

## TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>

## CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, SOLICITORS, ETC.
3. POOL ROOMS.
4. AMBULANCE SERVICE.
5. CABLE TELEVISION.
6. ADULT-ORIENTED ESTABLISHMENTS.

## CHAPTER 1

MISCELLANEOUS

## SECTION

9-101. "Going out of business" sales.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1977 Code, § 5-102)

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<sup>1</sup>Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Privilege taxes: title 5.

Zoning: title 14.

## CHAPTER 2

PEDDLERS, SOLICITORS, ETC.<sup>1</sup>

## SECTION

- 9-201. Definitions.
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- 9-206. Restrictions on permit holders in general.
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- 9-209. Revocation of permit.
- 9-210. Violation and penalty.

9-201. 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 who individually or as an agent or employee of any firm, corporation, or organization, who has no permanent regular place of business and who goes from dwelling to dwelling without an invitation or request from the occupant, or from business to business, or from place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person who individually or as an agent or employee of any firm, corporation or organization, who goes from dwelling to dwelling without an invitation or request from the occupant, or from business to business, or from 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 as that term is defined below.

(3) "Solicitor for charitable or religious purposes" means any person who individually or as an agent or employee of any firm, corporation or organization who goes from dwelling to dwelling without an invitation or request from the occupant, or from business to business, or from place to place, or from street to street, soliciting contributions from the public for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars (\$10.00). No

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<sup>1</sup>Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: § 11-801.

person, firm, corporation or organization shall qualify as a solicitor for charitable or religious purposes unless it meets one of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or a similar "umbrella" organization for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Hamilton County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) "Street barker" means any person who engages in the business or conduct as a peddler individually or as an agent or employee of any firm, corporation or organization during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

(5) "Transient vendor"<sup>1</sup> means any person who individually or as an agent or employee of any firm, corporation or organization 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 business or 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

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<sup>1</sup>State law reference

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, § 67-4-709(a) 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(b).

or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

9-202. Exemptions. The terms of this chapter shall not apply to persons selling at wholesale to dealers, newsboys, bona fide merchants who merely deliver goods in the regular course of business, or to persons selling agricultural products, who themselves produced the products being sold.

9-203. Permit required; eligibility. It is the intent of this section to treat each person, and each firm, corporation and organization, and each agent for same, and each person who as an employee or who in any other capacity for such firm, corporation or organization, is covered by this chapter, as a separate person for the purposes of investigation and payment of the permit fee.

Individuals, firms, corporations and organizations are eligible for a permit under this chapter. Persons applying for an individual permit under this chapter shall complete an application on forms provided by the city, and pay the permit fee. Agents applying for a permit for a firm, corporation, or organization under this chapter shall complete a separate application, and pay a separate permit fee for, the firm, corporation or organization, and the agent, and for each individual who as an employee of, or in any other capacity for, the firm, corporation or organization, will engage in the business or conduct of a peddler, solicitor, solicitor for charitable or religious purposes, transient vendor, or street barker.

9-204. Permit procedure. (1) Application form. The application shall be sworn to by the applicant, and shall contain:

(a) Name, date of birth, social security number or other identification number of the applicant, his or her physical description, and a copy of his or her drivers license.

(b) The following complete addresses and telephone numbers of the applicant:

- (1) Permanent
- (2) Permanent business
- (3) Local residential
- (4) Local business

(c) If the applicant is an agent or employee of a firm, corporation or organization, the written credentials establishing the applicant's employee or any other agency relationship with the firm, corporation or organization.

(d) A statement as to whether or not the applicant has been convicted of any felony within the past ten (10) years, or any misdemeanor other than a minor traffic violation within the past three (3) years, the date and place of any conviction, the nature of the offense, and the punishment or penalty imposed.

(e) The last three (3) cities, towns, or other political subdivisions (if that many) the applicant engaged in the business or conduct as a peddler, solicitor, solicitor for religious or charitable purposes, transient vendor, or street barker immediately prior to making application for a permit under this chapter, and the complete addresses, if any, of the applicant listed under (b) above in those cities, towns or other political subdivisions.

(f) Two photographs of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, measuring two inches by two inches, and showing the head and shoulders of the applicant in a clear and distinguishing manner.

(g) A brief description of the type of business and the goods to be sold or in the case of solicitors for charitable or religious purposes, the function of the organization.

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

(i) The make, model, complete description, and license tag number and state of issue, of each vehicle the applicant intends to use to make sales or solicitations, whether or not such vehicle is owned by the person making sales or solicitations, or by the firm, corporation or organization itself, or rented or borrowed from another business or person.

(j) Tennessee State sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, solicitor, or transient vendor shall submit with his application a nonrefundable fee of fifty dollars (\$50.00). Each applicant for a permit as a street barker shall submit with his application a nonrefundable fee of twenty-five dollars (\$25.00). There shall be no fee for an application for a permit as a solicitor for charitable or religious purposes.

