

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. SOLICITATIONS.
4. TAXICABS.
5. AUCTIONS.
6. PAWNBROKERS.
7. CABLE TELEVISION.

**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. (1978 Code, § 5-101)

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<sup>1</sup>Municipal code references

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

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

## CHAPTER 2

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

#### SECTION

- 9-201. Definition and exemptions.
- 9-202. Permit required.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noise's and speaking devices.
- 9-208. Use of streets.
- 9-209. Times.
- 9-210. Exhibition of permit.
- 9-211. Policemen to enforce.
- 9-212. Revocation or suspension of permit.
- 9-213. Reapplication.
- 9-214. Expiration and renewal of permit.
- 9-215. Advisory committee.
- 9-216. Sales tax number.
- 9-217. Penalty.

**9-201. Definition and exemptions.** For the purpose of this chapter a "peddler" or "transient merchant" is defined as any person, firm or corporation, whether as owner, agent consignee or employee, whether a resident of the city or not, who engages in a temporary, occasional business of selling and delivering goods, wares and merchandise at retail within said city, and who, in furtherance of such purpose hires, leases, uses or occupies any building structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, motels, lodging houses, apartment, shops, or any street, alley, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person, firm, or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. Provided if that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed to be

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<sup>1</sup>Municipal code reference

Privilege tax provisions, etc.: title 5.

subject to the provisions of this chapter. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

**Exemptions.** The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, not to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. This chapter also specifically excludes locally grown farm produce and neighborhood yard sales. (1978 Code, § 5-202)

**9-202. Permit required.** It shall be unlawful for any peddler or transient merchant to ply his trade within the corporate limits without first applying for said permit by paying (\$100.00) non-refundable and submitting a written application for transient merchants permit. Said permit shall be checked by Dyersburg Police Department and approval or disapproval be submitted to city recorder's office within 7 days. At that time prospective merchant will be required to pay minimum gross receipts business tax as required by State of Tennessee Gross Receipts Tax Act. No permit shall be used at any time by any person other than the one to whom it is issued. (1978 Code, § 5-201)

**9-203. Application for permit.** Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility.

(7) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and the punishment or penalty assessed therefor.

(8) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(9) At the time of filing the application, the applicant shall pay a fee to cover the costs of investigating the facts stated therein, in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current fee consult the schedule of fees on file with the city recorder. (1978 Code, § 5-203, modified)

**9-204. Issuance or refusal of permit.** (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within 7 days.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the city recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable business taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1978 Code, § 5-204)

**9-205. Appeal.** Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the governing body. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or 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. (1978 Code, § 5-205)

**9-206. Bond.** Every permittee shall file with the city recorder a surety bond running to the municipality in the amount of two thousand five hundred dollars (\$2,500.00). The bond shall be conditioned that the permittee shall

comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1978 Code, § 5-206)

**9-207. Loud noises and speaking devices.** No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1978 Code, § 5-207)

**9-208. Use of streets.** No permittee shall have exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1978 Code, § 5-208A)

**9-209. Times.** No permittee shall be allowed to sell or solicit from one hour before sundown until one hour after sunrise inclusive. (1978 Code, § 5-208B)

**9-210. Exhibition of permit.** Permittees are required to exhibit their permits at the request of any policeman or citizen. (1978 Code, § 5-209)

**9-211. Policemen to enforce.** It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1978 Code, § 5-210)

**9-212. Revocation or suspension of permit.** (1) Permits issued under the provisions of this chapter may be revoked by the governing body after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee 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.

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1978 Code, § 5-211)

**9-213. Reapplication.** No permittee whose permit has been revoked shall make other application until a period of at least six (6) months has elapsed since the last revocation. (1978 Code, § 5-212)

**9-214. Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire on the same date that the permittee's business tax expires and shall be renewed without if the permittee applies for and obtains a new business tax within thirty (30) days thereafter. An application for a renewal shall be made substantially in the same form as an original application. (1978 Code, § 5-213)

**9-215. Advisory committee.** The mayor shall appoint two local reputable business men to serve with him on a 3 member committee in an advisory capacity in case of potential problems arising from issuance of any permits. (1978 Code, § 5-214)

**9-216. Sales tax number.** All applicants for transient merchant's permits shall hold a valid State of Tennessee sales tax number and shall affix

same on the original application for transient merchant permit. (1978 Code, § 5-215)

**9-217. Penalty.** Any person or persons operating within the corporate limits of the City of Dyersburg, Tennessee, without first meeting the requirements set forth here in Title 9, Chapter 2, §§ 201-217 inclusive shall be subject to penalties and fines as set forth by municipal ordinance. (1978 Code, § 5-216)

## CHAPTER 3

### SOLICITATIONS

#### SECTION

- 9-301. Definitions.
- 9-302. Solicitation board.
- 9-303. Director.
- 9-304. Charitable solicitations permit required; exemptions.
- 9-305. Application for charitable solicitations permit.
- 9-306. Form of application.
- 9-307. Investigation by board of solicitations.
- 9-308. Standards for board's action in granting or denying applications for charitable solicitation permits.
- 9-309. Fee for charitable solicitations permit.
- 9-310. Charitable solicitations permit--form of--granting of is not endorsement by city--time limit on.
- 9-311. Solicitation without permit prohibited.
- 9-312. Hearing after denial of application for a permit; exception decisions.
- 9-313. Revocation of permits; hearings; decision.
- 9-314. Report required from permit holder.
- 9-315. Notice of suspension or revocation of permit to chief of police.
- 9-316. Religious solicitations; registration and certificate required.
- 9-317. Investigations of affairs of persons soliciting for religious purposes and persons exempt from permit and certificate requirements; publication of findings.
- 9-318. Use of fictitious name; fraudulent misrepresentations and misstatements prohibited.
- 9-319. Judicial review of board's actions.
- 9-320. Solicitation on public street prohibited.
- 9-321. Solicitation by means of coin or currency boxes or receptacles prohibited; exception.
- 9-322. Violations.

