

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. YARD SALES.
3. ADULT-ORIENTED ESTABLISHMENTS.
4. MOBILE FOOD PREPARATION VEHICLES.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.²

SECTION

- 9-101. Definitions.
- 9-102. Exemptions.
- 9-103. Permit required.
- 9-104. Permit procedure.
- 9-105. Restrictions on peddlers and solicitors.
- 9-106. Restrictions on transient vendors.
- 9-107. Display of permit.
- 9-108. Suspension or revocation of permit.
- 9-109. Expiration and renewal of permit.

9-101. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

¹Municipal code references

Building, plumbing, wiring and residential regulations: title 12.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

²Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: § 11-401(5).

(2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(4) "Transient vendor"¹ means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

9-102. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business.

¹State law references

Tennessee Code Annotated, § 62-30-101, *et seq.* contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from *Tennessee Code Annotated*, § 62-30-101(3). Note also that *Tennessee Code Annotated*, § 67-4-710(a)(2) prescribes that transient vendors shall pay a tax of \$50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in *Tennessee Code Annotated*, § 67-4-709.

9-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor or solicitor, and no solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter.

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the recorder by each applicant for a permit as a peddler, transient vendor or solicitor, or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

(c) The dates for which the applicant intends to do business or make solicitations.

(d) The names and permanent addresses of each person who will make sales or solicitations within the city.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(f) Tennessee state sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor or solicitor shall submit with his application a nonrefundable fee of twenty dollars (\$20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the recorder, the recorder shall submit to the chief of police a copy of the application form and the permit.

9-105. Restrictions on peddlers and solicitors. No peddler, solicitor, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

9-106. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

9-107. Display of permit. Each peddler, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand.

9-108. Suspension or revocation of permit. (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the recorder for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder 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.

9-109. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. (modified)

CHAPTER 2

YARD SALES

SECTION

- 9-201. Definitions.
- 9-202. Property permitted to be sold.
- 9-203. Permit required.
- 9-204. Permit procedure.
- 9-205. Permit conditions.
- 9-206. Hours of operation.
- 9-207. Exceptions.
- 9-208. Display of sale property.
- 9-209. Display of permit.
- 9-210. Persons/sales exempted from chapter.

9-201. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Personal property" shall mean property which is owned, utilized, and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

(2) "Yard sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance,¹ for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard", "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold. (Ord. #541, Jan. 2021)

9-202. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property. (Ord. #541, Jan. 2021)

¹Municipal code reference

Zoning ordinance: title 14, chapter 2.

9-203. Permit required. No yard sale shall be conducted unless and until the individuals desiring to conduct such sale obtain a permit therefor from the city recorder. Members of more than one (1) residence may join in obtaining a permit for a yard sale to be conducted at the residence of one of them. Permits may be obtained for any nonresidential location only by the property owner. (Ord. #541, Jan. 2021)

9-204. Permit procedure. (1) Application. The applicant or applicants for a yard sale permit shall file a written application with the city recorder at least three (3) days in advance of the proposed sale setting forth the following information:

- (a) Full name and address of applicant or applicants.
- (b) The location at which the proposed yard sale is to be conducted.
- (c) The date or dates upon which the sale shall be conducted.
- (d) The date or dates of any other yard sales by the same applicant or applicants within the current calendar year.

(e) A statement that the personal property to be sold was owned by the applicant as his own personal property and was neither acquired nor cosigned for the purpose of resale.

(f) A statement that the applicant willfully comply with this and all other applicable ordinances and laws.

(2) Permit fee. No fee is charged for the issuance of a permit.

(3) Issuance of permit. Upon the applicant complying with the terms of this chapter, the city recorder shall issue a permit. (Ord. #541, Jan. 2021)

9-205. Permit conditions. The permit shall set forth and restrict the time and location of such yard sale. No more than three (3) such permits may be issued to one (1) residential location, residence, and/or family household during any calendar year. If members of more than one (1) residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences. No more than six (6) permits may be issued for any nonresidential location during any calendar year. (Ord. #541, Jan. 2021)

9-206. Hours of operation. Each yard sale shall be limited to the hours of 7:00 A.M. to 6:00 P.M. and limited to no more than two (2) consecutive days. (Ord. #541, Jan. 2021)

9-207. Exceptions. (1) If sale not held because of inclement weather. If a yard sale is not held on the date(s) for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and information to this effect is submitted, the city recorder shall, upon request, issue another permit to the applicant for a yard sale to be conducted at the same location within thirty (30) days from the date when the

first sale was to be held. This shall not be calculated as an additional sale for the purpose of determining the total sales conducted, and no additional permit fee is required.

