

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. POOL ROOMS.
6. CARNIVALS.
7. CABLE TELEVISION.
8. WRECKER SERVICE STANDARDS MANUAL.
9. ADULT-ORIENTED ESTABLISHMENTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. "Going out of business" sales.
- 9-102. Sale of coal.
- 9-103. Skating rinks.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1975 Code, § 5-103)

9-102. Sale of coal. It shall be unlawful for any person, firm, partnership, or corporation to operate a coal truck within the corporate limits of the City of LaFollette without first having the name of the firm printed in a conspicuous place on such vehicle. The driver of every vehicle hauling coal shall

¹Municipal code references

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

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

have on his person a correct weight bill showing the exact amount of coal contained in the vehicle. (1975 Code, § 5-101)

9-103. Skating rinks. (1) It shall be unlawful for any person, firm, or corporation to maintain or operate within the corporate limits of the City of LaFollette any skating rink without first obtaining a permit from the recorder of the city.

(2) "Skating rink" shall mean any structure located within a building, tent, or pavilion where skating is permitted.

(3) It shall be unlawful for any person, firm, or corporation to maintain or operate such skating rink, or permit same to be operated or maintained, in any place other than a building.

(4) Any person, firm, or corporation making application for a permit shall give the recorder the name and address of the applicant and the place where the skating rink is to be placed, maintained, and operated; and, if the skating rink is to be operated in connection with any other business, the character of such other business.

(5) Each applicant shall pay to the city the sum of \$10.00 for each permit and it shall be renewed annually.

(6) The recorder shall cause to be investigated the statements as set forth in each application.

(7) The recorder may, in the exercise of his sound discretion, if he deems that the applicant for a permit is not of good moral character, deny the permit. He may likewise deny the permit if the place of business wherein the skating rink is to be operated might become a public nuisance.

(8) The recorder is hereby given the power to revoke any such permit, subject to the approval of a majority of the city council, if in his opinion it is deemed necessary for the protection of minors or any member of the public.

(9) The chief of police, with the concurrence of a majority of the city council shall set the hours during which a skating rink shall be permitted to operate.

(10) It shall be unlawful for said skating rink to be operated in such a manner as to annoy adjoining property owners or tenants or persons on public streets by permitting obnoxious noise to emit from skates or musical devices. (1975 Code, § 5-102)

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Loud noises and speaking devices.
- 9-207. Use of streets.
- 9-208. Exhibition of permit.
- 9-209. Policemen to enforce.
- 9-210. Revocation or suspension of permit.
- 9-211. Reapplication.
- 9-212. Expiration and renewal of permit.
- 9-213. Violation and penalty.

9-201. Permit required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1975 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable 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 bona fide charitable, religious, patriotic or philanthropic organizations. (1975 Code, § 5-202)

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

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.

¹Municipal code reference
Privilege taxes: title 5.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

(6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility.

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

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

(10) At the time of filing the application, a fee of thirty dollars (\$30.00) shall be paid to the city to assist in paying the cost of investigating the facts stated therein. (1975 Code, § 5-203, as amended by Ord. #595-1, Jan. 1998)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1975 Code, § 5-204)

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

officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1975 Code, § 5-205)

9-206. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1975 Code, § 5-207)

9-207. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1975 Code, § 5-208)

9-208. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1975 Code, § 5-209)

9-209. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1975 Code, § 5-210)

9-210. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the city council after notice and hearing, for any of the following causes:

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

(2) Notice of the hearing for revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing,

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1975 Code, § 5-211)

9-211. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1975 Code, § 5-212)

9-212. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1975 Code, § 5-213)

9-213. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to one hundred dollars (\$100) for each offense. Each day a violation occurs shall constitute a separate offense. (Ord. #595-1, Jan. 1998)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

9-301. Charitable solicitations.

9-302. Prerequisites for a permit.

9-303. Denial of a permit.

9-304. Exhibition of permit.

9-301. Charitable solicitations. It shall be unlawful for any person representing or claiming to represent any church, school, or any eleemosynary, charitable, religious, social service or public institution or organization of any kind to solicit money or subscriptions from the general public or to sell tickets or to canvass for advertising space on any program, booklet, pamphlet or other printed matter for the benefit or for the alleged benefit of any such institution or organization without first obtaining a permit therefor from the city administrator, who shall have the authority to issue without any charge or fee for the permit if the purpose thereof is found to be worthy and bona fide after an investigation by the police department. Such organizations however, will notify the city administrator three (3) days prior for sufficient time for investigation before receiving the permit. The city administrator shall have the power to waive the three day waiting period. This section shall not, however, apply to solicitations made at the regular services or meetings of such organizations, but is intended to regulate solicitation for the general public. (1975 Code, § 5-301)

9-302. Prerequisites for a permit. The city administrator shall issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

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

(2) The control and supervision of the solicitation will be under responsible and reliable persons.

