

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

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2. LIMITATION ON BUSINESS HOURS IN RESIDENTIAL AREAS.
3. MOBILE HOME PARKS.
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5. CABLE TELEVISION.
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CHAPTER 1

PEDDLERS, SOLICITORS, ETC.²

SECTION

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¹Municipal code references

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

Health and sanitation: title 13.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Posting advertisements and notices: title 11.

Zoning: title 14.

²Municipal code reference

Privilege taxes: title 5.

Trespass by peddlers, etc.: section 11-801.

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

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

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

(3) "Solicitor for charitable or religious purposes" means any organization which solicits contributions from the public, either on the streets of the Town of Jasper or on public property within the town for any charitable, religious or school purpose, and which does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars (\$10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization meets all of the following conditions:

(a) It 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 or is a public school organization or church.

(b) It is organized for charitable, religious or school purposes.

(c) It has been in continued existence as a charitable, religious or school organization in the Town of Jasper for a period of two (2) years prior to the date of its application for registration under this chapter.

(d) Any person soliciting for the organization for such charitable, religious or school purpose must be properly permitted as set forth hereinafter and must be sixteen (16) years of age or older.

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

(5) "Transient vendor"¹ means any person who brings into temporary

¹State law references

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

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

(6) "Street barker" means any peddler who does business 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. (as amended by Ord. #229, § 1, March 1997)

9-102. Exemptions. The terms of this chapter shall not apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold.

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

(...continued)

The definition of "transient vendors" is taken from Tennessee Code Annotated, section 62-30-101(3). Note also that Tennessee Code Annotated, section 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, section 67-4-709(b).

9-104. Permit procedure. (1) A sworn application containing the following information shall be completed and filed with the town recorder at least ten (10) days before the requested activity by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

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

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

(c) The dates, times and locations which the applicant intends to do business or make solicitations.

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

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

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

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

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant; however, the permit shall be subject to such additional conditions and requirements as imposed thereon by the chief of police as he deems necessary for the safety and well being of the public.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the town recorder, the recorder shall submit to the chief of police a copy of the application form and the permit; and the chief of police shall place such additional conditions and requirements thereon as he deems necessary for the safety and well being of the general public. Upon failure of the permittee to comply with the conditions and requirements imposed by the chief of police or failure to comply with any other provisions of this chapter, the permit may be suspended and/or revoked by the town recorder. (as amended by Ord. #229, § 2, March 1997, and Ord. #347, Feb. 2012)

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

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

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

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

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, 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 in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located. (as amended by Ord. #229, § 2, March 1997)

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

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

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

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

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing,

or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

9-109. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.

9-110. 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 according to the general penalty provision of this municipal code of ordinances.

CHAPTER 2

LIMITATION ON BUSINESS HOURS IN RESIDENTIAL AREAS

SECTION

9-201. Limitation on business hours in residential areas.

9-202. Each violation a separate offense.

9-201. Limitation on business hours in residential areas. No business, whether retail or commercial, located in any area of the town designated by zoning ordinance as a residential area shall conduct business or commercial operation or otherwise remain open between the hours and on the date established below:

10:00 p.m. and 7:00 a.m. Sunday through Thursday

11:00 p.m. and 7:00 a.m. Friday and Saturday

(1983 Code, § 5-201)

9-202. Each violation a separate offense. Each day of violation of section 9-201 above shall constitute a separate offense. (1983 Code, § 5-202)

CHAPTER 3

MOBILE HOME PARKS

SECTION

- 9-301. Definitions.
- 9-302. Mobile homes outside mobile home parks prohibited.
- 9-303. Tax stickers required.
- 9-304. Permit required.
- 9-305. Inspections by town building inspector.
- 9-306. Location and planning.
- 9-307. License required - fees.
- 9-308. Application for license.
- 9-309. Minimum size of mobile home parks.
- 9-310. Minimum mobile home space and spacing.
- 9-311. Water supply.
- 9-312. Sewage disposal.
- 9-313. Refuse.
- 9-314. Electricity.
- 9-315. Streets.
- 9-316. Parking spaces.
- 9-317. Buffer strip.
- 9-318. Enforcement.
- 9-319. Appeals.
- 9-320. Violation - penalty.

9-301. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Mobile home (trailer)." A detached single family dwelling unit with any or all of the following characteristics:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels.