(2) Change of ownership - fourth sale. A fourth yard sale shall be permitted at a residential location in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the city recorder. (Ord. #541, Jan. 2021)

9-208. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side, or rear yard, but only in such areas. No personal property offered for sale at a yard sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. (Ord. #541, Jan. 2021)

9-209. Display of permit. Any permit issued for a yard sale shall be in the possession of the permittee and presented to a police officer or code enforcement officer upon demand. (Ord. #541, Jan. 2021)

9-210. Persons/sales exempted from chapter. The provisions of this chapter shall not apply to or affect the following:

(1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to-day basis form or at the place of business wherein such sale would be permitted by zoning regulations of the City of Ripley, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor, which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances. (Ord. #541, Jan. 2021)

CHAPTER 3

ADULT-ORIENTED ESTABLISHMENTS¹

SECTION

- 9-301. Purpose.
- 9-302. Definitions.
- 9-303. License required.
- 9-304. Application for license.
- 9-305. Standards for issuance of license.
- 9-306. Permit required.
- 9-307. Application for permit.
- 9-308. Standards for issuance of permit.
- 9-309. Fees.
- 9-310. Display of license or permit.
- 9-311. Renewal of license or permit.
- 9-312. Revocation of license or permit.
- 9-313. Hours of operation.
- 9-314. Responsibilities of the operator.
- 9-315. Prohibitions and unlawful sexual acts.
- 9-316. Violations and penalty.

9-301. Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. It is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

9-302. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

- (1) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment

¹State law references

Tennessee Code Annotated, §§ 7-51-1101–7-51-1122 and
7-51-1401–7-51-1407

is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(2) "Adult bookstore" means an establishment having as a substantial portion of its stock in trade ("substantial portion" meaning over twenty percent (20%) of floor area, or over twenty percent (20%) of inventory by units or value, or over twenty percent (20%) of revenues, or an inventory of two hundred (200) or more units) in books, films, video cassettes, compact discs, computer software, computer generated images or text, or magazines and other periodicals or publications or reproductions of any kind which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein.

(3) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting materials having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by any means by patrons therein.

(4) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by any means by patrons therein.

(5) "Adult cabaret" is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders and/or any other employee or independent contractor, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering.

Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancers, table dancers,

private dancers, strippers, male or female impersonators, or similar entertainers.

(6) "Board of Mayor and Aldermen" means the Board of Mayor and Aldermen of the City of Ripley, Tennessee.

(7) "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

(8) "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

(9) "Adult-entertainment" means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD Rom generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(10) "Operator" means any person, partnership, corporation, or entity of any type or character operating, conducting or maintaining an adult-oriented establishment.

(11) "Specified sexual activities" means:

(a) Human genitals in a state of actual or simulated sexual stimulation or arousal;

(b) Acts or simulated acts of human masturbation, sexual intercourse or sodomy;

(c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(12) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(I) Human genitals, pubic region;

(ii) Buttocks;

(iii) Female breasts below a point immediately above the top of the areola; and

(b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered.

9-303. License required. (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the City of Ripley without first obtaining a license to operate issued by the City of Ripley.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or

corporation which desires to operate more than one (1) adult-oriented establishment must have a license for them.

(3) No license or interest in a license may be transferred to any person, partnership, or corporation.

(4) It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

(5) All existing adult-oriented establishments at the time of the passage of this chapter must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty (120) day period, then such existing adult-oriented establishment shall cease operations.

(6) No license may be issued for any location unless the premises is lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with.

9-304. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the Police Chief of the City of Ripley. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the recorder and to the applicant.