(3) The applicant has not engaged in any fraudulent transaction or enterprise.

(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1975 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the city council if he has not been

granted a permit within fifteen (15) days after he makes application therefor. (1975 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1975 Code, § 5-304)

CHAPTER 4

TAXICABS¹

SECTION

- 9-401. Definitions.
- 9-402. Unlawful to operate taxicabs without certificate of public convenience and necessity.
- 9-403. Certificate of public convenience and necessity to be secured from the chief of police.
- 9-404. Liability insurance required.
- 9-405. Revocation of license; appeal.
- 9-406. Rules and regulations.
- 9-407. Fees.
- 9-408. Equipment and requirements for taxicabs.
- 9-409. Permit to drive taxicab required.
- 9-410. Duration of permits; permits to be displayed in taxicabs.
- 9-411. Revocation of drivers' permits.
- 9-412. Fees.
- 9-413. Use of public streets, etc., restricted.

9-401. Definitions. (1) The word "taxicab" as used in this chapter shall include all highway motor vehicles operated as public carriers of passengers for hire primarily within and about the City of LaFollette. Busses operated along fixed or regular routes shall not be deemed to be taxicabs.

(2) The word "owner" when used in this chapter shall be construed to mean any person, firm, or corporation who has the control, direction, maintenance and the benefit of the collection of revenue derived from the operation of taxicabs on or over the streets or public ways of the City of LaFollette, whether as owner, licensee, bailee, or otherwise, except as "driver" as hereinafter defined.

(3) The word "driver" shall be held to include every person in actual charge of the operation of a taxicab, as herein defined, whether as owner, agent, servant, or employee of the "owner" as herein defined. (1975 Code, § 5-401)

9-402. Unlawful to operate taxicabs without certificate of public convenience and necessity. The operation of any taxicab over the streets and ways of the City of LaFollette shall be subject to the conditions, regulations, and restrictions hereinafter set forth, and it shall be unlawful to operate or cause to be operated in the City of LaFollette any such vehicle unless a certificate of

¹Municipal code reference
Privilege taxes: title 5.

public convenience and necessity has been issued to the owner thereof, and unless the conditions, regulations and restrictions herein prescribed are complied with.

It shall be unlawful for the city recorder to issue to any person or persons, firm, or corporation, a license to operate a taxicab as herein defined except upon delivery to him of a certificate of public convenience and necessity issued by the chief of police. (1975 Code, § 5-402)

9-403. Certificate of public convenience and necessity to be secured from the chief of police. No person or persons, firm, or corporation shall hereafter operate a taxicab in the City of LaFollette without having first applied for and received from the chief of police a permit therefor. The permit shall be in the form of a certificate of public necessity and convenience and shall be granted only upon the following conditions and circumstances:

(1) That the necessity and convenience of the public welfare shall require it.

(2) That the ownership of each vehicle is reliably established by the applicant.

(3) That the applicant sets forth his name and address, the trade name under which the applicant does or proposes to do business, the class, seating capacity, design, color, model, and motor number of each vehicle and whether the applicant has been convicted for the violation of any state or municipal law and any other information required by the chief of police. (1975 Code, § 5-403)

9-404. Liability insurance required. No certificate of public necessity and convenience 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 ten thousand dollars (\$10,000.00) for bodily injury or death to any one person, twenty thousand dollars (\$20,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and five thousand dollars (\$5,000.00) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least five (5) days' written notice is given by the insurer to both the insured and the chief of police of the city. (1975 Code, § 5-404)

9-405. Revocation of license; appeal. The chief of police shall have power to revoke any certificate of public convenience and necessity, after hearing upon ten (10) days notice to the holder of the certificate and opportunity being given such holder to be heard, when it has been proved that such certificate holder has discontinued operation or has violated or refused or neglected to observe any of the proper orders, rules or regulations of the chief of police, or has wilfully and persistently violated any ordinance of the City of LaFollette or law of the State of Tennessee, relative to the operation of said vehicle. The holder shall have a

right to appeal from the ruling of the chief of police revoking his permit to the city council. The city council shall hold a public hearing and either reinstate the revoked license or sustain the decision of the chief of police. In all such cases, the decision of the city council shall be final. In event of cancellation of the insurance provided for in § 9-404 and the failure of the assured to provide another policy with like coverage then the license for the taxicab affected shall be ipso facto revoked as of the day the insurance ceases to be in effect. (1975 Code, § 5-405)