(c) Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, connection to utilities and the like.

(2) "Mobile home park (trailer court)." The term mobile home park shall mean any plot of ground within the Town of Jasper on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located.

(3) "Mobile home space." The term shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(4) "Health officer." The director of a town, county or district health department having jurisdiction over the community health in a specific area, or his duly authorized representative.

(5) "Permit (license)." The permit required for trailer parks and single mobile homes. Fees charged under the license requirement are for inspection and the administration of this chapter. (1983 Code, § 5-301)

9-302. Mobile homes outside mobile home parks prohibited. After the effective date of the ordinance comprising this section, it shall be unlawful for any single-wide mobile home as defined in Jasper Municipal Code § 14-202(25), to be used, stored, or placed on any lot or serviced by the utilities of said town where said mobile home is outside of any designated and licensed mobile home park.

The owner of any single-wide mobile home not located in a mobile home park, that was already lawfully permitted and placed on a lot on or before the effective date of the ordinance comprising this section will be permitted to reside at the present location. However, if said mobile home is moved from the property upon which it is located as a result of either voluntary or involuntary action on the part of the owner thereof, then that mobile home or any replacement thereof, shall not be relocated upon said property. In the event of damage to a single-wide mobile home, Jasper Municipal Code § 14-206(4) shall apply. (1983 Code, § 5-302, as replaced by Ord. #290, Feb. 2004)

9-303. Tax stickers required. No mobile home shall be used, placed, stored or serviced by utilities within any mobile home park in said town unless there is posted near the door of said mobile home a valid Tennessee State Tax Sticker. (1983 Code, § 5-303)

9-304. Permit required. No place or site within said town shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the town building inspector in the name of such person or persons for the specific mobile home park. The town building inspector is authorized to issue, suspend, or revoke permits in accordance with the provision of this chapter. (1983 Code, § 5-304)

9-305. Inspections by town building inspector. The town building inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The town building inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter. (1983 Code, § 5-305)

9-306. Location and planning. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the town planning commission and town building inspector. The town planning commission and building inspector may promulgate regulations for mobile home park location and plan approval, which shall provide for adequate space, lighting, drainage, sanitary facilities, safety features, and service buildings as may be necessary to protect the public health, prevent nuisances, and provide for the convenience and welfare of the mobile home park occupants. (1983 Code, § 5-306)

9-307. License required - fees. The following requirements for licenses shall apply to any mobile home park and individual mobile home within the corporate limits of said town.

(1) Mobile home parks. It shall be unlawful for any person or persons to maintain or operate within the corporate limits of said town, any mobile home park unless such person or persons shall first obtain a license therefor.

(2) Individual mobile homes. It shall be unlawful for any person to maintain an individual mobile home as a dwelling unless a license has been obtained therefor. It shall be the responsibility of the owner of the mobile home to secure the license. An annual license fee shall be required for mobile home parks and individual mobile homes as follows:

(a) Mobile home parks. The annual license fee for mobile home parks shall be twenty-five (25) dollars.

(b) Individual mobile homes. The annual license fee for each mobile home shall be five (5) dollars. The fee for transfer of the license because of change of ownership or occupancy shall be five (5) dollars. (1983 Code, § 5-307)

9-308. Application for license. (1) Mobile home parks. Application for a mobile home park shall be filed with and issued by the town building inspector subject to the planning commission's approval of the mobile home park plan. Application shall be in writing and signed by the applicant and shall be accompanied with a plan of the proposed mobile home park. The plan shall contain the following information and conform to the following requirements:

(a) The plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;

(b) Name and address of owner of record;

(c) Proposed name of park;

(d) North point and graphic scale and date;

(e) Vicinity map showing location and acreage of mobile home park;

(f) Exact boundary lines of the tract by bearing and distance;

(g) Names of owners of record of adjoining land;

(h) Existing streets, utilities, easements, and water courses on and adjacent to the tract;

(i) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;

(j) Provisions for water supply, sewerage and drainage;

(k) Such information as may be required by said town to enable it to determine if the proposed park will comply with legal requirements; and

(l) The applications and all accompanying plans and specifications shall be filed in triplicate.