**9-301. Definitions.** Whenever used in this chapter unless different meaning clearly appears in the context:

- (1) "Board" means the solicitations board.
- (2) "Charitable" means and includes the words patriotic, philanthropic, social, service, welfare, benevolent, educational, civic, humane, eleemosynary, or fraternal, either actual or purported.
- (3) "Charitable organization" means a group which is or holds itself out to be a benevolent, educational, philanthropic, humane, patriotic,



eleemosynary, or fraternal organization or any person who solicits or obtains contributions solicited from the public for charitable purposes.

(4) "Contribution" means and includes the words alms, food, clothing, money, subscriptions, property, or donations under the guise of loaning money or property or any promise or grant of any money or property of any kind or value.

(5) "Director" means the director of law or city attorney of the City of Dyersburg.

(6) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent, or other similar representative thereof.

(7) "Professional solicitor" means any person who, for financial or other consideration, solicits contribution for, or on behalf of, a charitable organization, whether such a solicitation is performed personally or through his agents, servants, or employees or through such agents, servants or employees specially employed by or for a charitable organization, who are engaged in the solicitation of contributions under the direction of such a person, or a person who plans, conducts, manages, carries on or advises a charitable organization in connection with the solicitation of contributions. A salaried officer or an employee of a charitable organization maintaining a permanent establishment within the state shall not be deemed a professional solicitor. However, any salaried officer or employee of a charitable organization that engages in the solicitation of contributions for compensation in any manner for more than one charitable organization shall be deemed a professional solicitor. No attorney, investment counselor, or banker who advises any person to make a contribution to a charitable organization shall be deemed, as the result of such advice, to be a professional solicitor.

(8) "Promoter" means any person who promotes, manages, supervises, organizes, or attempts to promote, manage, supervise, or organize a campaign of solicitation.

(9) "Solicit" and "solicitation" means the request directly or indirectly for money, credit, profit, financial assistance, or other thing of value upon the plea or representation that such money, credit, profit, financial assistance, or other thing of value will be used for a charitable or religious purpose as those purposes are defined in this chapter. These words shall also mean and include the following methods of securing money, credit, profit, financial assistance, or other thing of value on the plea or representation that it will be used for a charitable or religious purpose as herein defined:

- (a) Any oral or written request;
- (b) The distribution, circulation, mailing, posting, or publishing of any handbill, written advertisement, or publication;

(c) Making of any announcement to the press, or to the radio, by telephone or telegraph, concerning an appeal, assembly, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering, which the public is requested to patronize or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith;

(d) The sale of, offer or attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or other thing in connection with which any appeal is made for any charitable or religious purpose, where the name of a charitable or religious person is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or will be donated to any charitable or religious purpose. A solicitation as defined herein shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale referred to in this section. (1978 Code, § 5-301)

**9-302. Solicitation board.** There is hereby created a solicitation board which shall consist of seven citizens of the City of Dyersburg appointed by the mayor and confirmed by the board of mayor and aldermen. The members of such board shall serve a term of four (4) years. Said terms shall be staggered. Any vacancy occurring shall be filled in the same manner as for the original appointment, except that persons filling vacancies shall serve only for the unexpired term. In order to effectuate staggered terms, the initial board shall be composed of members appointed as follows: Two (2) members for one (1) year terms, two (2) members for two (2) year terms, two (2) members for three (3) year terms, and one (1) member for a four (4) year term. The board shall select one (1) member to serve as its chairman and one (1) member to serve as its secretary. The board shall take action on all applications for permits or certificates under this chapter within sixty (60) days of the filing thereof. The board shall meet as often as is necessary to conduct business of the board, but not less than at least quarterly. The chairman shall have the responsibility to call meetings as are necessary. A majority shall constitute a quorum. The director shall refer any and all applications for a permit or certificate under this chapter to the chairman of the board for presentation to the board for its action thereon. Members of the board may be removed by the mayor for cause with the approval of the board of mayor and aldermen. The board shall have the following powers:

- (1) To issue or refuse the permits or certificates and in the event of a refusal to file a written report explaining the reason for such refusal.
- (2) To require applications be filed in all cases required herein.
- (3) To compel payment of fees prescribed for permits and to receive the same.
- (4) To do all things necessary or incidental to securing all permits, applications, certificates, and other forms required herein.
- (5) To hold hearings as required herein.
- (6) To revoke permits or certificates as stated herein.
- (7) To publish reports and give any and all publicity to information received by it.
- (8) To have access to and inspect books, records, and papers of the applicants or anyone making solicitations in the area of the city.
- (9) To investigate the methods of making any solicitation.
- (10) To aid and assist charitable organizations in scheduling their campaigns to the best interest of the public, but not so as to place any undue hardship on such organization thereby.
- (11) To determine in all cases where questions arise specific items in any applicant's fund raising solicitation program which should properly be designated as campaign cost and supplemental expenses, and the uniform accounting practices in accordance with this chapter. Accounting and financial reporting for voluntary health and welfare organizations will be mandatory.
- (12) To adopt such rules and regulations as are necessary and are not contrary to this chapter. (1978 Code, § 5-302)

**9-303. Director.** The chief of police or his designee shall be the director and meet with the board at all regular and special meetings. It shall be the duty of the director to assist the board in the administrative details of the duties imposed upon the board. The director shall secure and maintain all forms necessary for the execution of the provisions of this chapter and the work of the board. The director shall keep records pertaining to the work of the board. The director shall furnish the board with whatever other administrative services the board requires. The director shall advise the board of any legal matters coming before it. (1978 Code, § 5-303)

**9-304. Charitable solicitations permit required; exemptions.** No person shall solicit contributions personally or by means of coin or currency receptacles for any charitable purpose within the City of Dyersburg without a permit from the board authorizing such solicitations. Provided, however, that the provisions of this section shall not apply to any established person organized and operating exclusively for religious or charitable purposes and not operated for the pecuniary profit of any person if the solicitations by such established per-

son are conducted among the members thereof, by other members or officers thereof, voluntarily without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies or services of any such established person. (1978 Code, § 5-304)

**9-305. Application for charitable solicitations permit.** (1) An application for a permit to solicit as provided in this chapter shall be made to the board through forms provided by the City of Dyersburg. Such application shall be sworn to and filed with the police department at least thirty (30) days prior to the time at which the permit applied for shall become effective; provided, however, that the board may for good cause shown allow the filing of an application less than thirty (30) days prior to the effective date of the permit applied for. The application herein required shall contain the following information, or in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:

(a) The name, address or headquarters of the person applying for the permit.