9-406. Rules and regulations. The chief of police is authorized and directed to make and enforce such additional rules and regulations not in conflict with the provisions of this chapter as he may deem proper to regulate the operation of motor vehicles transporting persons for compensation. However, no regulation shall be made or enforced which is in conflict with this or any other city ordinance. (1975 Code, § 5-406)

9-407. Fees. When a certificate of public convenience and necessity is issued hereunder, a fee of two dollars (\$2.00) for each vehicle authorized shall be paid to the City of LaFollette. (1975 Code, § 5-407)

9-408. Equipment and requirements for taxicabs. Every taxicab operating on the streets, alleys, and public ways of the City of LaFollette shall at all times be equipped with: a power plant adequate to propel same when loaded over smooth, level pavements at a rate of speed allowed by the ordinances of the City of LaFollette; a muffler; service and emergency brakes; warning devices; lights and rear vision mirror; door opening devices attached to each door of the passenger compartment so that such door may be opened by the passenger from inside the cab without the intervention or assistance of the driver; and such other equipment not herein specifically mentioned but required by state law.

Every taxicab operated in the City of LaFollette shall be kept clean and sanitary and shall be swept and dusted at least once each day. (1975 Code, § 5-408)

9-409. Permit to drive taxicab required. It shall be unlawful for any person to act as "driver" of a taxicab as herein defined or be in charge of such taxicab without having received a permit therefor issued by the chief of police.

Such permits shall be applied for in writing and issued only upon the following circumstances, terms, and conditions:

- (1) That the applicant has obtained a chauffeur's license from the state.
- (2) That the applicant be at least twenty-one (21) years of age.

(3) That the applicant has not been convicted for the violation of any of the criminal laws of the State of Tennessee or the ordinances of the City of LaFollette involving moral turpitude.

(4) That, in opinion of the chief of police after investigation, the applicant is physically and morally fit to drive or operate a taxicab. (1975 Code, § 5-409)

9-410. Duration of permits; permits to be displayed in taxicabs. Each driver's permit shall expire one (1) year from the date of issue. It shall be kept conspicuously displayed in the taxicab operated by the driver at all times. (1975 Code, § 5-410)

9-411. Revocation of drivers' permits. Any driver's permit granted under the terms hereof may be revoked by the chief of police (after notice to the permittee in writing citing him to appear before the chief of police to show cause why his permit should not be revoked) on a showing that said permittee has violated any of the provisions of this chapter; that his chauffeur's license has been revoked by the state or has expired and not been renewed or reissued; or that he has wilfully and/or persistently violated any of the provisions or ordinances of the City of LaFollette; or that he is unfit physically or morally to operate a taxicab. Any person dissatisfied with the decision of the chief of police shall have the right to appeal to the city council whose decision shall be final. (1975 Code, § 5-411)

9-412. Fees. When a permit to drive a taxicab is issued hereunder, a fee of two dollars (\$2.00) shall be paid to the City of LaFollette. (1975 Code, § 5-412)

9-413. Use of public streets, etc., restricted. It is the intent and purpose of this section to require all taxicab owners as herein defined to establish taxi stands and parking grounds for taxi stands off the public streets and alleys of the City of LaFollette, Tennessee.

It shall be unlawful for any taxicab owner or driver to operate any automobile or station wagon for hire within the corporate limits of the city unless he has a taxi stand or parking ground off the public streets and alleys of the city for the regular use of the vehicle.

It shall be unlawful for any taxicab owner or driver to use any part of the public streets or alleys of the city as a taxicab stand for the purpose of parking there to await being hired, or to park there to await a call, or for any other purpose except to discharge passengers, or to wait momentarily for the return of a passenger who has the services of the taxicab engaged.

It shall be unlawful for any taxicab owner to install or maintain a telephone on or over any public sidewalk, street, or alley within the corporate limits for use in connection with his business.

It shall also be unlawful for any person, firm, or corporation engaged in the telephone business to install or maintain, for use in the taxicab business, any telephone on or over any public street, sidewalk or alley of the city. (1975 Code, § 5-413)

CHAPTER 5

POOL ROOMS¹

SECTION

9-501. Hours of operation regulated.

9-502. Minors to be kept out; exception.