(2) The application for a license shall be upon a form provided by the police chief. An applicant for a license including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five percent (5%) of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business (including but not limited to all holders of any interest in land of members of any limited liability company) shall furnish the following information under oath:

(a) Name and addresses, including all aliases.

(b) Written proof that the individual(s) is at least eighteen (18) years of age.

(c) All residential addresses of the applicant(s) for the past three (3) years.

(d) The applicants' height, weight, color of eyes and hair.

(e) The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application.

(f) Whether the applicant(s) previously operated in this or any other county, city or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

(g) All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2" x 2") of each applicant.

(i) The address of the adult-oriented establishment to be operated by the applicant(s).

(j) The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.

(k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.

(l) The length of time each applicant has been a resident of the City of Ripley, or its environs, immediately preceding the date of the application.

(m) If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and address of the registered agent and the name and address of each member of the limited liability entity.

(n) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(o) All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address phone number, and representative's name.

(p) Evidence in form deemed sufficient to the city manager that the location for the proposed adult-oriented establishment complies with all requirements of the zoning ordinances as now existing or hereafter amended.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Ripley Police Department, the police chief shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the police chief shall advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending consideration of the required special use zoning permit by the board of mayor and aldermen.

(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of mayor and aldermen at which time the applicant may present evidence as to why his/her license should not be denied. The board shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the hearing. If any application for an adult-oriented establishment license is denied by the board of mayor and aldermen and no agreement is reached with the applicant concerning the basis for denial, the city attorney shall institute suit for declaratory judgment in the Chancery Court of Lauderdale County, Tennessee, within five (5) days of the date of any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the police chief.

9-305. Standards for issuance of license. (1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

- (a) If the applicant is an individual:
 - (i) The applicant shall be at least eighteen (18) years of age.
 - (ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
 - (iii) The applicant shall not have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.
- (b) If the applicant is a corporation:
 - (i) All officers, directors and stockholders required to be named under § 9-303 shall be at least eighteen (18) years of age.
 - (ii) No officer, director or stockholder required to be named under § 9-303 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.

(c) If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:

(i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.

(ii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(2) No license shall be issued unless the Ripley Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the police chief no later than twenty (20) days after the date of the application.

9-306. Permit required. In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the police chief.

9-307. Application for permit. (1) Any person desiring to secure an permit as an employee or entertainer shall make application to the police chief. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

(2) The application for a permit shall be upon a form provided by the police chief. An applicant for a permit shall furnish the following information under oath:

(a) Name and address, including all aliases.

(b) Written proof that the individual is at least eighteen (18) years of age.

(c) All residential addresses of the applicant for the past three (3) years.

(d) The applicant's height, weight, color of eyes, and hair.

(e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.

(f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or

similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefor, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.

(g) All criminal statutes, whether federal, state or city ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2" x 2") of the applicant.

(i) The length of time the applicant has been a resident of the City of Ripley, or its environs, immediately preceding the date of the application.

(j) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Ripley Police Department, the police chief shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the police chief shall advise the applicant in writing whether the application is granted or denied.

(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of mayor and aldermen at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the police chief.

9-308. Standards for issuance of permit. (1) To receive a permit as an employee or entertainer, an applicant must meet the following standards:

(a) The applicant shall be at least eighteen (18) years of age.

(b) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature (including violation of similar adult-oriented establishment laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application.

(c) The applicant shall not have been found to violate any provision of this chapter within five (5) years immediately preceding the date of the application.

(2) No permit shall be issued until the Ripley Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the police chief not later than twenty (20) days after the date of the application.

9-309. Fees. (1) A license fee of five hundred dollars (\$500.00) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

(2) A permit fee of one hundred dollars (\$100.00) shall be submitted with the application for a permit. If the application is denied, one-half (1/2) of the fee shall be returned.

9-310. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the Ripley Police Department, or any person designated by the board of mayor and aldermen.

9-311. Renewal of license or permit. (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

(2) A license renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned.

(3) If the Ripley Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the police chief.

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the employee. The application for renewal shall be upon a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

(5) A permit renewal fee of one hundred dollars (\$100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars (\$50.00) shall be assessed against the applicant who files for renewal less than sixty (60) days before the license expires. If the application is denied one-half (1/2) of the fee shall be returned.