(b) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified to be a true and correct copy of the original by the officer having charge of the applicant's records.

(c) The purpose for which such solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts therefrom.

(d) A specific statement, supported by reasons and, if available, figures showing the need for the contributions to be solicited.

(e) The names and addresses of the person or persons who have authority to distribute funds.

(f) The names and addresses of the person or persons who will be in direct charge of conducting the solicitation and the names of all professional solicitors connected or to be connected with the proposed solicitation.

(g) An outline of the method or methods to be used in conducting the solicitations.

(h) The time when such solicitations shall be made, giving the preferred dates for the beginning and the ending of such solicitation.

(i) The estimated cost of the solicitation.

(j) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitations, and the names and addresses of all such persons.

(k) A financial statement for the last preceding fiscal year of any funds collected for charitable purposes by the applicant, said statement giving the amount of money so raised, together with the cost of raising it, and the final distribution thereof to be prepared by a certified public accountant or a licensed public accountant and filed in the recorder's office.

(l) A full statement of the character and extent of the charitable work being done by the applicant within the area of the city.

(m) A statement that the actual cost of the solicitation will not exceed twenty-five per cent (25%) of the total amount to be raised; or in the event the cost will exceed twenty-five per cent (25%), a statement as to the reasons.

(n) A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the City of Dyersburg, or by any department or officer thereof.

(o) Such other information as may be reasonably required by the board or by the director for either to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of, and not inimical to, the public welfare.

(2) While any application is pending, or during the term of any permit granted thereon, if there is any change in fact, policy, or method that would alter the information given in the application, the applicant shall notify the board in writing thereof within seventy-two (72) hours after such change. (1978 Code, § 5-305)

**9-306. Form of application.** The City of Dyersburg shall provide each applicant a form which complies substantially with the following form:

APPLICATION FOR PERMIT TO SOLICIT  
UNDER SOLICITATIONS ORDINANCE

(1) Name of person or organization \_\_\_\_\_

Address or headquarters of applicant \_\_\_\_\_

(2) Names of applicant's principal officers and managers (if any):

President \_\_\_\_\_ Address \_\_\_\_\_

Vice-President \_\_\_\_\_ Address \_\_\_\_\_

Secretary \_\_\_\_\_ Address \_\_\_\_\_

Manager \_\_\_\_\_ Address \_\_\_\_\_

Directors: \_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_ Address \_\_\_\_\_

(3) Have you attached to this application a true and correct copy of the resolution (if any) authorizing the applicant to undertake the proposed solicitation covered by the application?

\_\_\_\_\_ Yes \_\_\_\_\_ None

(4) The purpose for which the solicitation is to be made is the following: (Attach a statement if more space is needed)

(5) The total amount of funds to be raised is \_\_\_\_\_.

(6) The receipts from the solicitation will be used, or disposed of as follows: (Explain in detail on attached statement).

(7) The need for the contributions to be solicited is as follows: \_\_\_\_\_  
\_\_\_\_\_.

(This statement must be specifically supported by reasons, and if available, figures--an attached statement can be used)

(8) The following person will disburse the receipts of this solicitation:  
\_\_\_\_\_  
(Give name, address, and title)

(9) The following person will be in direct charge of conducting the solicitation: \_\_\_\_\_  
\_\_\_\_\_. (Give name, address, and title)

(10) The following promoters are connected, or will be connected with the solicitations: \_\_\_\_\_  
\_\_\_\_\_. (Give name, address, and title)

(11) The method or methods to be used in conducting the solicitations are as follows: \_\_\_\_\_  
\_\_\_\_\_. (Explain on attached sheet, if necessary)

(12) The proposed dates for the beginning and ending of the solicitations are:

Date begin \_\_\_\_\_, 19\_\_ Through \_\_\_\_\_, 19\_\_.

(13) The estimated total cost of the entire solicitation campaign is \_\_\_\_\_.

(14) The wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitation, and the name and addresses of all such persons are the following: \_\_\_\_\_  
 \_\_\_\_\_ (Give name, address, title, and amount).

(15) Have you attached to this application a statement giving the terms and contents of all agreements, both oral and written, with all agents, solicitors, promoters, managers or conductors in connection with the proposed solicitation covered in this application? \_\_\_\_\_ Yes \_\_\_\_\_ No

(16) Have you attached a financial statement for the last preceding fiscal year of all funds collected for charitable purposes by the applicant, giving the amount of money raised, together with the cost of raising it and the final distribution thereof? \_\_\_\_\_ Yes \_\_\_\_\_ No

(17) A full statement of the character and extent of the charitable work being done by the applicant with the City of Dyersburg is as follows: \_\_\_\_\_  
 \_\_\_\_\_ (Explain on attached sheet if more space is needed).

(18) Will the actual cost of the solicitation exceed 25 per cent of the total amount to be raised? \_\_\_\_\_ Yes \_\_\_\_\_ No

(19) Does applicant certify that if a permit is granted, it will not be used or represented in any way as an endorsement of the City of Dyersburg or by any department or officer thereof? \_\_\_\_\_ Yes \_\_\_\_\_ No

(20) The following is additional information believed by applicant to be useful to the Board in determining the kind and character of the proposed solicitation: \_\_\_\_\_  
 \_\_\_\_\_.

(21) Is applicant a non-profit exempt organization under 501(c)(3) of the Internal Revenue Code of 1954? \_\_\_\_\_ Yes \_\_\_\_\_ No

All of the above statements are true to the best of my knowledge, information and belief.

Signed by:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Give name, address, and title

Subscribed and sworn to before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_  
-.

\_\_\_\_\_  
Notary Public

(1978 Code, § 5-306)

**9-307. Investigation by board of solicitations.** The board shall examine all applications filed under this chapter and shall make, or cause to be made, such further investigation of the application and the applicant as the board shall deem necessary in order for it to perform its duties under this chapter. Upon request by the board, the applicant shall make available for inspection all the applicant's books, records, and papers at any reasonable time before the application is granted, during the time a permit is in effect, or after a permit has expired. The director or persons designated by him so to do may conduct any investigations into any applicant for a solicitations permit or as to any holder of a solicitations permit when it appears to said director or in response to complaint made known to the director that any of the provisions of this chapter are being violated or the applicant or holder of such a permit has engaged or is engaging in unscrupulous, dishonest, fraudulent or misleading practices in connection with solicitations of contributions. (1978 Code, § 5-307)

**9-308. Standards for board's action in granting or denying applications for charitable solicitation permits.** The board shall issue the permit provided for in this chapter whenever it shall find the following facts to exist:

- (1) That all of the statements made in the application are true.