9-501. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire during the following hours: Monday through Saturday 12:01 A.M. to 6:00 A.M.; Sunday 12:01 A.M. to 1:00 P.M. and 6:00 P.M. to 12:00 P.M. (Ord. #530, March 1990)

9-502. Minors to be kept out; exception. (Minors for the purpose of this chapter is a person under 21 years of age). Minors shall not be permitted to play on any pool, billiard, or bagatte, located on a premise that engages in the sale of alcoholic beverages. (Ord. #530, March 1990)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 6

CARNIVALS

SECTION

9-601. Guidelines and regulations.

9-602. Applications; approval or rejection by city.

9-601. Guidelines and regulations. Any and all carnivals desiring to operate within the city limits of the City of LaFollette, shall meet the following guidelines and regulations:

(1) Application for permit shall be made fifteen (15) days in advance of set-up operations.

(2) Submitted with application will be a non-refundable cashier check for \$500.00 to cover application fees.

(3) Carnival owner/operator shall provide the name of a local business or organization who will act as a sponsor.

(4) Carnival shall make adequate restroom and refuse collection facilities available.

(5) Carnival shall be responsible for carnival site being left in a clean, sanitary condition on departure.

(6) Carnival own/operators shall submit with the application a list of all employees and their social security numbers.

(7) Carnival owner/operators shall submit with the application a list of all contractor vendors and concession operators and their social security numbers.

(8) As practical as possible a background of the business check will be completed prior to opening or carnival. (Ord. #560, Nov. 1994)

9-602. Applications; approval or rejection by city. The City of LaFollette reserves the right to approve or reject any and all applications for permit based on failure to meet any of the above requirements and for any other reason deemed not to be in the best interests of the City of LaFollette. All approved applications for permits shall be good for a period not to exceed ten (10) days. Reapplications made shall be made at the end of ten (10) days with all rules and regulations to be met, excluding the fifteen (15) day advance application time period in § 9-601(1). (Ord. #560, Nov. 1994)

CHAPTER 7

CABLE TELEVISION

SECTION

9-701. To be furnished under franchise.

9-701. To be furnished under franchise. Cable television service shall be furnished to the City of LaFollette and its inhabitants under franchise as the city council shall grant. The rights, powers, duties and obligations of the City of LaFollette and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #510 dated Nov. 9, 1987, and any amendments, in the office of the city recorder.

CHAPTER 8

WRECKER SERVICE STANDARDS MANUAL

SECTION

- 9-801. Purpose of regulations.
- 9-802. Declaration of policy.
- 9-803. Recovery, towing, and storage standards.
- 9-804. Application procedures for inclusion on the LaFollette Police Department call list.
- 9-805. Establishment of class system and criteria for each class.
- 9-806. Equipment.
- 9-807. Insurance.
- 9-808. Storage facilities.
- 9-809. Annual inspections.
- 9-810. Call and notification procedures.
- 9-811. Service procedures and zone assignments.
- 9-812. Tow and storage rate.
- 9-813. Complaints.

9-801. Purpose of regulations. To establish policy, procedures and regulations for members of the LaFollette Police Department and towing firms concerning wrecker service standards and to further insure the safe and efficient removal, storage and safekeeping of any and all vehicles being towed and placed into the custody of such wrecker service. (Ord. #98-13, July 1998)

9-802. Declaration of policy. It is the policy of the LaFollette Police Department to establish standards and utilize only those wrecker companies whose equipment, drivers, procedures and services conform to the following rules and regulations. The LaFollette City Council shall be the final authority in all policies, procedures, and regulations governed by this Wrecker Service Standards Manual.

It shall further be the policy of this department to allow any one interested towing corporation, firm, or business an opportunity to submit an application for inclusion on the LaFollette Police Department rotation call list. It should be fully understood by any and all interested parties that inclusion on the department's call list will be strictly governed by the provisions contained in this Wrecker Service Standards Manual. Corporations or firms which find these provisions too stringent may choose not to participate. Nothing in this manual shall be construed as coercion to any business as to whether they choose to participate. (Ord. #98-13, July 1998)

9-803. Recovery, towing, and storage standards. There are many instances in the City of LaFollette involving motor vehicles where the owner or

driver is either incapacitated, unavailable, or unable to make a decision about where their vehicle is to be towed or stored. These instances include, but are not limited to: motor vehicle accidents, abandoned vehicles, incarceration, and disabled motorist unfamiliar with the area.