(6) If the Ripley Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the police chief.

9-312. Revocation of license or permit. (1) The police chief shall revoke a license or permit for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(b) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the city council pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the city council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(c) The operator or employee becomes ineligible to obtain a license or permit.

(d) Any cost or fee required to be paid by this chapter is not paid.

(e) An operator employs an employee who does not have a permit or provide space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.

(f) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

(g) Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.

(h) Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold.

(i) Any operator allows continuing violations of the rules and regulations of the Lauderdale County Health Department.

(j) Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.

(k) Any minor is found to be loitering about or frequenting the premises.

(2) The police chief, before revoking or suspending any license or permit, shall give the operator or employee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the board of mayor and aldermen, at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest in a non-individual operator's license shall automatically and immediately revoke the license held by the operator. Such license shall thereby become null and void.

(4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license.

9-313. Hours of operation. (1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Monday through Saturday, and between the hours of 1:00 A.M. and 12:00 P.M. on Sunday.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the Ripley Police Department, the Lauderdale County Sheriff's Department, or such other persons as the board of mayor and aldermen may designate.

9-314. Responsibilities of the operator. (1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight,

color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the board of mayor and aldermen. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of the employees available immediately for inspection by police upon demand of a member of the Ripley Police Department at all reasonable times.

(3) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(4) An operator shall be responsible for the conduct of all employees and/or entertainers while on the licensed premises and any act or omission of any employees and/or entertainer constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(5) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the Ripley Police Department at all reasonable times.

(6) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(7) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures or other types of adult entertainment.

(8) The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.

(9) No operator, entertainer, or employee of an adult-oriented establishment shall demand or collect all or any portion of a fee for entertainment before its completion.

(10) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

This Adult-Oriented Establishment is Regulated by the City of Ripley Municipal Code. Entertainers are:

1. Not permitted to engage in any type of sexual conduct;
2. Not permitted to expose their sex organs;
3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.

9-315. Prohibitions and unlawful sexual acts. (1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.

(3) No operator, entertainer, or employee shall encourage or permit any other person upon the premises to touch, caress, or fondle his or her breasts, buttocks, anus or genitals.

(4) No operator, entertainer, employee, or customer shall be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, breasts or buttocks of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee or customer.

(5) No entertainer, employee or customer shall be permitted to have any physical contact with any other person on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer.

9-316. Violations and penalty. (1) Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation.

CHAPTER 4

MOBILE FOOD PREPARATION VEHICLES

SECTION

- 9-401. Purpose.
- 9-402. Definitions.
- 9-403. Mobile food preparation vehicles, generally.
- 9-404. Operational requirements.
- 9-405. Food handler requirements.
- 9-406. Equipment standards.
- 9-407. Maintenance of premises.
- 9-408. Vehicle sanitation requirements.
- 9-409. Areas of operation.
- 9-410. Other.
- 9-411. Revocation of permit.
- 9-412. Appeal of revocation.
- 9-413. Vendor permit and schedule of fees.
- 9-414. Violations and penalty.

9-401. Purpose. The purpose of this chapter is to regulate where and when mobile food preparation vehicles can operate within the corporate limits.

9-402. Definitions. As used in this chapter the following terms shall have the meaning ascribed to them in this section unless clearly indicated otherwise:

(1) **Canteen truck.** Vehicle that operates to provide food services to employees at a location where access to other good service is impractical (e.g., a construction site); from which the operator vends fruits, vegetables, pre-cooked foods such as hot dogs, pre-packaged foods, and pre-packaged drinks that require no preparation or assembly of foods or beverages except for the heating of pre-cooked foods; which operate at a single location for a period not longer than one and one half (1.5) hours; and which do not advertise in any form to the general public except by virtue of signage on the vehicle. Canteen trucks that operate other than as defined herein are mobile food preparation vehicles and must comply with all mobile food preparation vehicle regulations.

(2) **Commissary.** State of Tennessee licensed stationary food establishment that serves mobile food dispensers, mobile food facilities, vending machines, or other food dispensing operations where:

- (a) Food, containers, or supplies are stored;
- (b) Food is prepared or prepackaged for sale or service at other locations;
- (c) Utensils are cleaned; or
- (d) Liquid and solid wastes are disposed of.