(2) That the applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer, or agent of the applicant has a good character or reputation for honesty and integrity.

(3) That the control and supervision of the solicitation will be under responsible and reliable persons.

(4) That the applicant has not engaged in any fraudulent transaction or enterprise.

(5) That the solicitation will not be a fraud on the public.

(6) That the solicitation is prompted solely by a desire to finance the charitable cause described in the application and will not be conducted primarily for private profit.

(7) That the cost of raising the funds will be reasonable and that all supplemental costs will be kept at a minimum. In no case shall a permit be granted unless a minimum of 75% of all monies collected goes directly to the charitable purpose for which the campaign is intended; provided, however, that in the case of special event benefits where performers are used, the board, in its discretion, may grant a permit where 50% of all monies collected go to the charitable purpose for which the campaign is intended; provided the ratios of expenses to gross revenues herein set forth shall be waived by the board where special facts and circumstances are presented showing that a higher cost is not unreasonable.

(8) Nothing herein shall prohibit the solicitation by telephone for or on behalf of the applicant provided that the applicant states in his application the time during which solicitation will be made by telephone and the number of people being utilized in telephone solicitation and the amount of money paid the telephone solicitors. The board shall file in its office for public inspection, and shall serve upon the applicant by registered mail a written statement of the board's findings of fact and its decision upon each application.

(9) No person shall be granted a solicitations permit who has not qualified as a non-profit, tax-exempt person or organization under section 501 (c)(3) of the Internal Revenue Code and/or similar subsequently enacted Federal Internal Revenue law, or who fails or refuses to file any report required by this chapter. (1978 Code, § 5-308)

**9-309. Fee for charitable solicitations permit.** Before a permit is issued there shall be paid to the board a permit fee in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current permit fee consult the schedule of fees on file with the city recorder. The fee will cover all activities listed in the application provided the activities list can be completed within one (1) year of the application. (1978 Code, § 5-309, modified)

**9-310. Charitable solicitations permit--form of--granting of is not endorsement by city--time limit on.** Permits issued under this chapter shall bear the name and address of the person by whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an indorsement by the City of Dyersburg or by any of its departments, officers, or employees of the purpose or of the person conducting the solicitation. All permits shall be signed by the chairman of the board and the secretary thereof or by their duly authorized officer or agent. Permits may be granted for a period of ninety (90) days or for such other or additional periods as the board determines to be proper, but in no event shall the period for which the organization is authorized to solicit exceed one (1) year.

The form of the permit for certificate shall be as follows:

Permit No. \_\_\_\_\_

(Non-transferrable)

Void after \_\_\_\_\_  
date

Date \_\_\_\_\_

\_\_\_\_\_ (name) of \_\_\_\_\_ (address) is hereby authorized to solicit under the provisions of Ordinance No. \_\_\_\_\_, adopted on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, from \_\_\_\_\_, 19\_\_ to \_\_\_\_\_, 19\_\_. THE ISSUANCE OF THIS PERMIT DOES NOT CONSTITUTE AN ENFORCEMENT BY THE CITY OF DYERSBURG OR BY ANY OF ITS DEPARTMENTS, OFFICERS, OR EMPLOYEES OF THE PURPOSE OF PERSON CONDUCTING THIS SOLICITATION.

\_\_\_\_\_  
Chairman of Solicitations Board

Attest:

\_\_\_\_\_  
Secretary

Any permit issued hereunder shall be non-transferrable and said fact of non-transferability shall be clearly indicated on the permit. Each permit issued under this chapter shall be returned to the board within seventy-two (72) hours of the date of expiration, together with all facsimile copies thereof. (1978 Code, § 5-310)

**9-311. Solicitation without permit prohibited.** No agent or solicitor shall solicit contributions for any charitable purpose or any person in the City of Dyersburg unless such person has been granted a permit under the provisions of this chapter. It is understood that the individual agents or solicitors are not required to have separate permits, but that the only permit required is the original permit issued to the person for whom the contributions are being solicited. Provided, however, that each agent or solicitor shall have in his possession a facsimile of the original permit issued to the organization for which he solicits. (1978 Code, § 5-311)

**9-312. Hearing after denial of application for a permit; exception decisions.** Within five (5) days after receiving notification by registered mail that his application for a permit to solicit under this chapter has been denied, any applicant may file a written request for a public hearing on the application before the board, together with written exceptions to the findings of fact upon which the board based its denial of the application. Upon the filing of such a request, the board shall fix a time and place for the hearing and shall notify the applicant thereof. The hearing shall be held within ten (10) days after the request is filed. At the hearing the applicant may present evidence in support of his application and exceptions. Any interested person may, in the discretion of the board, be allowed to participate in the hearing and present evidence in opposition to the application and exceptions. Within ten (10) days after the conclusion of the hearing the board shall render a written report either granting or denying the application for a permit. In this report the board shall state the facts upon which its decision is based, and its ruling upon any exceptions filed to its original findings of fact upon the application. This report shall be filed in the recorder's office for public inspection and a copy shall be served by registered mail upon the applicant and all parties to the hearing. (1978 Code, § 5-312)