(2) Individual mobile homes. Application for individual mobile home licenses shall be filed with and issued by the town building inspector. Applications shall be in writing and signed by the applicant. The application shall contain the following:

(a) The name of the applicant and all people who are to reside in the mobile home;

(b) The location and description of the mobile home, make, model and year;

(c) The state license number;

(d) Further information as may be required by said town to enable it to determine if the mobile home and site will comply with legal requirements; and

(e) The application shall be filed in triplicate. (1983 Code, § 5-308)

9-309. Minimum size of mobile home parks. The tract of land for the mobile home park shall comprise an area not less than two (2) acres. The tract shall consist of a single plot so dimensional and related as to facilitate efficient design and management. There must be a minimum of ten (10) spaces completed and ready for occupancy before the first occupancy. (1983 Code, § 5-309)

9-310. Minimum mobile home space and spacing. (1) Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch, and at least ten (10) feet end to end spacing between trailers and any building or structure, twenty (20) feet between any trailer and property line and twenty-five (25) feet from the right-of-way of any public street or highway.

(2) The individual plot sizes for mobile home spaces shall be determined as follows:

- (a) Minimum lot area of two thousand four hundred (2,400) square feet;
- (b) Minimum depth with end parking of an automobile shall be equal to the length of the mobile home plus thirty (30) feet;
- (c) Minimum depth with side or street parking shall be equal to the length of mobile home plus fifteen (15) feet; and
- (d) In no case shall the minimum width be less than forty (40) feet and the minimum depth less than sixty (60) feet. (1983 Code, § 5-310)

9-311. Water supply. Where a public water supply is available, it shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the county health officer. In those instances where an independent system is approved, the water shall be from a supply properly located, protected, and operated, and shall be adequate in quantity and approved in quality. Samples of water for bacteriological examination shall be taken before the initial approval of the physical structure and thereafter at least every four (4) months and when any repair or alteration of the water supply system has been made. If a positive sample is obtained, it shall be the responsibility of the trailer court operator to provide such treatment as is deemed necessary to maintain a safe, potable water supply. Water shall be furnished at the minimum rate of one hundred twenty-five (125) gallons per day per mobile home space. An additional water service connection shall be provided for each mobile home space, with meter for each individual trailer. (1983 Code, § 5-311)

9-312. Sewage disposal. An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each mobile home space shall be equipped with at least a four (4) inch sewer connection. All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line.

Every effort should be made to dispose of the sewage through a public sewerage system. In lieu of this, a septic tank and sub-surface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available. The minimum size of any septic tank to be installed under any condition shall not be less than seven hundred fifty (750) gallons working capacity. This size tank can accommodate a maximum of two (2) mobile homes. For each additional mobile home on such a single tank, a minimum additional liquid capacity of one hundred seventy-five (175) gallons shall be provided. The sewage from no more than twelve (12) mobile homes shall be disposed of in any one (1) single tank installation. The size of such tank shall be a minimum of two thousand five hundred (2,500) gallons liquid capacity.

The amount of effective soil absorption area or total bottom area of overflow trenches will depend on local soil conditions and shall be determined only on the basis of the percolation rate of the soil. The percolation rate should be determined as outlined in Appendix A of the Tennessee Department of Public Health Bulletin, entitled "Recommended Construction of Large Septic Tank Disposal Systems for Schools, Factories and Institutions." This bulletin is available on request from the department. No mobile home shall be placed over a soil absorption field.

In lieu of a public sewerage or septic tank system, an officially approved package treatment plant may be used. (1983 Code, § 5-312)

9-313. Refuse. The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazards. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once per week. (1983 Code, § 5-313)

9-314. Electricity. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code and revised Tennessee Department of Insurance and Banking Regulations, entitled "Regulation Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization. (1983 Code, § 5-314)

9-315. Streets. Widths of various streets within mobile home parks shall be:

One-way, with no on-street parking	11 ft.
One-way, with parallel parking on one side only.	18 ft.
One-way, with parallel parking on both sides.	26 ft.
Two-way, with no on-street parking	20 ft.
Two-way, with parallel parking on one side only.	28 ft.
Two-way, with parallel parking on both sides.	36 ft.

