

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. YARD SALES.
3. TAXICABS.
4. CABLE TELEVISION.
5. SPECIAL EVENTS.
6. PAIN MANAGEMENT AND METHADONE CLINICS.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.²

SECTION

- 9-101. Definitions.
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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 goes from dwelling to dwelling, business to

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

²Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: § 11-501.

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 as those terms are defined below.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions 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, for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars (\$10.00), No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one (1) of the following conditions:

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

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

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

(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 premises and exhibits stocks of merchandise to the public for the purpose of

¹State law references

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

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

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 replaced by Ord. #12-26, Jan. 2017)

9-102. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. (as replaced by Ord. #12-26, Jan. 2017)

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. (as replaced by Ord. #12-26, Jan. 2017)

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city recorder 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. All solicitors, including the applicant, shall be required to present to the city recorder a state driver's license or state issued identification containing a photograph of all solicitors. No one will be granted a permit to go door-to-door that is not at least eighteen (18) years of age.

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

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

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

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

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

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of one hundred dollars (\$100.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, if a fee is required, the recorder shall submit to the Rockwood Police Department the application that contains the information for all solicitors that will be operating under that permit. No permit shall be issued until after the Rockwood Police Department submits a report on each solicitor. If the permit is approved, the city shall issue a lanyard to each solicitor containing a city identification, the signature of the city recorder and the date of expiration of the permit. All solicitors must wear the lanyard with identification at all times while soliciting.

(4) Submission of application form to chief of police. Immediately after an application is submitted to the city, the recorder shall submit the permit form to the police department. The police department shall investigate each applicant and solicitors who will be operating under the permit. A report shall be submitted to the recorder prior to any permit being issued.

(5) Reasons for denial of application. A permit application may be denied to any or all of the solicitors/peddlers for the following reasons: any misrepresentation or fraudulent statement of the application, previous conviction for fraud, sex offenses, robbery, burglary, assault, murder, drugs or any similar offense not listed here that the police department reports is of concern for issuing a permit to a solicitor/peddler. (as replaced by Ord. #12-26, Jan. 2017)

9-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, 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 replaced by Ord. #12-26, Jan. 2017)

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. (as replaced by Ord. #12-26, Jan. 2017)

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. The wearing of a lanyard with a city identification, signature and permit expiration is also required. (as replaced by Ord. #12-26, Jan. 2017)

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 complaints by city residents of harassment or high pressure tactics, or new information indicating past or previous convictions of any item listed in § 9-104(5).

(b) Any violation of this chapter.

The suspension or revocation of a permit by the recorder shall be effective immediately and the solicitor/peddler shall cease all operations within the city immediately upon presentment of the order of the repeal. Failure of the solicitor/peddler to cease operations shall be considered a violation of the codes of laws of the City of Rockwood and shall be punishable as other violations of this code.

(2) Suspension or revocation or refusal to issue a permit hearing by the city council. If the permit issued or requested by any person or organization

under this chapter is refused, suspended or revoked by the recorder, the suspension may be appealed to city council. Such an appeal must be made by the permit applicant that was suspended and must contain information as to why the recorder was in error in suspending, revoking, or refusing to issue a permit. (as replaced by Ord. #12-26, Jan. 2017)

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. (as replaced by Ord. #12-26, Jan. 2017)

9-110. Violation and penalty. In addition to any other action the city may take against a permit holder and his/her agents in violation of this chapter, such violation shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation occurs shall constitute a separate offense. (as replaced by Ord. #12-26, Jan. 2017)

CHAPTER 2

YARD SALES

SECTION

9-201. Regulations.