**9-313. Revocation of permits; hearings; decision.** Whenever it shall be shown, or whenever the board has knowledge, that any person to whom a permit has been issued under this chapter has violated any of the provisions of this chapter, or that any promoter, agent, professional solicitor, or solicitor of a permit holder has misrepresented the purpose of the solicitation, the board shall immediately suspend the permit and give the permit holder written notice by registered, special delivery mail of a hearing to be held within two (2) days of such suspension to determine whether or not the permit should be revoked. This notice must contain a statement of the facts upon which the board has acted in suspending the permit. At the hearing the permit holder, and any other interested person, may have the right to present evidence as to the facts upon which the board based the suspension of the permit, and any other facts which may aid the board in determining whether this chapter has been violated and whether the purpose of the solicitation has been misrepresented. If, after such hearing, the board finds that this chapter has been violated, where the purpose of the solicitation has been misrepresented, it shall within two (2) days after the hearing file in the recorder's office for public inspection and serve upon the permit holder and all interested persons who participated in the hearing, a written statement of the facts from which it based such finding and immediately revoke the permit. If, after such hearing the board finds that this chapter has not been violated and the purpose of the solicitation has not been misrepresented, it shall within two (2) days after the hearing, give to the permit

holder a written statement canceling the suspension of the permit and stating that no violation or misrepresentation was found to have been committed. (1978 Code, § 5-313)

**9-314. Report required from permit holder.** It shall be the duty of all persons issued permits under this chapter to furnish the board within ninety (90) days after the close of the organization's fiscal year, a detailed report and financial statement prepared by a certified public accountant or a licensed public accountant, showing the amount raised by the solicitation, the amount expended in collecting such funds, including a detailed report of wages, fees, commissions, and expenses paid to any person in connection with such solicitation, and the disposition of the balance of the funds collected by the solicitation. This report shall be available for public inspection in the recorder's office at any reasonable time; provided, however, that the board may extend the time for the filing of the report required by this section for an additional period of thirty (30) days upon proof that filings of the report within the specified time will work unnecessary hardship on the permit holder. Additional extensions of time may be granted by the board, but only after they have been approved by a majority vote of the board. The permit holder shall make available to the board, or to any person designated in writing by the board as its representative for such a purpose, all books, records and papers whereby the accuracy of the report required by this section may be checked. The board shall to the extent possible adopt uniform reporting methods or requirements. (1978 Code, § 5-314)

**9-315. Notice of suspension or revocation of permit to chief of police.** The chief of police shall be notified forthwith by the board of the suspension or revocation of any permit issued under this chapter. (1978 Code, § 5-315)

**9-316. Religious solicitations; registration and certificate required.** No person shall solicit contributions for any religious purpose within the City of Dyersburg without a certificate from the board. Application for a certificate shall be made to the board upon forms provided by the City of Dyersburg. Such application shall be sworn to, or affirmed, and shall contain information required in § 9-305, except such application shall not contain the statement required in § 9-305 (1) (m) or, in lieu thereof, a statement of the reason or reasons why such information cannot be furnished.

If while any application is pending, or during the term of any certificate granted thereon, there is any change in facts, policy, or method that will alter the information given in the application, the applicant shall notify the board in writing thereof within seventy-two (72) hours of such a change.

Upon receipt of such application, the board shall forthwith issue the applicant a certificate of registration. The certificate shall remain in full force and effect for a period of six (6) months after the issuance thereof, and shall be renewed upon the expiration of this period upon the filing of a new application as provided for in this section. Such certificates are non-transferable, and the original and all facsimiles thereof shall be returned to the board within one (1) week after the date of expiration of the solicitation. Certificates of registration shall bear the name and address of the person by whom the solicitation is to be made, the number of the certificate, the date issued, and a statement that the certificate does not constitute an endorsement by the City of Dyersburg or by any of its departments, or officers, of the purpose or of the person conducting the solicitation. Provided, however, that the provisions of this section shall not apply to any established person organized and operating exclusively for religious purposes and not operating for pecuniary profit of any person if the solicitations by such an established person are conducted among members by other members or officers thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at regular assemblies or services of any such established person. (1978 Code, § 5-316)

**9-317. Investigations of affairs of persons soliciting for religious purposes and persons exempt from permit and certificate requirements; publication of findings.** The board is authorized to investigate the affairs of any person soliciting for religious purposes under a certificate issued under § 9-316, and the affairs of any person exempted from the requirement of a permit under § 9-304, and to make public their findings in order that the public may be fully informed as to the affairs of any said person. Said persons shall make available to the board, the director, or to any representative designated by the board in writing for such specific purpose, all books, records, or other information reasonably necessary to enable the board to fully and fairly inform the public of all facts necessary to a full understanding by the public of the work and methods of operation of such persons; provided, that five (5) days before the public release of any findings under this section, the board must first serve a copy of its findings upon the person investigated and at the time of the release of its findings, it must release a copy of any written statement said person may file with the board in explanation, denial, or confirmation of said findings. (1978 Code, § 5-317)

**9-318. Use of fictitious name; fraudulent misrepresentations and misstatements prohibited.** No person shall directly or indirectly solicit contributions for any purpose by misrepresentation of his name, occupation, financial condition, social condition, or residence, and no person shall make or

perpetrate any other misstatement, deception, or fraud in connection with any solicitation of any contribution for any purpose within the City of Dyersburg or in any application or report filed under this chapter. (1978 Code, § 5-318)

**9-319. Judicial review of board's actions.** The action of the board in connection with the issuance of a permit of any kind, including the revocation of a permit may be reviewed by the statutory writ of certiorari with the trial de nova as a substitute for an appeal, said writ of certiorari to be addressed to the circuit or chancery court of Dyer County.

Immediately upon the grant of the writ of certiorari the board shall cause to be made, certified, and forwarded to said court, a complete transcript of the proceedings in said court.

Provided, further, the provisions of this section shall be the sole remedy and exclusive method for review of any action or order of the board. Any party dissatisfied with the decree of the court may, upon giving bond as required in other cases, appeal to the supreme court, where the cause shall be heard upon the transcript and records from the circuit court. (1978 Code, § 5-319)

**9-320. Solicitation on public street prohibited.** All solicitations on public streets shall be prohibited, and a violation of this section, punishable under the general penalty clause of the municipal code. Each individual at each location shall constitute a separate violation. (1978 Code, § 5-320, modified)

**9-321. Solicitation by means of coin or currency boxes or receptacles prohibited; exception.** No person shall solicit by means of coin or currency boxes or receptacles, in the course of a professional solicitation campaign within the City of Dyersburg except:

(1) When each such box or receptacle bears the person's permit number and is serially numbered and the board advised of the number and location of each; and

(2) When each such box or receptacle is the responsibility of a bona fide member, agent or solicitor of the soliciting person; and