(3) Denial or approval of permit. (a) Investigation. Upon the receipt of the application and the payment of the permit fee, the chief of police or his authorized designee shall make an investigation of the applicant for the protection of the public health, safety and general welfare of the public. The police chief shall make a good faith effort to complete the investigation within three complete working days, excluding Saturdays, Sundays and holidays of the city. If the investigation is not complete within that period, the reasons shall be noted on the application. In no event shall the period of the investigation exceed ten (10) days.

(b) Denial of permit. The chief of police shall deny the applicant a permit if the investigation discloses that

(i) The applicant has been convicted of a felony within the past ten (10) years or has been convicted of a misdemeanor other than a minor traffic violation within the past three (3) years;  
or

(ii) Any information in the application that is materially false or misleading; or

(iii) The business reputation of the applicant is such that the applicant constitutes a threat to the public health, safety or general welfare of the citizens of the city.

(iv) The information supplied in the application is insufficient to permit the chief of police to make a determination under (i), (ii) or (iii) above.

The application of a firm, corporation or organization may be rejected if the investigation discloses no information that would disqualify it for a permit where the investigation of the agent or a prospective peddler, solicitor, solicitor for charitable purposes, street barker or transient vendor for the firm, corporation or organization discloses information that disqualifies any of them for a permit.

The chief of police shall note on the application the specific reasons for the disapproval of the permit. A copy of the application containing the specific reasons for the disapproval shall be sent by United States mail to the applicant at the applicant's address shown on the application.

(c) Approval of permit. If the investigation discloses no grounds for the denial of the permit, the chief of police shall issue a permit to the applicant.

(d) Appeal of denial. The refusal of the police chief to issue a permit may be appealed to the city manager. The aggrieved applicant may within ten (10) days following the date the notice of the refusal of the police chief to issue a permit was mailed to the applicant appeal the refusal by giving the city manager written notice of appeal, stating the grounds for the appeal. The city manager shall set a hearing on the appeal for a date falling within ten days following the date of the receipt of the appeal. The decision of the city manager shall be final.

(4) The permit. The permit shall show the name of the permittee and (if the permittee is a firm, corporation or organization) the name of the solicitor, solicitor for charitable purposes, street barker or transient vendor, the kind of goods and/or services authorized to be sold, the amount of the permit fee paid, the date of issuance of the permit, and the period of the permit, and shall have attached a copy of a photograph of the permittee.

(5) Expiration and renewal of permit. The permit of peddlers, solicitors, solicitors for religious and charitable purposes, and transient vendors shall expire sixty (60) days from the date of issue. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city.

9-205. Business license required. Each person, or each firm, corporation or organization issued a permit under this chapter as a peddler, solicitor, street

barker or transient merchant shall be required to obtain a business license before soliciting or making sale.

9-206. Restrictions on permit holders in general. No person while conducting the business or activity of peddler, street barker, solicitor, solicitor for charitable or religious purposes, transient vendor, or street barker 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; or

(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 or her business or merchandise or to his or her solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise; except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.

(5) Enter or attempt to enter in or upon any residential or business premises wherein the authorized owner, occupant or person legally in charge of the premises has in a conspicuous place posted, at the entry to the premises, or at the entry to the principal building of the premises, a sign or placard in letters at least one inch high bearing the notice "Peddlers Prohibited," "Solicitors Prohibited," "Peddlers and Solicitors Prohibited," or similar language of the same import, is located.

(6) Enter in or upon any residential premises without prior invitation of the authorized owner, occupant or person legally in charge of the premises between 9:00 P.M. and 8:00 A.M.

9-207. Additional restrictions on transient vendors. A transient vendor shall not:

(1) 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.

(2) Locate temporary premises as the term is defined in this chapter on or in any public street, highway or any other public way or place, or on private property without the written permission of the property owner or other person in authorized control of the property.

9-208. Display of permit, business license, etc. Each peddler, solicitor, and street barker is required to have in his possession a valid permit and

business license, and each transient vendor is required to have in his possession a valid permit, business license, and the written permission of any private property owner or other person in control of the property owner from which he or she is conducting business, while making sales or solicitations, and all shall be required to display the same to any police officer upon demand. Solicitors for charitable and religious purposes shall be required to have in their possession a valid permit.

9-209. Revocation of permit. (1) Causes. The permit issued to any person or to any firm, corporation or organization under this chapter may be revoked by the city manager for any of the following causes:

(a) Fraud, misrepresentation, or false or misleading statement contained in the application for a permit.

(b) Fraud, misrepresentation, or false or misleading statement made by the permittee in the course of the business or conduct of a peddler, solicitor, solicitor for charitable or religious purposes, transient vendor or street barker.

(b) Any violation of this chapter.