Streets shall have a compacted gravel base and a prime seal treatment to meet requirements of the Tennessee State Highway Department. (1983 Code, § 5-315)

9-316. Parking spaces. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one (1) car space for each mobile home lot plus

an additional car space for each four (4) lots to provide for guest parking, for two (2) car tenants and for delivery and service vehicles. Car parking spaces shall be located for convenient access to the mobile home spaces. Where practical, one (1) car space shall be located on each lot and the remainder located in adjacent parking bays. The size of the individual parking space shall have a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park. (1983 Code, § 5-316)

9-317. Buffer strip. An evergreen buffer strip shall be planted along those boundaries of the mobile home court that are adjacent development. (1983 Code, § 5-317)

9-318. Enforcement. It shall be the duty of the county health officer and town building inspector to enforce the provisions of this chapter. Either shall give written notice of any violation to the person or persons responsible for the correction of the condition, and correction shall be made within fifteen (15) days after notification. If either the county health officer or the building inspector advises the person or persons responsible for the correction of the condition that the violation in question constitutes an immediate or serious menace to health or safety, such person or persons shall at once correct the menace without further notice. Failure to remove such menace immediately shall be punishable under the general penalty clause for the code. However, such person or persons shall be allowed fifteen (15) days within which to make a permanent correction. (1983 Code, § 5-318)

9-319. Appeals. The Jasper Municipal-Regional Planning Commission shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building inspector in the enforcement of this chapter, may appeal for and receive a hearing by Jasper Municipal-Regional Planning Commission (advised by the city attorney) for an interpretation of pertinent chapter provisions. In exercising this power of interpretation of this chapter, the Jasper Municipal-Regional Planning Commission with advice from the city attorney, may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or determination made by the building inspector. Any person or persons or any board, taxpayer, department, or bureau of the town aggrieved by any decision of the Jasper Municipal-Regional Planning Commission and the city attorney may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee. (1983 Code, § 5-319)

9-320. Violation - penalty. Any person who violates the provisions of this chapter, shall be deemed guilty of a misdemeanor and shall be punished under the general penalty clause for this code. (1983 Code, § 5-320)

CHAPTER 4

POOL ROOMS¹

SECTION

9-401. Prohibited in residential areas.

9-402. Hours of operation regulated.

9-403. Minors to be kept out; exception.

9-401. 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 percent (50%) or more of the land is used or zoned for residential purposes. (1983 Code, § 5-401)

9-402. Hours of operation regulated.² 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 10:00 p.m. and 7:00 a.m. on Monday through Thursday and 11:00 p.m. and 7:00 a.m. on Friday and Saturday. (1983 Code, § 5-402)

9-403. 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, or for 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 parents of such minor, if living; if the parents are dead, then the 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. (1983 Code, § 5-403)

¹Municipal code reference
Tax provisions, etc: title 5.

²Municipal code reference
For general limitations on business hours in residential areas: section 9-201.

CHAPTER 5

CABLE TELEVISION¹

SECTION

9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television shall be furnished to the Town of Jasper and its inhabitants pursuant to franchise agreements that must be approved by the board of mayor and aldermen. The rights, powers, duties, and obligations of the Town of Jasper and of its franchisee(s) shall be set out in any such franchise agreement, which shall be binding upon the parties concerned. (1983 Code, § 13-201, as replaced by Ord. #222, § 4, June 1996, and Ord. #309, Nov. 2006)

¹For more complete details relating to the cable television franchise agreement see ordinance No. 106 as amended by ord. No. 108, 121, 143, 149, 222 and 309 of record in the office of the town recorder.

CHAPTER 6

FAIR HOUSING ORDINANCE

SECTION

- 9-601. Policy.
- 9-602. Definitions.
- 9-603. Unlawful practice.
- 9-604. Discrimination in the sale or rental of housing.
- 9-605. Discrimination in the financing of housing.
- 9-606. Discrimination in the provision of brokerage services.
- 9-607. Exemption.
- 9-608. Administration.
- 9-609. Education and conciliation.
- 9-610. Enforcement.
- 9-611. Investigations; subpoenas; giving of evidence.
- 9-612. Enforcement by private persons.

9-601. Policy. It is the policy of the Town of Jasper to provide, within constitutional limitations, for fair housing throughout the Town of Jasper. (Ord. #220, § 1, May 1996)

9-602. Definitions. (1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and judiciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(5) "Discriminatory housing practice" means an act that is unlawful under section 9-604, 9-605 or 9-606. (Ord. #220, § 2, May 1996)

9-603. Unlawful practice. Subject to the provisions of subsection (2) and section 9-607, the prohibitions against discrimination in the sale or rental of housing set forth in section 9-604 shall apply to:

(1) All dwellings except as exempted by subsection (2).