9-201. Regulations. Regulations governing yard sales within the City of Rockwood shall be governed by Ordinance #706, titled "Zoning Ordinance, Rockwood, Tennessee," and any amendment thereto.¹

¹Ordinance #706, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

TAXICABS¹

SECTION

- 9-301. Taxicab franchise and privilege license required.
- 9-302. Requirements as to application and hearing.
- 9-303. Liability insurance required.
- 9-304. Revocation or suspension of franchise.
- 9-305. Mechanical condition of vehicles.
- 9-306. Cleanliness of vehicles.
- 9-307. Inspection of vehicles.
- 9-308. License and permit required for drivers.
- 9-309. Qualifications for driver's permit.
- 9-310. Revocation or suspension of driver's permit.
- 9-311. Drivers not to solicit business.
- 9-312. Parking restricted.
- 9-313. Drivers to use direct routes.
- 9-314. Taxicabs not to be used for illegal purposes.
- 9-315. Miscellaneous prohibited conduct by drivers.
- 9-316. Transportation of more than one passenger at the same time.

9-301. 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 city and has a currently effective privilege license. (1970 Code, § 5-301)

9-302. 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 city council; and make a recommendation to either grant or refuse a franchise to the applicant. The city council shall

¹Municipal code reference
Privilege taxes: title 5.

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 council 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. (1970 Code, § 5-302)

9-303. 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 one hundred thousand dollars (\$100,000.00) for bodily injury or death to any one person, three hundred thousand dollars (\$300,000.00) for injuries or death to more than one person which are sustained in the same accident, and fifty thousand dollars (\$50,000.00) for property damage resulting from any one accident. The required insurance shall inure to the benefit of the city and any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a taxicab owner, operator, or driver. The insurance policy or bond 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 or surety to the recorder of the city. (1970 Code, § 5-303, modified)

9-304. Revocation or suspension of franchise. The city council, after a public hearing, may revoke or suspend any taxicab franchise for repeated violations of this chapter or the traffic laws of the city by the taxicab owner or his drivers. (1970 Code, § 5-304)

9-305. Mechanical condition of vehicles. It shall be unlawful for any taxicab to operate in the city unless it is equipped with proper four (4) wheel brakes, front and rear lights, 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. (1970 Code, § 5-305)

9-306. Cleanliness of vehicles. All taxicabs operated in the city 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 some suitable antiseptic solution. (1970 Code, § 5-306)

9-307. Inspection of vehicles. It is hereby required that 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. (1970 Code, § 5-307)

9-308. 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 taxicab driver's permit shall contain a good description of the driver; shall also contain his picture; and, shall at all times be conspicuously displayed by him in any taxicab he is driving. (1970 Code, § 5-308)

9-309. 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.
- (2) Is eighteen (18) years old or over and holds a state special chauffeur's license.
- (3) Is of sound physique, with good eyesight 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 city 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, or driving under the influence of an intoxicant or drug.
- (7) Is familiar with the state and local traffic laws. (1970 Code, § 5-309)

9-310. Revocation or suspension of driver's permit. The city council, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of this chapter or for repeated violations of the traffic laws of the city. (1970 Code, § 5-310)

9-311. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage for their cabs. (1970 Code, § 5-311)

9-312. 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. This shall also mean that taxicabs are prohibited from parking at parking meters. 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 interfere with or obstruct other traffic and provided the passenger loading and/or discharging is promptly accomplished. Taxicabs may park at meters after meter hours. (1970 Code, § 5-312)

9-313. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1970 Code, § 5-313)

9-314. 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. (1970 Code, § 5-314)

9-315. 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 city in any way. (1970 Code, § 5-315)

9-316. 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 the latter. Furthermore, no more than five (5) passengers shall be carried in the same vehicle at any one time and not more than two (2) passengers shall be seated on the front seat of any cab while the same is in motion. (1970 Code, § 5-316)

CHAPTER 4

CABLE TELEVISION

SECTION

9-401. To be furnished under franchise.

9-401. To be furnished under franchise. Cable television shall be furnished to the City of Rockwood and its inhabitants under franchise granted to Comcast by the mayor and councilmen of the City of Rockwood, Tennessee. The rights, powers, duties and obligations of the City of Rockwood and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #960 dated October 18, 1993, in the office of the city recorder.

CHAPTER 5

SPECIAL EVENTS

SECTION

9-501. Special event permit required.

9-502. Permit application.

9-503. Rules or regulations.

9-504. Consideration for issuance; denial.

9-505. Restrictions and conditions.

9-506. Prohibited conduct.