(c) Any other conduct of the permittee that constitutes a threat to the health, safety or general welfare of the citizens of the city.

(2) The notice of revocation. (a) City manager's option. The city manager shall have the option of revoking the permit effective immediately after notice, or effective after notice and hearing. However, the city manager shall revoke the permit effective immediately only after a written finding of the reasons that to delay the revocation of the permit would represent an intolerable threat to the health, safety or general welfare of the citizens of the city.

(b) Notice if the permit holder is a person. If the permit holder is a person, the city shall make a reasonable effort to personally deliver the notice of revocation effective to the permit holder. If the permit holder cannot be found after such reasonable effort, the notice shall be sent by registered or certified United States mail to the local residential or business address of the permit holder. If the permit holder has no local residential or business address the notice shall be sent to the permit holder's permanent address.

(c) Notice if the permit holder is a firm, corporation or organization. The personal notice provided for above may be given to the agent of the firm, corporation or organization, or to any employee or agent of the firm, corporation, or organization; otherwise, the notice procedure prescribed by (b) above shall apply where the permit holder is a firm, corporation or organization.

(d) Contents of notice and hearing. The notice shall set forth the specific grounds for revocation of the permit and shall set a hearing



on the revocation on a date falling not less than five (5) nor more than (10) days from the date of the notice.

(3) Hearing on the revocation. At the hearing on the revocation of the permit, the permittee shall be entitled to respond to the charges against him or her and to be represented by counsel at his or her expense. The city manager's decision shall be final.

9-210. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to one hundred dollars (\$100) for each offense. Each day a violation occurs shall constitute a separate offense.

## CHAPTER 3

POOL ROOMS<sup>1</sup>

## SECTION

9-301. Prohibited in residential areas.

9-302. Hours of operation regulated.

9-303. Minors to be kept out; exception.

9-301. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty per cent (50%) or more of the land is used or zoned for residential purposes. (1977 Code, § 5-501)

9-302. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 p.m. and 6:00 a.m. on other days. (1977 Code, § 5-502)

9-303. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and, mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and, pool tables in private residences. (1977 Code, § 5-503)

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<sup>1</sup>Municipal code reference  
Privilege tax provisions, etc.: title 5.

## CHAPTER 4

AMBULANCE SERVICE

## SECTION

9-401. Certificate required for operation.

9-402. Certificates issued upon qualification.

9-403. Revocation of certificates.

9-401. Certificate required for operation. No person, firm, corporation, association, county, municipality, or metropolitan government or agency, either as owner, agent, or otherwise, shall hereafter furnish, operate, conduct, maintain, advertise, or otherwise engage in or profess to engage in the business or service of transporting patients or other injured or ill persons upon the streets, highways or airways in the City of Collegedale, Tennessee, until he holds a currently valid municipal certificate issued by the City of Collegedale, Tennessee, certifying that he has complied with all the requirements set forth in title 68, chapter 39, Tennessee Code Annotated (EMERGENCY MEDICAL SERVICES), and that he has currently in effect liability insurance coverage with liability limits of \$100,000--\$300,000 or more, and uninsured, motorist coverage in the amount of at least \$50,000. (1977 Code, § 5-601)

9-402. Certificate issued upon qualification. Application for said certificates shall be made to the city manager. The city manager shall issue certificates valid for the term of one (1) year upon presentation to him by the applicant of satisfactory evidence of compliance with the requirements set forth hereinabove. (1977 Code, § 5-602)

9-403. Revocation of certificates. Certificates issued pursuant to this chapter are subject to revocation upon violation of any of the requirements set forth hereinabove. Violation of the requirements of this chapter shall constitute a punishable offense. (1977 Code, § 5-603)

## CHAPTER 5

CABLE TELEVISION

## SECTION

9-501. To be furnished under franchise.

9-502. Definitions.

9-503. Regulation of rates charged for cable television service and equipment.

9-501. To be furnished under franchise. Cable television shall be furnished to the City of Collegedale and its inhabitants under franchise granted to Telescripps Cable Company by the board of mayor and aldermen of the City of Collegedale, Tennessee. The rights, powers, duties and obligations of the City of Collegedale and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.<sup>1</sup>

9-502. Definitions. Whenever the regulations cited in section 9-503 refer to "franchising authority", it shall be deemed to be a reference to the Board of Commissioners of the City of Collegedale, Tennessee. (as added by Ord. #311, § 1, March 1994)

9-503. Regulation of rates charged for cable television service and equipment. Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority and said Act certifying the city to regulate basic cable television service within the boundaries of the city; and for the purposes of regulating the rates charged to customers of any cable television operator franchised by the city, the regulations contained in Title 47 of the Code of Federal Regulations, Part 76, Subpart N, sections 76.900 through 76.985, are hereby adopted and incorporated by reference as a part of this code. (as added by Ord. #311, § 1, March 1994)

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ords. #150, Oct. 1980, Ord. #249, Jan. 1989, Ord. #550, Dec. 2001, and Ord. #739, April 2010 in the office of the city recorder.

