "Public property" means all property, real and personal, belonging to the Metropolitan Government, excluding that which is used and/or intended for use by vehicular or pedestrian traffic and defined herein as a public way. "Public right-of-way" means all areas legally open to public use and used and/or intended for vehicular or pedestrian traffic, and accepted for maintenance by the Metropolitan Government, including public streets, alleys, sidewalks, and roadways, but excluding any other public property of the Metropolitan Government. "Stand" means any table, tarp, display, bench, booth, rack (including one suspended from the vendor's person), handcart, pushcart, wagon or any other fixture or device which is not required to be licensed and registered by the Tennessee Department of Motor Vehicles, and is used for the display, storage, or transportation of food, beverages, goods, or merchandise on any public way.
- d) "Street Performance" shall mean any theatrical, musical, visual, or other presentation for entertainment purposes on the public way. "Street Performer" shall mean any person or group of persons who conducts a street performance.

"Street vendor" or "vendor" means any individual, including an employee or agent of a group of individuals, partnership, or corporation, who sells, or offers to sell services, food, beverages, goods, or merchandise on any public way whether such activity involves the sale of such items from the vendor's person or by use of a stand. "To obstruct" means to so occupy the public ways so that the free use and enjoyment thereof by the public is in any way interrupted or interfered with, or such that the free ingress and egress to or from any building fronting on any public thoroughfare is impaired, or such that any unsafe condition results.

Section 4. Distance.

All measured distances and distance requirements addressed in these Regulations shall be distances measured in a straight line from the nearest edge of the stand to the nearest edge of the object that is the concern of these Regulations.

Section 5. Display of Permits, Licenses and Proof of Liability Insurance

- a) Stands. Each street vendor must prominently display the permit, in addition to any business tax license the vendor may be required to possess, and if applicable, the health permit must also be prominently displayed. I.D. badges issued by the County Clerk or NDOT are to be in the possession of vendors and their employees at all times and are not transferable.

Section 6. Placement and Operation of Stands.

- a) Safeguarding Pedestrian Passage / Ingress and Egress from Vehicles. Except where officially marked vendor spaces are provided, stands and the vendors serving the stands must be placed on the curbside of sidewalks, so that there is at least eight (8) feet between the stand and the building, measured from the inner or building side and not the curb side of the sidewalk. A minimum of six (6) feet of the eight (8) feet of sidewalk must be kept clear for pedestrian traffic at all times. Vendors are responsible for ensuring that, in addition to the required clearance, they have adequate space on the sidewalk to attend their stands, whether they choose to stand in front, behind beside or amongst their stands. In addition, placement of vendor stands, or wares must not obstruct ingress or egress from vehicles parked at the curbside.
- b) Placement of Stands.
- 1) Stands shall not exceed six (6) feet in length along the curb, four (4) feet in sidewalk depth, and seven (7) feet in height, and merchandise may not be displayed above a height of six (6) feet;
 - 2) Stands shall not impede access to the entrance or driveway of any adjacent building;
 - 3) Stands shall not obstruct adequate sight distance for drivers;
 - 4) Stands shall not use stakes, rods, or support poles, or any method of support that is required to be drilled, driven, or otherwise fixed, in asphalt pavement, curbs, sidewalks or buildings.
 - 5) Stands shall not be placed in any street or road.