(3) When such responsible person is required to pick up each box or receptacle at the end of the solicitation period; and

(4) When the use of such boxes and receptacles in the solicitation is expressly authorized by the board; and

(5) When such responsible person has no more than a reasonable number of such boxes or receptacles for which he must account. (1978 Code, § 5-321)

**9-322. Violations.** Any person violating any of the provisions of this chapter, or filing, or causing to be filed, an application for a permit or certificate

under this chapter containing false or fraudulent misstatements, shall be deemed guilty of a misdemeanor. Each day a solicitation occurs in violation of this chapter shall be deemed a separate offense. (1978 Code, § 5-322)



## CHAPTER 4

### TAXICABS<sup>1</sup>

#### SECTION

- 9-401. Taxicab franchise and privilege license required.
- 9-402. Requirements as to application and hearing.
- 9-403. Liability insurance required.
- 9-404. Revocation or suspension of franchise.
- 9-405. Mechanical condition of vehicles.
- 9-406. Cleanliness of vehicles.
- 9-407. Marking of vehicles.
- 9-408. Inspection of vehicles.
- 9-409. License and permit required for drivers.
- 9-410. Qualifications for driver's permit.
- 9-411. Revocation or suspension of driver's permit.
- 9-412. Drivers not to solicit business.
- 9-413. Parking restricted.
- 9-414. Drivers to use direct routes.
- 9-415. Taxicabs not to be used for illegal purposes.
- 9-416. Miscellaneous prohibited conduct by drivers.
- 9-417. Transportation of more than one passenger at the same time.
- 9-418. Fares.

**9-401. Taxicab franchise and privilege license required.** It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license.

Such taxicab franchise shall be valid for only one year from and after the date of issuance unless revoked, suspended, or terminated under other provisions of this chapter. All taxicab franchises are personal and valid in the name of the person to whom issued exclusive of all other persons; and taxicab franchises issued by the municipality are not subject to sale, trade or transfer by the person to whom issued to any other person. Each taxicab franchise shall require the payment of an annual fee in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current annual fee

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.

consult the schedule of fees on file with the city recorder. (1978 Code, § 5-401, modified)

**9-402. Requirements as to application and hearing.** No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the board of mayor and aldermen; and make a recommendation to either grant or refuse a franchise to the applicant. The board of mayor and aldermen shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the board of mayor and aldermen shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1978 Code, § 5-402)

**9-403. Liability insurance required.** No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of twenty-five thousand dollars (\$25,000.00) for bodily injury or death to any one person, fifty thousand dollars (\$50,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and five thousand dollars (\$5,000.00) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1978 Code, § 5-403)

**9-404. Revocation or suspension of franchise.** The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab

franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver.

Any taxicab franchise shall be automatically revoked without the necessity of a public hearing to the extent that same is not used for a period of 45 consecutive days as to any cab or cabs authorized by the franchise to be operated by the holder thereof. (1978 Code, § 5-404)

**9-405. Mechanical condition of vehicles.** It shall be unlawful for any taxicab to operate in the municipality unless it is equipped with four (4) wheel brakes, front and rear lights, directional signal lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1978 Code, § 5-405)

**9-406. Cleanliness of vehicles.** All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1978 Code, § 5-406)

**9-407. Marking of vehicles.** Each vehicle used as a taxicab shall be conspicuously marked with the word "taxi" so that it can be easily identified as being a taxicab.

Each such vehicle must have conspicuously displayed thereon an identifying number, and the holder of each franchise shall so number each of the vehicles operated by him with each such vehicle having a separate number beginning with the number one and proceeding consecutively with the numbers following thereafter, each vehicle operated by the franchise holder having a separate, specific number permanently assigned to and displayed on it. (1978 Code, § 5-407)

**9-408. Inspection of vehicles.** All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc.

All such vehicles shall be made available to the chief of police for inspection by him at all reasonable times and places and so often as the chief of police shall in his sole discretion deem necessary and proper. (1978 Code, § 5-408)

**9-409. License and permit required for drivers.** No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police.

The city driver's permit shall require the payment of a fee in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current annual fee consult the schedule of fees on file with the city recorder. Said permit shall be renewed annually upon application and payment of said annual fee.

Each taxicab driver shall wear a badge with his permit number thereon when he is operating a taxicab. The badge shall be worn conspicuously on an outer garment. (1978 Code, § 5-409, modified)

**9-410. Qualifications for driver's permit.** No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

(1) Makes written application to the chief of police and submits three (3) recent unretouched, photographs of himself.

(2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.

(3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.

(4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.

(5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.

(6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.

(7) Is familiar with the state and local traffic laws. (1978 Code, § 5-410)

**9-411. Revocation or suspension of driver's permit.** The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for traffic violations or violation of this chapter. (1978 Code, § 5-411)

**9-412. Drivers not to solicit business.** All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1978 Code, § 5-412)

**9-413. Parking restricted.** It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1978 Code, § 5-413)

**9-414. Drivers to use direct routes.** Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1978 Code, § 5-414)

**9-415. Taxicabs not to be used for illegal purposes.** No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1978 Code, § 5-415)

**9-416. Miscellaneous prohibited conduct by drivers.** It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1978 Code, § 5-416)

**9-417. Transportation of more than one passenger at the same time.** No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1978 Code, § 5-417)

**9-418. Fares.** Fares to be charged for taxicab service shall be prescribed from time to time by resolution of the board of mayor and aldermen. It shall be unlawful for any taxicab owner or driver to charge more or less than the fare prescribed by the board of mayor and aldermen. (1978 Code, § 5-418)

**CHAPTER 5****AUCTIONS AND AUCTIONEERS****SECTION**

9-501. Subject to regulation.

**9-501. Subject to regulation.** Public or private auctions of personal property within the corporate limits of the City of Dyersburg, Tennessee, shall be controlled and governed by the provisions of Tennessee Code annotated, § 62-19-101, et seq., where applicable. (1978 Code, § 5-601, modified)

**CHAPTER 6****PAWNBROKERS<sup>1</sup>****SECTION**

- 9-601. Defined.
- 9-602. License required by state law.
- 9-603. Conducting other business in same building prohibited.
- 9-604. Purchase of property prohibited.
- 9-605. Business hours: Sunday business prohibited.
- 9-606. Business sign.
- 9-607. Dealing with certain persons prohibited.
- 9-608. Certain pledges prohibited.
- 9-609. Return of stolen property to owner.
- 9-610. Pawn tickets and stub book.
- 9-611. Memorandum to be given pledger.
- 9-612. Retention period for pawned articles.
- 9-613. Interest and service charge.
- 9-614. Forfeiture of pledged property.
- 9-615. Damage to pledged property.
- 9-616. Cards for information relative to pawned articles.