## CHAPTER 6

ADULT-ORIENTED ESTABLISHMENTS

## SECTION

- 9-601. Findings and purpose.
- 9-602. Definitions.
- 9-603. Location restrictions.
- 9-604. License required.
- 9-605. Application for license.
- 9-606. Standards for issuance of license.
- 9-607. Permit required.
- 9-608. Application for permit.
- 9-609. Standards for issuance of permit.
- 9-610. Fees.
- 9-611. Display of license or permit.
- 9-612. Renewal of license or permit.
- 9-613. Revocation of license or permit.
- 9-614. Hours of operation.
- 9-615. Physical design of the premises.
- 9-616. Responsibilities of the operator.
- 9-617. Prohibitions and unlawful sexual acts.
- 9-618. Penalties and prosecution.
- 9-619. Severability clause.

9-601. Findings and purpose. (1) The Board of Mayor and Commissioners of the City of Collegedale, Tennessee, finds:

(a) That homogeneous and heterogeneous masturbatory acts and other sexual acts, including oral sex acts, could occur within adult-oriented establishments in the City of Collegedale;

(b) That offering and providing such space, areas, and rooms where such activities may take place creates conditions that generate prostitution and other crimes;

(c) That the unregulated operation of adult-oriented establishments would be detrimental to the general welfare, health, and safety of the citizens of the City of Collegedale.

(2) It is the purpose of this chapter to promote and secure the general welfare, health, and safety of the citizens of the City of Collegedale. (as added by Ord. #612, April 2005)

9-602. 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.

(1) "Adult" means a person who has attained eighteen (18) years of age as defined within Tennessee Code Annotated, § 7-51-1401.

(2) "Adult-bookstore" means a business which offers, as its principal stock or trade, sexually oriented material, devices, or paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or to any class of adults as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(3) "Adult-cabaret" means an establishment which features as a principal use of its business, entertainers and/or waiters and/or bartenders who expose to public view of the patrons within such 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 cabaret" includes a commercial establishment, which features entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers, as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(4) "Adult-entertainment" means any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has a principal portion of such performance, any actual or simulated performance of specified sexual activities of exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or other personal service offered customers, as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(5) "Adult-mini motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons principally 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 within this chapter for observation by patrons therein, as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(6) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons principally used for presenting material having as a dominant theme or presenting, 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 patrons therein as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(7) "Adult-oriented establishment" includes, but is not limited to, an adult bookstore, adult motion picture theater, adult mini-motion picture establishment, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and further "adult-oriented establishment" means any premises to which the public patrons or members are invited or admitted and 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. "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, model studio, escort service, escort or any other term of like import, as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(8) "Beastiality" means sexual activity, actual or simulated, between a human being and an animal, as defined within Tennessee Code Annotated, §§ 7-51-1401.

(9) "Employee" means a person who performs any service on the premises of an adult-oriented establishment on a full-time, part-time, or contract basis, whether or not the person is denominated as employee, independent contractor, agent, or otherwise, and whether or not such person is paid a salary, wage, or other compensation by the operator of such business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, as defined within Tennessee Code Annotated, § 7-51-1102.

(10) "Entertainer" means any person who provides entertainment within an "adult-oriented establishment" as defined within this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee, escort or an independent contractor, as defined within Tennessee Code Annotated, § 7-51-1102.

(11) "Escort" means a person who, for monetary consideration in the form of a fee, commission, salary or tip, dates, socializes, visits, consorts with, accompanies, or offers to date, socialize, visit, consort or accompany to social affairs, entertainment or places of amusement or within any place of public resort or within any private quarters of a place of public resort, as defined within Tennessee Code Annotated, § 7-51-1102.

(12) "Escort service" means a "person" as defined within this chapter, who, for a fee, commission, profit, payment or other monetary consideration, furnishes or offers to furnish escorts or provides or offers to introduce patrons to escorts, as defined within Tennessee Code Annotated, § 7-51-1102.

(13) "Masochism" means sexual gratification achieved by a person through, or the association of sexual activity with, submission or subjection to physical pain, suffering, humiliation, torture or death, as defined within Tennessee Code Annotated, § 7-51-1401.

(14) "Massage parlor" means an establishment or place principally in the business of providing massage or tanning services where one (1) or more of

the employees exposes to public view of the patrons within such 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, as defined within Tennessee Code Annotated, § 7-51-1102

(15) "Operator" means any person, partnership or corporation operating, conducting or maintaining an adult-oriented establishment, as defined within Tennessee Code Annotated, § 7-51-1102.