9-501. Special event permit required. No special event, including parades, demonstrations, concerts, fairs, marches, assemblages, or other gatherings, shall be held upon any city street, sidewalk, park, or other public area of the city unless a permit is first obtained for such event. (as added by Ord. #11-1137, Nov. 2010)

9-502. Permit application. Application to conduct a special event shall be made to the city, in writing, by the person or persons in charge or responsible therefore. All applications for special event permits shall be made at least ten (10) business days prior to the date on which the special event is sought to be held, unless the city council waives the time requirement for good cause shown. Such application shall set forth the following information:

(1) The name, address and telephone number of the person requesting the permit.

(2) The name and address of the organization or group involved.

(3) The name, address and telephone number of the person who will act as director or person in charge of the special event and be responsible for the conduct thereof.

(4) The purpose of the event and the number of persons expected to attend.

(5) The date the event is to be conducted and the hours it will commence and terminate.

(6) The specific assembly and dispersal locations, and specific route plans, if any.

(7) Detailed description of the activities that will take place for the event. (as added by Ord. #11-1137, Nov. 2010)

9-503. Rules or regulations. The city is hereby authorized to promulgate rules and/or regulations, not in conflict with this ordinance, to supplement and specify in more detail, requirements relating to special events, provided that such rules or regulations are approved by the city council. Failure to observe any rule or regulation adopted pursuant to this section shall be a violation of this ordinance. (as added by Ord. #11-1137, Nov. 2010)

9-504. Considerations for issuance; denial. In determining whether to approve a special event permit the city may consider any factors reasonably deemed relevant for the proposed event including, but not limited to, the following:

(1) Whether the event requires a certificate of insurance naming the city as additionally insured in the minimum amount of one million dollars (\$1,000,000.00) general liability insurance.

(2) Whether the event requires a hold harmless/facility use agreement form to be signed by the person or organization in charge.

(3) Whether the special event appears to be held for any unlawful purpose.

(4) Whether it appears the special event may be conducted in a manner so as to cause a breach of the peace.

(5) Whether the special event will unnecessarily interfere with the public use of the streets, sidewalks, parks and/or other public areas.

(6) Whether the special event would, in any way, be detrimental to the public health, safety and welfare.

Denials of requests for a special event permit shall be made in writing, setting forth the reasons for such denial. (as added by Ord. #11-1137, Nov. 2010)

9-505. Restrictions and conditions. The permit evidencing approval under this ordinance may include reasonable time, place and manner restrictions as a condition to granting any permit if such restrictions are reasonable and necessary for the protection of the public health, safety and welfare. (as added by Ord. #11-1137, Nov. 2010)

9-506. Prohibited conduct. (1) No person shall knowingly participate in a special event for which no permit has been obtained.

(2) No person shall continue to organize, or participate in the further planning or organizing, of a special event that is conducted without a permit after a permit has been denied.

(3) No person in a position of influence or control over a special event shall allow any activity not described in the permit application.

(4) No person shall violate any condition of a special event permit. (as added by Ord. #11-1137, Nov. 2010)

CHAPTER 6

PAIN MANAGEMENT AND METHADONE CLINICS

SECTION

- 9-601. Definitions.
- 9-602. License required.
- 9-603. Application for license.
- 9-604. Standards for issuance of license.
- 9-605. Permit required.
- 9-606. Fees.
- 9-605. Display of license or permit.
- 9-608. Renewal of license or permit.
- 9-609. Revocation of license or permit.
- 9-610. Inspections.
- 9-611. Penalties and prosecution.
- 9-612. Invalidity of part.

9-601. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(1) "Applicant" owner of clinic who has submitted or is in the process of submitting an application.

(2) "Methadone treatment clinic or facility" means a licensed facility for counseling of patients and the distribution of methadone for out-patient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the Rockwood Zoning Ordinance.

(3) "Pain management clinic" means a privately owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve (12) month period. A pain clinic does not include a hospital, medical or dental school, nursing school, physician assistant program, outpatient clinic or hospital or clinic operated by the federal government. (as added by Ord. #1154, March 2012)

9-602. License required. From and after the effective date of this chapter, no methadone clinic or pain management clinic shall be operated or maintained in the City of Rockwood without first obtaining a license to operate issued by the City of Rockwood.