(3) Food truck rally. Coordinated and advertised gathering of more than four (4) food truck/mobile food preparation vehicles, in one (1) location on a date certain with the intent to serve the public.

(4) Ice cream truck. Vehicle from which the operator vends only pre-packaged frozen dairy or frozen water-based food products, soft serve, or hand-dipped frozen dairy products or frozen water-based food products, and pre-packaged beverages.

(5) Location. Any single property parcel and any other parcel that is contiguous or cumulatively continuous to that owned or controlled by a single or affiliated entity(ies).

(6) Menu change. Modification of a food establishment's menu that requires a change in the food establishment's food preparation equipment, storage equipment or storage capacity previously approved by the health department. The term includes, but is not limited to, the addition of potentially hazardous food to a menu, installation of new food preparation or storage equipment or increasing storage capacity.

(7). Mobile food preparation permit/vendor permit. A permit issued by the city for the operation of mobile food preparation vehicles.

(8) Mobile food preparation vehicle. Any motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed, or stored and used to sell and dispense food to the ultimate consumer. Mobile food preparation vehicles must be mobile at all times during operation. The mobile food preparation vehicle must be on wheels (excluding boats) at all times. Any mobile food preparation vehicle that removes such wheels or becomes stationary must meet all Tennessee Department of Health Regulations 1200-23-1 *et. seq.* in their entirety. This definition does not include pushcarts as regulated by other city codes and prohibited from selling potentially hazardous foods by the Tennessee Department of Health, nor vehicles from which only ice cream and other frozen, non-hazardous food products are sold, nor vehicles operating under a special event permit.

(9). Operation. To promote or sell food, beverages, and other permitted items from the mobile food service vehicle and includes all aspects of the work.

(10) Operator. Any person owning, operating, or permitted to operate a mobile food preparation vehicle and, collectively, refers to all such persons.

(11) Restaurant. Any public place at a fixed location kept, used, maintained, advertised, and held out to the public as a place where food and drink are prepared and served to the public for consumption on or off the premises pursuant to the required licenses. Such establishments include, but are not limited to, restaurants, bars, lounges, coffee shops, cafeterias, dining rooms, eating houses, short order cafes, luncheonettes, grills, tearooms and sandwich shops. To ensure compliance with the Tennessee Food Safety Act, every food service establishment is inspected between one and four (4) times per year, depending on various factors such as the complexity of the food operation and level of active managerial control over foodborne illness risk factors.

Current food permits and the most recent inspection report must be displayed in a prominent location for the public to view.

(12) Servicing area. The required area of each mobile food preparation vehicle for supplying, cleaning, and servicing the food preparation area of the vehicle. The servicing area shall include overhead protection, shall provide for the flushing and drainage of liquid wastes separate from the location provided for water servicing, and for the loading and unloading of food and related supplies.

(13) Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or track.

(14) Vendor. A person or company offering something for sale, especially a trader in the street.

9-403. Mobile food preparation vehicles, generally. Mobile food preparation vehicles shall meet all applicable requirements of this article in addition to the requirements outlined as follows:

(1) No person shall engage in the business of a mobile food preparation vehicle/food truck, canteen truck, ice cream truck, or pushcart within the corporate limits without first having obtained a permit required by this chapter and the State of Tennessee.

(2) A mobile food preparation vehicle license or permit, as authorized by the State of Tennessee and local ordinance, will not be issued to a person unless the following conditions are met:

(a) Obtaining a commissary license or having a written commissary agreement, if required by the Lauderdale County Health Department;

(b) Display of its business license number, business name and state and local permit numbers, with letters and numbers at least three inches (3") in height, in a prominent and visible location on the vehicle;

(c) A valid driver's license for any driver, current auto insurance (including liability insurance), and current vehicle registration as required by state law; and

(3) All current permits must be posted in a conspicuous manner, in compliance with state laws and regulations.

(4) All permits are specific; location change requires a new permit.

(5) If in operation for more than three (3) hours, a flushable restroom is required for employee use.