(16) "Person" means an individual, partnership, limited partnership, firm, corporation, or association, as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(17) "Principal" or "principally" means at least thirty-three and one-thirds percent (33 1/3%) of the goods, services, activities or things so described whenever such term is used in this chapter.

(18) "Rap parlor" means an establishment or place principally in the business of providing nonprofessional conversation or similar service for adults, as defined within Tennessee Code Annotated, § 7-51-1102.

(19) "Sadism" means sexual gratification achieved through, or the association of sexual activity with, the infliction of physical pain, suffering, humiliation, torture or death upon another person or animal, as defined within Tennessee Code Annotated, § 7-51-1401.

(20) "Sauna" as defined within Tennessee Code Annotated, § 7-51-1102 means an establishment or place primarily in the business of providing;

(a) A steam bath; or

(b) Massage services.

(21) "Sexual conduct" means the engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttocks or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person, as defined within Tennessee Code Annotated, § 7-51-1102.

(22) "Sexual gratification" means the "sexual conduct" as defined within the chapter, as defined within Tennessee Code Annotated, § 7-51-1102.

(23) "Sexual stimulation" means to excite or arouse the prurient interest or to offer or solicit acts of "sexual conduct" as defined within this chapter, as defined within Tennessee Code Annotated, § 7-51-1102.

(24) "Sexually-oriented material" means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording, which depicts sexual activity, actual or simulated, involving human beings or human beings and animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits human male genitals in a discernibly turgid state, even if completely covered, as defined within Tennessee Code Annotated, § 7-51-1401.



(25) "Specified anatomical areas" as defined within Tennessee Code Annotated, § 7-51-1102 means

(a) Less than completely and opaquely covered:

(i) Human genitals;

(ii) Pubic region;

(iii) Buttocks; and,

(iv) Female breast below a point immediately above the top of the areola; and,

(b) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

(26) "Specified criminal acts" means any of the following offenses as defined by Tennessee Code Annotated: aggravated rape; rape; rape of a child; aggravated sexual battery; sexual battery by a authority figure; sexual battery; statutory rape; public indecency; prostitution; promoting prostitution; distribution of obscene materials; sale, loan or exhibition to a minor of material harmful to minors; the display for sale or rental of material harmful to minors; sexual exploitation of a minor; and especially aggravated sexual exploitation of a minor, as defined within Tennessee Code Annotated, § 7-51-1102.

(27) "Specified sexual activities" as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401 means:

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

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

or,

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

(28) "Specified services" means massage services, private dances, private modeling, acting as an "escort" as defined within this chapter, and other live "adult entertainment" as defined within this chapter, as defined within Tennessee Code Annotated, § 7-51-1102. (as added by Ord. #612, April 2005, and amended by Ord. #718, May 2009)

9-603. Location restrictions. (1) "Adult-oriented establishments," as defined within § 9-602 of this chapter, are prohibited from all parts of the corporate limits of the City of Collegedale except for those areas zoned I-1 Industrial.

(2) In no case shall an "adult-oriented establishment" be permitted to locate within five hundred feet (500') of any boundary or a residential district (R-1-L, R-1-H, R-2 and R-3), university district (U-1), the mixed-use town center district (MU-TC), or any residential use located within any zoning district boundary. No proposed "adult-oriented establishment" shall be permitted to locate within five hundred feet (500') from the nearest property line of a public recreational park; place of worship; public or private K-12 school; child day care facility; hospital; mortuary; or any other "adult-oriented establishment."

(3) The distance shall be measured in a straight line from the nearest point on the building or structure used as part of the premises where an "adult-oriented establishment" is proposed to be conducted, to the nearest recorded property line of the premises listed in subsection (2) above. (as added by Ord. #612, April 2005)

9-604. License required. (1) Pursuant to the requirements of Tennessee Code Annotated, § 7-51-1104 except as provided for in subsection (5), no adult-oriented establishment shall be operated or maintained in the City of Collegedale without first obtaining a license to operate issued by the City of Collegedale.

(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 each. No building, premises, structure or other facility that contains any adult-oriented establishment shall contain any other kind of adult-oriented establishment.

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

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

(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 final passage of the ordinance comprising this chapter. If a license is not issued within said one-hundred twenty (120) day period, then such existing adult-oriented establishment shall cease to operate. (as added by Ord. #612, April 2005)

9-605. Application for license. (1) Pursuant to the requirements of Tennessee Code Annotated, § 7-51-1105 any person, partnership or corporation desiring to secure a license shall make application to the city recorder. A copy of the application shall be distributed promptly to the Collegedale Municipal Police Department.

(2) The application for a license shall be upon a form provided by the City of Collegedale. An application for a license 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) The business, occupation or employment of the applicant in an adult-oriented establishment for five (5) years immediately preceding the date of the application.

(d) The adult-oriented establishment or similar business license history of the applicant; whether such applicant, in previously operating in this or any other county, city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subject to such action of suspension or revocation.