(1) A license may be issued for one (1) methadone or pain management clinic located at a fixed and certain place.

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

(3) Any existing methadone or pain management clinics at the time of the passage of this article must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty (120) day period, then such existing methadone or pain management clinic shall cease operations.

(4) No license may be issued for any location unless the premises are lawfully zoned for methadone or pain management clinics and unless all requirements of the zoning ordinance are met. (as added by Ord. #1154, March 2012)

9-603. Application for license. (1) Any person, partnership, or corporation desiring a license shall make application to the Police Chief of the City of Rockwood. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

(1) The application for a license shall be upon a form provided by the police chief. The application shall include the following information under oath:

(a) Name and addresses.

(b) Valid unrestricted license to operate such clinic.

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

(d) Demonstrate that all applicable state requirements are met.

(e) A completed questionnaire that addresses the services offered, evaluation methods, treatment methods, the business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application, patient billing procedures, types of controlled substances that will be dispensed and standards implemented to ensure patient quality care.

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

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

(h) When applicable, proof for a dispenser of controlled substances that compliance with the Tennessee Controlled Substance Database has been met.

(2) Within ten (10) days of receiving the results of the investigation conducted by the Rockwood Police Department, the police chief shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the police chief shall make a formal recommendation to the City of Rockwood City Council for the granting of a permit or denial of the

permit. The City of Rockwood City Council shall then consider the application at their regular meeting and make a decision on the application. Following this decision, the police chief shall advise the applicant in writing whether the application was granted or denied and the basis for the decision. All licenses shall further be held pending review/action of the board of zoning appeals.

(3) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action.

(4) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or refusal to submit required information and shall be grounds for denial thereof by the police chief. (as added by Ord. #1154, March 2012)

9-604. Standards for issuance of license. To receive a license to operate a methadone or pain management clinic, an applicant must meet all state licensing and certification requirements pertaining to such clinic. (as added by Ord. #1154, March 2012)

9-605. Permit required. In addition to the license requirements previously set forth for owners and operators of such clinics, no clinic shall begin operations without first obtaining a valid permit issued by the building inspector. (as added by Ord. #1154, March 2012)

9-606. Fees. The following fees shall apply to all methadone and pain management clinics within the corporate limits:

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

(2) A permit fee of one hundred dollars (\$100.00) shall be submitted with the application for a permit. If the application is denied; one-half (1/2) of the fee shall be returned. (as added by Ord. #1154, March 2012)

9-607. Display of certificate, license and permit. All applicable state certifications, medical licenses, city license and city permit shall be displayed in a conspicuous public place in the clinic. (as added by Ord. #1154, March 2012)

9-608. Renewal of license. (1) Every license issued pursuant to this chapter will terminate at the expiration of two (2) years from date of issuance, unless revoked, and must be renewed before operation is allowed in the subsequent years.

(2) Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the

operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the city council.

(3) A license renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned. (as added by Ord. #1154, March 2012)

9-609. Revocation of license or permit. The police chief shall revoke a license or permit for any of the following reasons:

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

(2) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the city council pursuant to this chapter.

(3) The owner and/or operator becomes ineligible to obtain the required license from the applicable board.

(4) Applicable state certification is denied or revoked.

(5) Any cost or fee required to be paid by this chapter is not paid. (as added by Ord. #1154, March 2012)

9-510. Inspections. Any law enforcement or code enforcement officer is authorized access to inspect any facility registered under this chapter for proof of registration, at any reasonable hour, without notice. Nothing in this chapter shall be read to limit the authority of law enforcement in any matter as relates to the authority to conduct criminal investigations. (as added by Ord. #1154, March 2012)

9-611. Penalties and prosecution. Any person, partnership, corporation, or other business entity that is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license. Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (as added by Ord. #1154, March 2012)

9-512. Invalidity of part. Should any court of competent jurisdiction declare any section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this chapter. (as added by Ord. #1154, March 2012)