(2) Nothing in section 9-604 shall apply to:

(a) Any single-family house sold or rented by an owner: Provided that such private individual owner does not own more than

three such single-family houses at any one time: Provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented.

(i) without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and

(ii) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of section 9-604(3) of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(b) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

(a) he has, within the preceding twelve months, participated as principal in three or more actions involving the sale or rental of any dwelling or any interest therein or

(b) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(c) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families. (Ord. #220, § 3, May 1996)

9-604. Discrimination in the sale or rental of housing. As made applicable by section 9-603 and except as exempted by sections 9-603(2) and 9-607, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or handicap.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or handicap.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status or handicap, or an intention to make any such preference, limitation or discrimination.

(4) To represent to any person because of race, color, religion, sex, national origin, familial status or handicap that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status or handicap.

(6) To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by that person if such modifications are necessary to afford that person full enjoyment of the premises.

(7) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. (Ord. #220, § 4, May 1996)

9-605. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status or handicap of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or

dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 9-603(2). (Ord. #220, § 5, May 1996)

9-606. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or handicap. (Ord. #220, § 6, May 1996)

9-607. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status or handicap. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. #220, § 7, May 1996)

9-608. Administration. (1) The authority and responsibility for administering this act shall be with the mayor.

(2) The mayor may delegate any of these functions, duties, and powers to employees of the town or to the Tennessee Human Rights Commission, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The mayor shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officer in the town, to boards of officers to the Tennessee Human Rights Commission or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the mayor to further such purposes. (Ord. #220, § 8, May 1996)

9-609. Education and conciliation. Immediately after the enactment of this chapter, the mayor may commence such educational and conciliatory activities as will further the purposes of this chapter. He may call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. #220, § 9, May 1996)

9-610. Enforcement. (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Tennessee Human Rights Commission. Complaints shall be in writing and shall contain such information and be in such form as the Tennessee Human Rights Commission requires. Upon receipt of such a complaint, the Tennessee Human Rights Commission shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (3), the Tennessee Human Rights Commission shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Tennessee Human Rights Commission decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the Tennessee Human Rights Commission who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(2) A complaint under subsection (1) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Tennessee Human Rights Commission, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty days after a complaint is filed with the Tennessee Human Rights Commission has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Tennessee Human Rights Commission will assist in this filing.

(4) If the Tennessee Human Rights Commission has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complaint.

(6) Whenever an action filed by an individual shall come to trial, the Tennessee Human Rights Commission shall immediately terminate all efforts to obtain voluntary compliance. (Ord. #220, § 10, May 1996)

9-611. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the Tennessee Human Rights Commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however, that the Tennessee Human Rights Commission first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Tennessee Human Rights Commission may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court of the district in which the investigation is taking place. The Tennessee Human Rights Commission may administer oaths.

(2) Upon written application to the Tennessee Human Rights Commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Tennessee Human Rights Commission to the same extent and subject to the same limitations as subpoenas issued by the Tennessee Human Rights Commission himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoena of the Tennessee Human Rights Commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five days after service of a subpoena upon any person, such person may petition the Tennessee Human Rights Commission to revoke or modify the subpoena. The Tennessee Human Rights Commission shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the Tennessee Human Rights Commission or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Tennessee Human Rights Commission shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Tennessee Human Rights Commission, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Tennessee Human Rights Commission pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(7) The Tennessee Human Rights Commission Attorney shall conduct all litigation in which the Tennessee Human Rights Commission participates as a party or amicus pursuant to this chapter. (Ord. #220, § 11, May 1996)

6-912. Enforcement by private persons. (1) The rights granted by sections 9-603, 9-604, 9-605, and 9-606 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought to this section or section 9-610(4) from time to time before bringing it to trial or renting dwellings; or

(2) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities; or

(b) affording another person or class of or opportunity or protection so to participate, or

(3) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and, if bodily injury results, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results, shall be subject to imprisonment for any term of years or for life. (Ord. #220, § 12, May 1996)