(e) All criminal convictions, forfeiture of bond and pleadings of nolo contendere on charges, except minor traffic violations.

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

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

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

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

(j) If the applicant is a corporation, the application shall specify the name, address, and telephone number of the corporation, the date and the state of incorporation, the name and address of the registered agent for service of process of the corporation, and the names and addresses of the officers and directors of the corporation, and the names and addresses of any persons holding fifty percent (50%) or more of the stock of the corporation; if the applicant is a partnership, the application shall specify the name and address of the partnership, the name and address of all general partners of the partnership; if the partnership is a limited partnership, the application shall specify the name and address of all general partners who have a controlling interest in the partnership.

(k) A statement by the applicant that the applicant 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 Collegedale Municipal Police Department, the city manager shall notify the applicant that the application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed by the applicant. Upon the conclusion of such additional investigation, the city manager 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 city manager shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of the receipt of notification of denial, a public hearing shall be held thereafter before the board of mayor and commissioners at which time the applicant may present evidence as to why the license should not be denied. The board of mayor and

commissioners shall hear evidence as to the basis of the denial and shall affirm or reject the denial of an application at the hearing.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, to appear at any reasonable time and place for examination under oath regarding the application or to submit to or cooperate with any investigation required by this chapter constitutes an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof by the city manager. (as added by Ord. #612, April 2005)

9-606. Standards for issuance of license. Pursuant to the requirements of Tennessee Code Annotated, § 7-51-1106 to receive a license to operate an adult oriented establishment, an applicant must meet the following standards:

(1) If the applicant is an individual:

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

and

(b) The applicant shall not have had a license revoked within five (5) years immediately preceding the date of the application; and

(c) The applicant shall not have been convicted of or pleaded nolo contendere to any violation of this chapter within five (5) years immediately preceding the date of the application; and

(d) The applicant shall not have been convicted of a "specified criminal act," as defined in Tennessee Code Annotated, § 7-51-1 102, or § 9-602 of this chapter for which:

(i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;

(ii) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;

(iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve (12) month period;

(iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.

(2) If the applicant is a corporation:

(a) All officers, directors and stockholders required to be named under Tennessee Code Annotated, § 7-51-1105(b) or § 9-604 of this chapter shall be at least eighteen (18) years of age; and,

(b) No officer, director and stockholder required to be named under Tennessee Code Annotated, § 7-51-1105(b) or § 9-604 of this chapter shall have had an adult-oriented establishment license revoked within five (5) years immediately preceding the date of the application; and,

(c) No officer, director or stockholder required to be named under Tennessee Code Annotated, § 7-51-1 105(b) or § 9-604 of this chapter shall have been convicted of or pleaded nolo contendere to any

violation of this part within five (5) years immediately preceding the date of the application; and,

(d) The applicant or officer, director or stockholder required to be named under Tennessee Code Annotated § 7-51-1105(b) or § 9-604 of this chapter shall not have been convicted of a "specified criminal act," as defined within Tennessee Code Annotated, § 7-51-1102, or § 9-602 of this chapter for which:

(i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;

(ii) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;

(iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve (12) month period;

(iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.

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

(a) 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;

(b) All persons having a financial interest in the partnership, joint venture or other type of organization shall not have had a license revoked within five (5) years immediately preceding the date of the application;

(c) No applicant or person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to any violation of this chapter within five (5) years immediately preceding the date of the application; and

(d) The applicant or any person having a financial interest required to be disclosed shall not have been convicted of a "specified criminal act," as defined within Tennessee Code Annotated, § 7-51-1102 or § 9-602 of this chapter, for which:

(i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;

(ii) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;

(iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve (12) month period;

(iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;

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

(5) An applicant who has been convicted of any "specified criminal activities" may not be denied a permit based on those convictions once the time period required in this chapter has elapsed. (as added by Ord. #612, April 2005)

9-607. Permit required. Pursuant to the provisions of Tennessee Code Annotated, § 7-51-1115, in addition to the license requirement 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 city manager. (as added by Ord. #612, April 2005)

9-608. Application for permit. (1) Pursuant to the requirements of Tennessee Code Annotated, § 7-51-1116 any person desiring to secure a permit shall make application to the city manager. The application shall be filed in triplicate with and dated by the city recorder. A copy of the application shall be distributed promptly by the city recorder to the Collegedale Municipal Police Department.

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

**BUSINESS, TRADES, AND OCCUPATIONS**

(a) Name and address, including all aliases.

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

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

(d) The adult-oriented establishment or similar business permit history of the applicant; whether such person, in previously operating in this or any or city or state under permit, has had such permit revoked or suspended, the reason therefor, and the business activity or occupation subject to such suspension or revocation.

(e) All criminal convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(f) Two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.