(6) Recent health department inspection must be posted and visible to all citizens and authorities at all times.

(7) All mobile food preparation vehicles are subject to local fire inspection if the operator does not hold a state fire permit as provided by *Tennessee Code Annotated*, section 68, chapter 102.

9-404. Operational requirements. (1) External sound devices. No mobile food preparation vehicle shall be equipped with any external electronic or other sound-amplifying device.

(2) No detached signs permitted. All signs must be permanently affixed to, or painted on, the mobile food preparation vehicle and shall extend no more than six inches (6") from the vehicle. No sign shall flash; cause interference with radio, telephone, television, or other communication transmission; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; or be animated or produce any rotation, motion, or movement. Changeable copy signs shall be permitted, but the total area of such signs on the vehicle, when parked and the vehicle is set up to operate, must not exceed thirty (30) square feet. Each message displayed on any electronic changeable copy sign must be static or depicted for a minimum of ten (10) seconds. Transition from one message to another shall be continuous without fade, dissolve, travel, or scrolling animation or any other type of movement between messages. Animated video or continuous scrolling of messages is prohibited.

(3) Sanitary collection. Vendor must provide for the sanitary collection of all refuse, litter, garbage, and waste generated by the patrons using that service and remove all such materials from the location before the vehicle departs. This includes a requirement to physically inspect the general area for such items prior to the vehicle's departure.

(4) Vendor permit. The vendor permit and payment of permit fees set out in § 9-413 of this code, must be obtained prior to set up of any mobile food preparation vehicle.

(5) Prices displayed. Prices of food shall be prominently displayed.

(6) Vehicle requirements. (a) Design and construction. Mobile food preparation vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not safe and is not compatible with the purpose for which the vehicle has been designed and constructed, if determined by the code enforcement officer.

(b) Licensing. Mobile food preparation vehicles must be licensed in accordance with the rules and regulations of any local, state, and federal agency having jurisdiction over motor vehicles and all products sold therein must be properly licensed, permitted, and allowed by local, state, and federal laws or regulations.

(7) Business access. No mobile food preparation vehicle may operate in a location that impedes the ingress to, egress from, or signage of another business or otherwise causes undue interference with access to other businesses or emergency areas, paths, or facilities.

(8) Distance between vehicles. A mobile food preparation vehicle may not operate within three feet (3') or any other mobile food preparation vehicle.

(9) Types of cooking apparatuses. Open flame cooking (other than with a gas range specifically constructed and designed within the mobile food

preparation vehicle) either within or outside a mobile food preparation vehicle is prohibited, except where such activity is specifically permitted by the city fire department in writing. Canteen trucks may have installed within the vehicle a heating apparatus that is used only for serving heated, precooked foods provided such apparatus is permitted by state and local regulations. Ice cream trucks can have no heating apparatus installed within the vehicle for the purpose of food service.

10. Commissary. If the operator has a fixed, non-mobile establishment or any other place that is used for the storage of supplies, the preparation of food to be sold or served at or by the mobile food preparation vehicle, or the cleaning and servicing of the mobile food preparation vehicle, such a commissary location within the city cannot be located in any area zoned as residential, unless such commissary complies with all applicable zoning regulations and requirements and building code requirements.

(11) Utilities. All mobile food preparation vehicles shall comply with the version of the electrical code currently adopted by the city and any power, water, or sewage required for the mobile food preparation vehicle shall be self-contained and shall not use utilities drawn from other sources.

(12) Fire extinguishers required. All mobile food preparation vehicles must be equipped with a 2-A:10-B:C fire extinguisher that is certified annually by a licensed company. Additionally, any mobile food preparation vehicles that produce grease-laden vapors (e.g., those units with deep fat fryers or flat top griddles) must be equipped with a K-Class fire extinguisher that is certified annually by a licensed company.

(13) Support methods. No mobile food preparation vehicle may use stakes, rods, or any method of support that must be drilled, driven, or otherwise fixed, into or onto asphalt, pavement, curbs, sidewalks, or buildings.

(14) Pedestrian service only. Mobile food preparation vehicles shall serve pedestrians, drive up, or drive-in service, but drive-thru service is prohibited.