- 6) All stands must be placed at least fifteen (15) feet away from any other stand unless placed within officially marked vending spaces, as provided in Section 7 of these Regulations, that are close together. Vendor stands are prohibited within fifteen (15) feet of any fire hydrant, fire escape, bus stop, loading zone, parking meter or any intersection curb radius return (the point of intersection of the street curb line and the curb radius), any doorway or driveway or other main entrance of any building, and of any emergency or fire exits. Bending stands are also prohibited within 1000 feet of any school grounds during school hours. Vending is also prohibited in event areas set forth in the Section 6.32 of the Metropolitan Code.
- c) Attendant / Removal. A vendor must be in attendance at all stands. A vendor may not vacate a stand for more than ten (10) minutes after any wares, displays or merchandise, or any other items associated with the vendor's business have been placed. Vendors must remove all items associated with the vendor's business, including stands, and wares when the vendor finishes vending.
 - d) Hours of Operation. No vending operations shall take place between the hours of 2:00 a.m. and 7:00 a.m.
 - e) Reserved Spaces. No vending space may be reserved by placing any person or object on the space between 2:00 a.m. and 7:00 a.m. or at any time when a vendor's stand or business is not in operation.
 - f) Access Maintained for Disabled Persons. No stand shall be placed within fifteen (15) feet of any disabled or handicapped parking space, as defined by the Metropolitan Code of Laws at Section 12.40, access ramp.
 - g) Removal of Trash. All trash or debris surrounding any stand shall be collected by the vendor and deposited in a trash container. All vendors selling food or beverages must provide trash receptacles as a part of their stands.
 - h) Noise and Nuisance. No vendor may sound any device which produces a loud and raucous noise or use or operate any loudspeaker, public address system, radio, sound engine, generator or other offensive noise – making device. Vendors shall obey all applicable laws prohibiting excess noise or other nuisance.
 - i) Portable Stands. All vendor stands must be portable. All Vendor signs must be attached to the stand and stay within the size limits for stands.
 - j) Power Devices. All electrical and fuel – powered components and devices used in the course of any vending are subject to inspection by appropriate officials and may be ordered removed from public property if found to be in an unsafe condition or to otherwise threaten public safety.
 - k) Sales to Vehicle Occupants Prohibited. Vendors may not sell to persons in vehicles on streets or roads.
 - l) Impeding Pedestrian Traffic. Vendors are responsible for preventing customers from impeding pedestrian traffic. Vendors are responsible for preventing customers from impeding pedestrian traffic. Vendors shall ensure that no part of their stand or display is situated in such a manner so as to impede the normal activities of traffic or pedestrians.
 - m) Permits. Vendors must have a separate permit for each stand.
 - n) No stakes, poles, wires, holes or other device shall be driven, drilled or otherwise attached to any sidewalk, pavement, curb, or building to position or hold any stand or portion thereof.

Section 7. Sidewalk Vending Restricted Area(s)

- a) Refer to Section 13.08.040 of the Metropolitan Code.
- b) Refer to Section 6.32 of the Metropolitan Code.

Section 8. Street Performances.

- a) Street performers shall obey all applicable laws including those ordinances prohibiting excessive disturbance and noise.
- b) Street performers may not sound or operate any device which produces a loud and raucous noise or which is intended for the amplification, production or reproduction of sound in such a manner as to disturb the peace or at a volume that is greater than necessary for the convenient hearing of persons gathered for the performance. No performer shall operate any fuel powered engine, generator, or other offensive noise making device. Performers shall obey all applicable laws to prohibiting excessive noise and / or other nuisances.
- c) Street performers are prohibited from performing within fifteen (15) feet of a fire hydrant, fire escape or fire exit, bus stop, loading zone, parking meter, and intersection curb radius return, or any doorway, driveway, or main entrance to a building.
- d) Street performers may not create an undue interference with the passage of the public through a public way. If a performer attracts a crowd that is creating the obstruction, the police officer may order the performer to leave the location only after all other means of restoring the public safety or order have been exhausted.
- e) Street performers shall locate themselves so that they do not disrupt other street performers.
- f) Street performers shall not leave anything associated with their performance unattended for any period of time in the public way and shall remove trash, debris, or other material associated or accumulated as a result of their performance upon leaving a location.
- g) Street performers who do not engage in vending shall not be required to obtain a permit.

Section9. Other Laws and Regulations.

Vendors shall comply with all other applicable laws and regulations including but not limited to Chapter 6.32, and Sections13.08.040, 13.32.100 and 13.32.105 of the Metropolitan Code

Section10. Stadium, Arena, Convention Center and Auditorium.

These Regulations shall be superseded by any conflicting regulation, ordinance, code, or statue governing the sale of food or merchandise in the public right-of-way in the area of any stadium, arena, convention center, or auditorium owned or operated in any part of the municipality unless such regulation, ordinance, code, or statute states that any conflicting Section of these Regulations shall be applicable in the area of the stadium, arena, or auditorium owned or operated in any part of the municipality.

Section11. Severance Clause.

The provisions of these Regulations are declared to be severable and if any section sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, clauses, and phrases of these Regulations, but they shall remain in effect, it being the intent of the Traffic and Parking Commission that these Regulations shall stand notwithstanding the invalidity of any provision.

Section12. Prior Sidewalk Encroachment Regulations.

All regulations governing sidewalk encroachments that were adopted by the Traffic and Parking Commission prior to the effective date of these Regulations are superseded by these Regulations.

Section13. Effective Date.

These Regulations shall take effect on the date that they are filed with the Metropolitan Clerk.