In all of these cases the motorist have the right to expect the LaFollette Police Department to call a reputable and reliable towing company which possesses adequate equipment and qualified drivers to perform the necessary task. The public also expects the towing company that is called to be financially responsible for any damage which might occur during or after towing, as well as paying a reasonable rate for the services performed by the towing company. It is for these reasons that the LaFollette Police Department has a rotating scheduled wrecker list. The scheduled wrecker is used only in cases where the vehicle owner, driver does not have a specific request.

In all other instances, the owner's request will be honored, when the arrival of such requested wrecker does not exceed a reasonable amount of time and when the vehicle does not present an immediate traffic hazard. Wrecker's which are not on the LaFollette Police Department call list and requested by owner/operator do not have to conform to the provisions of this manual.

The rules and regulations contained herein provide guidance to those operators of towing companies who are, or wish to be, included on the LaFollette Police Department Rotating Schedule Wrecker List, and who are called upon to respond by officers in the performance of their official duties.

The LaFollette Police Department has established these requirements in an effort to ensure that all services, provided by towing companies, requested by this department, are governed by the same standard without partiality. (Ord. #98-13, July 1998)

9-804. Application procedures for inclusion on the LaFollette Police Department call list. (1) Wrecker companies carried on the LaFollette Police Department Rotation Call List must have a City of LaFollette business license, and their storage lot must be located within the city limits of LaFollette.

(2) Wrecker companies carried on the call list must have the required minimum insurance standards and meet other revisions disclosed in this manual.

(3) Any wrecker company which wishes to be included on the LaFollette Police Department call list and has a towing vehicle(s) and driver(s) which meet the standards and criteria set forth in this manual, may submit a request to the chief of police for consideration.

(4) Wrecker company drivers must possess a valid driver license. A commercial driver license will be required when cooperation a class vehicle which requires such (i.e., vehicle with G.V.W.R. in excess of 26,000 lbs). All wrecker companies and their drivers must meet all Tennessee state and federal requirements.

(5) Wrecker company owners, or drivers will not be allowed to participate on the LaFollette Police Department call list, if they have been convicted of a felony. (Ord. #98-13, July 1998)

9-805. Establishment of class system and criteria for each class.

(1) Four (4) distinct wrecker classes have been established and the following criteria must be met for each class for inclusion on the LaFollette Police Department call list.

(2) Class A: For towing passenger cars, pickup trucks, small trailers, etc. This classification also include "wheel lift" type vehicle transporters.

(a) The tow truck chassis shall have a minimum manufacturer's capacity of one (1) ton (10,000 lbs. G.V.W.R.);

(b) Individual boom capacity of not less than four (4) tons;

(c) Two (2) individual power winches each with a pulling capacity of not less than four (4) tons;

(d) A minimum of one hundred (100) feet of 3/8 inch, or larger, cable on each drum;

(e) Wheel lift capable of picking up a passenger car or pickup truck;

(f) Belt type cable tow plate or tow sling to pick up vehicles: cradle or tow plate to be equipped with safety chain;

(g) Dollies;

(h) Wheel lift: wreckers possessing equipment capable of lifting the vehicle by the wheels only, with nothing touching the vehicle body;

(i) Wheel lift wreckers shall meet all Class "A" requirements, excluding the belt type cradle tow plate or tow sling.

(ii) Safety restraint straps (nylon straps with ratchets or the equivalent), shall be provided to secure the towed vehicle tires into the wheel lift forks.

(3) Class B: For towing medium size trucks, trailers, etc.

(a) The tow truck chassis shall have a minimum manufacturer's capacity of one and one half (1½) tons (18,000 G.V.W.R.).

(b) Boom specifications:

(i) Double boom so constructed as a permit splitting; each boom to operate independently or jointly; individual boom capacity of no less than (8) tons; or,

(ii) Single boom with no less than a sixteen (16) capacity and power winch pulling capacity of no less than sixteen (16) tons;

(c) Two hundred (200) feet, or more of 7/16 inch, or larger, cable on each drum;

(d) Cradle tow plate or tow sling to pick up vehicle; cradle of tow plate to be equipped with safety chain;

(4) Class C: For towing large truck, road tractors and trailers.