(15) Spills. To prevent discharges into the storm drain system and river, each mobile food preparation vehicle shall comply with all storm water regulations of the city. In addition, each mobile food preparation vehicle shall have a spill response plan and kit on board to contain and remediate any discharge from the vehicle. In the event of a spill, operators are required to call Ripley Fire Department to assist with the clean-up of spills and to determine the need for a more extensive response.

(16) Spill plan. Mobile food preparation vehicles must post, on the interior of the vehicle, instructions for containing spills; at a minimum, such plan should include:

(a) A description of and typical quantities of materials that may be spilled; and

(b) Procedures for containing potentially spilled materials including proper disposal of spilled materials; and

(c) Procedures for storage, use, handling, and transfer of materials to reduce potential for spilling; and

(d) Emergency notification requirements.

(17) Spill kit. Mobile food preparation vehicles must have a response kit on the vehicle which includes:

(a) A minimum of a five (5) gallon storage and clean-up container capacity with lid; and

(b) A minimum of ten (10) absorbent pads and two (2) absorbent socks or equivalent; and

(c) A disposable bag adequate to hold contents of spill kit and spilled materials; and

(d) One (1) pair of disposable gloves.

(18) Refuse. The area of a mobile food preparation vehicle operation must be kept neat and orderly at all times. Operation of a mobile food preparation vehicle in any area is deemed acceptance by the operator of the responsibility for cleanliness of the reasonable area surrounding the operation (not less than twenty feet (20') from all parts of the vehicle) regardless of the occurrence or source of any waste in the area. The operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the mobile food preparation vehicle during the period of operation at a location. All trash within the area of operation, regardless of the source, must be removed, and all garbage, trash, and trash receptacles must be removed when full and prior to departure of a mobile food preparation vehicle from a location.

(19) Alcohol sales. Mobile food preparation vehicles may not sell alcoholic beverages, except as may be specifically allowed by state law and city ordinance. Canteen trucks and ice cream trucks are prohibited from selling alcoholic beverages.

9-405. Food handler requirements. All food handlers shall meet the standards as set forth in *Tennessee Code Annotated*, § 68-14-701, *et seq.*, "Tennessee Food Safety Act," *Tennessee Code Annotated* § 53-8-201, *et seq.*, "Tennessee Retail Food Safety Act," and Tennessee Department of Health Rules and Regulations enacted under these laws.

9-406. Equipment standards. All mobile food preparation vehicles shall meet the standards as set forth in Tennessee Department of Health Rules and Regulations.

9-407. Maintenance of premises. All mobile food preparation vehicles shall meet the standards as set forth in state law and Tennessee Department of Health Rules and Regulations.

9-408. Vehicle sanitation requirements. (1) Each vehicle shall be constructed so that the portions of the vehicle containing food shall be covered so that no dust or dirt will settle on the food; and such portions of the vehicle which are designed to contain food shall be at least eighteen inches (18") above the surface of the public way while the vehicle is being used for the conveyance of food.

(2) The food storage areas of each vehicle shall be kept free from rats, mice, flies and other insects and vermin. No living animals, birds, fowl, reptiles, or amphibians shall be permitted in any area where food is stored.

(3) Hazardous non-food items such as detergents, insecticides, rodenticides, plants, paint, and paint products that are poisonous or toxic in nature shall not be stored in the food area of the vehicle.

(4) The vehicle shall be enclosed with tops and sides.

(5) The vehicle shall not be used for any purpose other than for the purpose described in this chapter.

9-409. Areas of operation. Mobile food preparation vehicles are:

(1) Allowed to operate only in private property in locations zoned business, commercial, or manufacturing zones. Such operations require the written, signed, and notarized permission of the property owner, detailing the terms of the permission. Specifically, a mobile food preparation vehicle may operate on the dates and times and for the duration provided in said writing;

(2) Not allowed to park or operate on public streets, rights-of-way, sidewalks, lots, alleyways, or other public property including, but not limited to, city-owned parks or other city-owned property;

(3) Allowed exception to the aforesaid subsection (2) for purposes of
 (a) Operation at city-sponsored events where mobile food preparation vehicles are allowed by the departmental organizer; in such cases, the vehicles are subject to permit requirements and may only operate in areas designated by the departmental organizer and for the duration of the event; or

(b) Operation under a special events permit, but are subject to the requirements and restrictions of said permit.