**9-601. Defined.** For the purposes of this chapter, unless the context otherwise appears, a "pawnbroker" shall be deemed to be any person whose business or occupation is to take or receive, by way of pledge, pawn or exchange, any goods, wares or merchandise, or any kind of personal property whatever. (1978 Code, § 5-801)

**9-602. License required by state law.** It shall be unlawful for any person to engage in the business of a pawnbroker within the city, unless, he first obtains the license required by Tennessee Code Annotated, § 45-6-102. (1978 Code, § 5-802)

**9-603. Conducting other business in same building prohibited.** No pawnbroker shall carry on any other business or vocation, directly or indirectly, in the same building, or in any building adjoining the place or building in which he is licensed to carry on the business of pawnbroker, loanbroker or keeper of a loan office. No pawnbroker shall permit any other

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 45, chapter 6.

business of any character whatsoever to be conducted in the same building where the business of the pawnbroker is conducted, provided, that nothing in this section shall be taken to preclude a pawnbroker from selling or disposing of unredeemed and repossessed pledges from his place of business. (1978 Code, § 5-803)

**9-604. Purpose of property prohibited.** No pawnbroker, loanbroker, or keeper of a loan office shall, in the conduct of such business, under any pretense whatever, purchase or buy any personal property whatsoever. (1978 Code, § 5-804)

**9-605. Business hours: Sunday business prohibited.** No pawnbroker shall keep open his place of business before 6:00 A.M. or after 6:00 P.M. of any day during the months of June, July, August and September, and not after 7:00 P.M. of any day during the other months of the year; provided, that on Saturday of each week the last fifteen (15) days of December of each year, it shall be lawful for pawnbrokers to keep open until 9:00 P.M. Pawnbrokers shall keep their places of business closed all day Sunday through the entire year. (1978 Code, § 5-805)

**9-606. Business sign.** Every person licensed under this chapter shall cause his name, with the words "Licensed Pawnbroker," and no other words or symbols, to be printed or painted in large, legible characters, and placed over the outside or door, or entrance of his shop office or place of business. No other sign or marker of any description shall be permitted upon the front of such building. (1978 Code, § 5-806)

**9-607. Dealing with certain persons prohibited.** No pawnbroker shall take any article in pawn, pledge or as security from any person under legal age, nor from any person appearing to be intoxicated, nor from any person known to such pawnbroker to be a thief, or to have been convicted of larceny, burglary, robbery or housebreaking, without first notifying a police officer. (1978 Code, § 5-807)

**9-608. Certain pledges prohibited.** (1) No pawnbroker shall take for pledge, pawn or security any device which may be used in the game of chance or gaming device, nor shall he have any device that is or may be used in the following: Chuck-a-luck, cracklo, craps, dice, dice and chips used in the game of craps, equality, "French pool" or Paris mutuel, "keeno," lottery, lotto, pack of cards, pisco, punchboard, rondo, shuffleboard, six-wheel, stock stable, tables used for playing pool and billiards, poker chips and poker tables, ten pin alleys,



roulet wheel of chance, slot machines, faro, grand raffle, or any device used in or for any other game of chance.

(2) No pawnbroker shall take for pledge, pawn or security any razor, except a safety razor, or any dirk, bowie knife or other knife of like kind or size, or any other knife with any blade over two and one-half inches long, sword cane, slingshot, black jack, brass knucks, or Spanish stiletto.

(3) No pawnbroker shall take as pledge, pawn or security any pistol, revolver, automatic pistol, cartridge or shell, or any other device or instrument used in connection with or as a part of any pistol, either automatic or revolver.

(4) It shall be unlawful for any pawnbroker to possess any of the articles enumerated in this section. (1978 Code, § 5-808)

**9-609. Return of stolen property to owner.** When any person is found to be the owner of stolen property, which has been pawned, such property shall be returned to the owner thereof, without the payment of the amount advanced by the pawnbroker thereon, or any costs or charge of any kind, which the pawnbroker may have placed upon such property. (1978 Code, § 5-809)

**9-610. Pawn tickets and stub book.** Every pawnbroker shall keep a book which shall be made with a stub, which shall be numbered consecutively and shall correspond in all essential particulars to the detachable pawn ticket attached thereto. The pawnbroker shall at the time of making any loan, enter upon the stub, as well as the pawn ticket, a clear and accurate description, written in ink in the English language of the property pawned, the date and amount of money loaned, when due, the name and residence address of the pawnor and, if the article bears a serial number, the serial number. The pawnor shall sign the stub with his residence address and receive the detached pawn ticket, which shall be signed by the pawnbroker.

The pawnbroker shall deliver daily, except Sunday, to the chief of police before the hour of 10:00 A.M., a correct copy of all entries made in the stub book during the preceding business day. This book shall be carefully preserved without alteration, and shall at all times be open to the inspection of the chief of police or any police officer of the city. (1978 Code, § 5-810)

**9-611. Memorandum to be given pledger.** Every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, articles or things, a memorandum or note signed by him, containing the substance of the entry required by § 9-610 to be made by him in his record book, and an estimated value of the goods, articles or things pledged. No charge shall be made or received by any pawnbroker for any such memorandum or note. (1978 Code, § 5-811)

**9-612. Retention period for pawned articles.** It shall be unlawful for pawnbrokers to sell, exchange, barter or remove from their place of business, or permit to be redeemed, any of goods pledged, pawned or deposited by, to or with them for a period of forty-eight (48) hours after delivering a copy of the stub book entry covering such articles to the police as required by § 9-610. (1978 Code, § 5-812)