(g) A statement by the applicant that the applicant 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 Collegedale Municipal Police Department, the city manager shall notify the applicant that the applicant's 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 city manager shall advise the applicant in writing whether the application is granted or denied.

(4) Wherever an application is denied or held for additional investigation the city manager 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 by the board of mayor and commissioners at which time the board of mayor and commissioners shall hear evidence as to the basis of the denial and shall affirm or reject the denial of an application at the hearing.

(5) Failure or refusal of the applicant to give information relevant to the investigation of the application, or the applicants refusal or failure to appear at any reasonable time and place for examination under oath regarding said investigation required by this chapter, shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof by the city recorder. (as added by Ord. #612, April 2005)

9-609. Standards for issuances of permit. Pursuant to the Tennessee Code Annotated, § 7-51-1117 to receive a permit as an entertainer or escort, an applicant must meet the following standards:

- (1) The applicant shall be at least eighteen (18) years of age;
- (2) The applicant shall not have had a permit revoked within two (2) years immediately preceding the date of the application;
- (3) The applicant shall not have been convicted of a "specified criminal act," as defined within this chapter and Tennessee Code Annotated, § 7-51-1102 for which:

- (a) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;

- (b) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;

- (c) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve (12) month period;

- (d) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.

(4) An applicant who has been convicted of any specified criminal activities may not be denied a permit based upon those convictions once the time period required in subsection (3) has elapsed.

(5) No permit shall be issued until the Collegedale Municipal Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the city recorder no later than thirty (30) days after the date of the application. (as added by Ord. #612, April 2005)

9-610. Fees. (1) Pursuant to the provisions of Tennessee Code Annotated, § 7-51-1118 and the provisions of this chapter 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 to the applicant.

(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 to the applicant. (as added by Ord. #612, April 2005)

9-611. 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 upon his or her person and shall be displayed upon request of a customer, any member of the Collegedale Municipal Police Department, or any person designated by the board of mayor and commissioners. (as added by Ord. #612, April 2005)

9-612. Renewal of license or permit. (1) Every license issued pursuant to this chapter and Tennessee Code Annotated, § 7-51-1111 shall 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 city recorder. 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 city recorder. A copy of the application for renewal shall be distributed promptly by the city recorder to Collegedale Municipal Police Department. The application for renewal shall contain such information and data, given under oath or affirmation, as may be required by the Collegedale Mayor and Board of Commissioners.

(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 thirty (30) days before the license expires. If the application is denied, one half (1/2) the fee shall be returned.

(3) If the Collegedale Municipal Police Department is aware of any information bearing on the operator's qualifications, the information shall be filed in writing with the city recorder no later than ten (10) days after the date of the application for renewal.

(4) Every permit issued pursuant to this chapter shall terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before an entertainer is allowed to provide entertainment in an adult-oriented establishment in the following calendar year. Any entertainer desiring to renew a permit shall make application to the city recorder. The application for renewal must be filed not later than thirty (30) days before the permit expires. The application for renewal shall be filed in triplicate with and



dated by the city recorder. A copy of the application for renewal shall be distributed promptly by the city recorder to the Collegedale Municipal Police Department. The application for renewal shall be upon a form provided by the city recorder and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and commissioners.

(5) A permit renewal fee of one hundred dollars (\$100.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty fee of fifty dollars (\$50.00) shall be assessed against the applicant who files for renewal less than thirty (30) days before the license expires. If the application is denied, one half (1/2) of the fee shall be returned.

(6) If the Collegedale Municipal Police Department is aware of any information bearing on the entertainer's qualifications, the information shall be filed in writing with the city recorder no later than ten (10) days after the date of the application for renewal.

(7) Notwithstanding anything herein to the contrary, any application for renewal of a license or for renewal for a permit shall be handled, investigated, and approved or denied within the same time periods as those established in this chapter for the original license applications and permit applications. In the event a license renewal application or permit application is denied, the applicant shall have all rights of appeal to the board of mayor and commissioners as set forth within this chapter. (as added by Ord. #612, April 2005)

9-613. Revocation of license or permit. (1) Pursuant to the provisions of Tennessee Code Annotated, § 7-51-1109 the city recorder shall revoke, suspend or annul a license for any of the following reasons:

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

(b) The operator or entertainer, or any employee of the operator violates any provision of this chapter or any rule or regulation adopted by the board of mayor and commissioners pursuant to this chapter; provided 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 license suspension of thirty (30) days if the board of mayor and commissioners 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 becomes ineligible to obtain a license;

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

(e) Any intoxicating liquor, malt beverage, narcotic or controlled substance is served or consumed on the premises of the adult-oriented establishment;

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

(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 who fails to maintain the licensed premises in a clean, sanitary and safe condition;

(j) Any operator, employee or entertainer is convicted of a "specified criminal act," as defined within Tennessee Code Annotated, § 7-51-1102 or § 9-602 of this chapter, provided that such violation occurred on the licensed premises.