9-410. Other. (1) Unimproved properties. Notwithstanding the existence of an agreement with the owner of the property, a mobile food preparation vehicle may not operate on an unimproved parcel or portion of an unimproved parcel unless that parcel is paved and has paved ingress and egress.

(2) Maximum number of mobile food preparation vehicles. No more than one (1) mobile food preparation vehicle may operate at any location with coordinated advertising to the public unless a special event permit has been secured, or in connection with a city-sponsored event.

(3) Existing parking spaces. Mobile food preparation vehicles may not require the use of more than twenty-five percent (25%) of existing parking spaces located on the property for which it has an agreement to operate.

(4) Right-of-way--ice cream trucks. An ice cream truck may not operate from the right-of-way.

(5) Private property--ice cream trucks. An ice cream truck may operate on private property with written, signed, and notarized permission of the property owner, detailing the terms of the permission. Specifically, an Ice cream truck may operate on the dates and times and for the duration provided in said writing. An ice cream truck may not require use of more than twenty-five percent (25%) of existing parking spaces. No ice cream truck may operate on the same or adjoining private property more than two (2) days per week.

9-411. Revocation of permit. Law enforcement, the code enforcement officer, or the city recorder may revoke a permit if it is discovered that:

(1) An applicant obtained the permit by knowingly providing false information on the application;

(2) The continuation of the vendor or operator's use of the permit presents a threat to public health or safety, or if the vendor or operator otherwise presents a threat to public health or safety;

(3) The vendor or operator violates the provisions of this chapter, or any other city ordinance; or

(4) The vendor or operator no longer meets any of the requirements of this chapter, or otherwise becomes ineligible for a permit.

Following the revocation of a permit, a vendor or operator must wait six (6) months before reapplying for a new permit. Upon reapplication, the vendor or operator must pay the full permit fee.

9-412. Appeal of revocation. If a permit is revoked, the responsible town official shall state the specific reasons for the revocation. Any vendor or operator whose permit has been revoked may appeal such revocation by submitting a written request to the responsible town official within ten (10) days of the revocation. A hearing shall be conducted by the code enforcement officer (or by the city recorder, if the code enforcement officer issued the revocation) within thirty (30) days of the official's receipt of such request. The code enforcement officer/city recorder shall consider whether the revocation was justified and whether good cause exists to reinstate the permit. The code enforcement officer/city recorder shall issue its decision on the appeal in a written opinion within ten (10) business days; the written opinion will be sent via first class mail to the vendor or operator at the address listed on the application. The decision resulting therefrom shall be final and subject only to judicial review pursuant to state law.

9-413. Vendor permit and schedule of fees. (1) Application procedure.

A sworn application containing the following information shall be completed and filed with the recorder, along with the permit fee, by each applicant for a permit as a mobile food preparation vehicle/food truck, canteen truck, ice cream truck, or pushcart:

- (a) The complete name and permanent address of the business or organization the applicant represents;
- (b) A brief description of the type of business and the goods to be sold;
- (c) The dates for which the applicant intends to do business;
- (d) The names and permanent addresses of each person who will act as operator;
- (e) The make, model, complete description, and license tag number and state of issue of each vehicle to be used to operate, whether or not such vehicle is owned individually by the person makes sales, by the business or organization itself, or rented or borrowed from another business or person; and
- (f) Tennessee state sales tax number, if applicable.

(2) Permit fee:

- (a) 14-day permit: \$50.00
- (b) Special event permit (2-day maximum) \$50.00
- (c) City-sponsored event \$50.00

(3) Issuance/denial. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall submit to the chief of police a copy of the application form, for verification, and

- (a) If no contrary information is received from the chief of police, issue the permit, a copy of which shall be retained by the chief of police; or
- (b) If contrary information is received from the chief of police, deny the permit.

9-413. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of this chapter. The violation of this chapter shall not only result in revocation of permit, but also be punishable under the general provision of this code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.