**9-613. Interest and service charge.** No pawnbroker shall demand or receive any greater rate of interest or compensation than at the rate of six dollars (\$6.00) for the use of one hundred dollars (\$100.00) for one year. No other charge of any description, or for any purpose whatsoever shall be made by the pawnbroker, except that the pawnbroker may charge, contract for and receive, for investigating the security or title, storage of the security, closing the loan and for other expenses, and losses of every nature whatsoever, and for all other services, a fee or not above one percent (1%) per month of the sum loaned on the article taken as security. (1978 Code, § 5-813)

**9-614. Forfeiture of pledged property.** Every pawnbroker shall retain in his possession every unredeemed pledge or pawn for fifty (50) days after maturity of the loan. If the pledgor shall fail or neglect, for fifty days after maturity of such loan, to redeem the pawned property, the pawnbroker may at any time thereafter, mail a notice to the pledge owner, at the residence address designated by him on the stub of the book required to be kept by § 9-610, which notice shall give the number of the pawn ticket and a description of the property pledged, and in addition shall notify the pledgor that the property must be redeemed within ten (10) days of the notice and specify the date, and that upon his failure to redeem within this time the pledged property will be forfeited to the pawnbroker and the right of the pledgor thereafter to redeem divests. This notice shall be in form substantially as follows:

\_\_\_\_\_ 19\_\_

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City	County	State
To		Name
		No. Street
		City
		State

You are hereby notified to redeem your pledged property on or before ten days from date, to-wit \_\_\_\_\_ (give date) or the same will be

forfeited to the pawnbroker under your agreement; and your right to redeem your pledged property will thereafter be divested. Your pawn ticket is No. \_\_\_\_\_. The property pledged by you as security is described as follows:

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(General description of property)

  

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Pawnbroker

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No. Street

Upon the date of mailing such notice, it shall also be the duty of the pawnbroker to publish a notice in a daily newspaper published in the city in substance, as follows:

(Date) \_\_\_\_\_

To Pledgors and Pawnors:

You and each of you are hereby notified that the owners of pawn ticket number \_\_\_\_\_ to \_\_\_\_\_, inclusive, must redeem the pledges represented by your pawn ticket on or before \_\_\_\_\_ 19\_\_\_\_, or your right to redeem will be forfeited.

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Pawnbroker

If, notwithstanding such notice, the person obtaining the loan shall fail to redeem pawned or pledged property within the ten (10) days designated in the notice, the pledgor shall thereby forfeit all right, title and interest of, in and to such pawned and pledged property to the pawnbroker, who shall thereby acquire an absolute title to it, and the debt become satisfied. The pawnbroker shall have authority to sell or dispose of those unredeemed pledges as his own property.

This section shall be printed in full on the back of the pawn ticket required to be given to the pledgor. (1978 Code, § 5-814)

**9-615. Damage to pledged property.** If any pledgor, upon redeeming his property, finds that it has been damaged and rendered less valuable, the

amount of damage done to such property shall be deducted from the amount due the pawnbroker. If the damage done to the property is greater than that amount due the pawnbroker, the pawnbroker shall reimburse the owner for the damage done to such property. (1978 Code, § 5-815)

**9-616. Cards for information relative to pawned articles.**

(1) Generally. In addition to the book provided for in § 9-610, every pawnbroker, at the time of receiving any article in the conduct of his business, shall place a description of the article or things pledged upon the front side of a blank form card, three inches by five inches in size, which card shall be provided by the pawnbroker. The description to be given of such article shall be such description as may be called for by the blank form on such card. The pawnbroker shall fill in such other blank spaces as may appear on the front side of such blank form card with the data as is requested by the blank spaces. A separate card shall be provided and used for each article pledged, received or taken.

On the back of each blank form card there shall be written by the pledgor, in his own handwriting, his name and address and such pledgor shall also reproduce thereon his right thumbprint at the place indicated therefor on the back of such card. In the event the right thumb is amputated then such other fingerprint as required by the pawnbroker shall be taken and such fingerprint fully described and designated upon the card. This thumbprint shall be reproduced and taken in the usually approved manner and shall not be blurred or obliterated. The pawnbroker shall then fill in a description of the party so pledging or leaving any such article as the remaining spaces on the back side of such blank form card may call for.

(2) Types and colors. The blank cards provided for in this division shall be four separate types; one type for watches, which card shall be blue in color; one type for jewelry and diamonds, which card shall be yellow in color; one type for clothing, which card shall be pink in color; one type for miscellaneous article, such as adding machines, cash registers, check protectors, typewriters, dictaphones, and musical instruments, which card shall be white in color.

(3) Forms and required information generally. The cards provided for by this division shall be on such forms as are prescribed by the chief of police and shall contain such information as required by him as to specific items or property pledged to or otherwise received by the pawnbroker.

(4) Information to be on back of all cards. The back side of all types of cards required by this division shall be in the following form and contain the following printed matter thereon:

Signature \_\_\_\_\_

Address \_\_\_\_\_

Description of customer. To be filled out by dealer.  
 Sex \_\_\_\_\_ Age \_\_\_\_\_ Height, Ft. \_\_\_\_\_ In. \_\_\_\_\_  
 Weight, Lbs. \_\_\_\_\_. Race or Nationality \_\_\_\_\_  
 Clothing \_\_\_\_\_  
 Complexion \_\_\_\_\_  
 Date of Birth \_\_\_\_\_  
 Document establishing birth date: \_\_\_\_\_

Right Thumb

Include serial number where available \_\_\_\_\_

(5) Pawnbroker to fill in proper types and deliver to police. Every pawnbroker shall fill in the proper type card for each article pledged to or otherwise received by him and he shall deliver to the chief of police, every day before the hour of 12:00 Noon, all of such cards describing articles, pledged, pawned, or received during the preceding day. Such cards may be mailed to the office of the chief of police or his designee in lieu of personal delivery, if the envelope in which the same are mailed bears the post date of the day on which such property was received.

(6) Inspection by police. The card records provided for in this division shall be at all reasonable times open to the inspection of the chief of police or any of his designees. (1978 Code, § 5-816)

**CHAPTER 7****CABLE TELEVISION****SECTION**

9-701. To be furnished under franchise.

**9-701. To be furnished under franchise.** Cable television service shall be furnished to the City of Dyersburg and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Dyersburg and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>1</sup>

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. #B-277, in the office of the city recorder.