(2) The city recorder, before revoking or suspending any license or permit, shall give the license holder or permit holder not less than ten (10) nor more than twenty (20) days' written notice of the charges against such license holder or permit holder and of the revocation of such license or permit, or of the period of time such license or permit is to be suspended; such notice shall also advise the license holder or permit holder of the license holder's or permit holder's right to request a hearing before the board of mayor and commissioners. In the event the license holder or permit holder does not request in writing a hearing before the board of mayor and commissioners within the time set forth in such notice, the suspension or revocation shall be effective beginning the date set forth in such notice.

(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.

(4) Any operator whose license is revoked shall not be eligible to receive a license 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. (as added by Ord. #612, April 2005)

9-614. Hours of operation. (1) Pursuant to the provisions of Tennessee Code Annotated, §§ 7-51-1112 and 7-51-1402 no adult-oriented establishment shall open to do business before eight o'clock A.M. (8:00 A.M), Monday through Saturday; and no such establishment shall remain open after twelve o'clock (12:00) midnight, Monday through Saturday. No adult-oriented establishment

shall be open for business on any Sunday or legal holiday as designated in Tennessee Code Annotated, § 15-1-101.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the Collegedale Municipal Police Department or such other persons as the board of mayor and commissioner may designate. (as added by Ord. #612, April 2005)

9-615. Physical design of the premises. Pursuant to the provisions of Tennessee Code Annotated, § 7-51-1403 and the provisions of this chapter no person shall own, operate, manage, rent, lease or exercise control over any commercial building, structure, premises or portion or part thereof, which is an adult-oriented establishment and which contains:

(1) Partitions between subdivisions of a room, portion or part of a building, structure or premises having an aperture which is designed or constructed to facilitate sexual activity between persons on either side of the partition; or,

(2) Booths, stalls, or partitioned portions of a room or individual rooms, used for the viewing of motion pictures or other forms of entertainment, having doors, curtains or portal partitions, unless such booths, stalls, partitioned portions of a room or individual rooms so used shall have at least one (1) side open to adjacent public rooms so that the area inside is visible to persons in adjacent public rooms. Such areas shall be lighted in a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of motion pictures or other offered entertainment. (as added by Ord. #612, April 2005)

9-616. Responsibilities of the operator. (1) Pursuant to Tennessee Code Annotated, § 7-51-1113 and the provisions of this chapter the operator shall maintain a register of all employees, showing the name, the aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, telephone 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 commissioners. 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 employees available immediately for inspection by the Collegedale Municipal Police Department upon demand of a member of the Collegedale Municipal 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 while on the licensed premises, and any act or omission of any employee 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) 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 within § 9-602 of this chapter.

(6) 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.

(7) 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.

(8) The license shall be conspicuously displayed in the common area of the premises at all times.

(9) The permit shall be kept by an employee, entertainer, or escort so that it is readily available for display immediately upon request of a customer, any member of the Collegedale Municipal Police Department, or any person designated by the board of mayor and commissioners.

(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 Tennessee Code Annotated, Title 7, Chapter 51, Sections 1101 through 1120. Entertainers are:

- (a) Not permitted to engage in any type of sexual conduct;
- (b) Not permitted to expose their sex organs;
- (c) Not permitted to demand or collect all or any portion of a fee for entertainment before its completion;
- (d) Not permitted to appear in a state of full nudity." (as added by Ord. #612, April 2005)

9-617. Prohibitions and unlawful sex acts. (1) Pursuant to the provisions of Tennessee Code Annotated, § 7-51-1114 no operator, entertainer or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow, patrons to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer or employee of an adult-oriented establishment shall encourage or permit any person upon the premises to touch,

caress or fondle the breasts, buttocks, anus or genitals of any operator, entertainer or employee.

(3) No entertainer, employee, or customer shall be permitted to have any physical contact with any other 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 at least six feet (6') from the nearest entertainer, employee, and/or customer.

(4) No employee or entertainer, while on the premises of an adult-oriented establishment, may:

- (a) Engage in sexual intercourse;
- (b) Engage in deviant sexual conduct;
- (c) Appear in a state of nudity;
- (d) Fondle such person's own genitals or those of another.

(5) For the purpose of this section, "nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. (as added by Ord. #612, April 2005)

9-618. Penalties and prosecution. (1) Pursuant to Tennessee Code Annotated, § 7-51-1119 any person, partnership, or corporation who is found to have violated this chapter shall be fined a definite sum not exceeding five hundred dollars (\$500.00) 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. (as added by Ord. #612, April 2005)

9-619. Severability clause. If any section, subsection, paragraph, sentence, clause, or phrase of this chapter is declared unconstitutional or invalid for any reason such decision shall not affect the validity of the remaining portions of this chapter. (as added by Ord. #612, April 2005)