- (a) The tow truck chassis shall have a minimum manufacturer's capacity of not less than three (3) tons (30,000 G.V.W.R.).
- (b) Boom specifications:
 - (i) Double boom so constructed as to permit splitting; each boom to operate independently or jointly; individual boom capacity of no less than twelve and one-half (12½) tons; or
 - (ii) Single boom with no less than a twenty-five (25) ton capacity and a power winch pulling capacity of no less than twenty-five (25) tons;
- (c) Two hundred (200) feet or more of 9/16 inch, or larger, cable on each drum;
- (d) Airbrakes so constructed as to lock wheels automatically upon failure;
- (5) Class D: Vehicle transporters designed to tow or carry passenger cars, pickup trucks, small trailer, etc. This classification includes "car carriers" or "rollback" type vehicle transporters.
 - (a) Car carrier vehicle transporters;
 - (i) The truck chassis shall have minimum manufacturer's capacity of one (1) ton (10,000 lbs. G.V.W.R.);
 - (ii) Lift cylinders:
 - (A) Two (2) with a minimum three (3) inch bore each; or,
 - (B) One (1) with a minimum five and one-half inch bore;
 - (iii) Individual power winch pulling capacity of not less than (4) tons;
 - (iv) Fifty (50) feet or more of 5/16 inch or larger cable on winch drum;
 - (v) Two (2) safety chains for securing vehicle to carrier bed;
 - (vi) Carrier bed shall be a minimum of sixteen (16) feet in length and a minimum of eighty-four (84) inches in width inside of side rails;
 - (vii) Cab protector, constructed of solid steel or aluminum, that extends to a height of four (4) feet above the floor or to a height at which it blocks the forward movement of the bumper of the vehicle being towed. (Ord. #98-13, July 1998)

9-806. Equipment. (1) Wrecker companies shall be responsible for carrying the equipment necessary for removal of glass and other debris from

highways following each accident. The wrecker operator is responsible for utilizing the equipment for such removals.¹

(2) Emergency equipment:

(a) At least one (1) functional, amber-colored, rotor beam or strobe type light shall be permanently mounted on the top of the wrecker. No other color will be approved by the department. All emergency flashers and directional lights showing to the front must be amber in color.

(b) Amber lights shall be fully activated when the wrecker operator feels the wrecker poses a hazard to the traffic.

(c) Sirens on wrecker or service trucks are prohibited.

(3) Additional equipment required:

(a) At least one (1) heavy-duty broom;

(b) Flood lights mounted at a height sufficient to illuminate the scene at night;

(c) One (1) shovel;

(d) One (1) ax;

(e) One (1) pinchbar, prybar, or crowbar;

(f) One (1) set of bolt cutters;

(g) Minimum of one (1) fully charged, 20 lb. fire extinguisher having an Underwriters Laboratory rating of four (4) A:B:C: or more. The fire extinguisher must be securely mounted on the vehicle;

(h) Fluid absorption compound;

(i) At least three (3) flares or three (3) red emergency reflector;

(4) The appearance of wreckers shall be reasonably good with equipment painted.

(5) All tow trucks shall display the company's name and address. Such information shall be painted on, or permanently affixed, to both sides. All lettering shall be at least three (3) inches high. Magnetic signs will not be permitted. (Ord. #98-13, July 1998)

9-807. Insurance. (1) Each towing company assumes the liability for personal injury or property damage resulting from an employee's intentional or negligent act(s) from the time contact is made with any vehicle to be towed. Each towing company assumes full liability for all items of value in the vehicle.

(2) Each towing company shall maintain the following policies if insurance according to the minimum limits set forth in this section. Each policy shall be in the name of the towing company, or its owner, and shall include coverage for towing and storage. It is not the intent of the department to limit the towing company to the type and amount of insurance required herein.

¹State law reference

Tennessee Code Annotated, § 55-8-180.

(a) Any wrecker service utilized by the LaFollette Police Department shall be properly licensed and insured.

(b) All wrecker and storage facilities shall be inspected by the LaFollette Police Department and a certificate of insurance filed before being placed on the LaFollette Police Department call list.

(c) Insurance must be sufficient to compensate for any loss of or damage to property entrusted to the wrecker company.

(d) Liability coverage must be equal to the minimum amounts specified in this manual. Insurance coverage may be provided in a single policy or separate split policies. Regardless of the type of policy or policies, the total amount of coverage of policy or policies, the total amount of coverage must equal those amounts listed below, per accident.

(i) Minimum vehicle liability amounts:

(A) Class A and D	\$300,000
(B) Class B	\$500,000
(C) Class C	\$750,000

(ii) Minimum garage keepers liability policy for \$25,000 to cover loss by fire, theft, etc.

(iii) Minimum "on-hook" coverage:

(A) Class A and D	\$ 25,000
(B) Class B	\$ 65,000
(C) Class C	\$100,000

(iv) Wrecker companies "on-hook" coverage may be included in the garage keepers liability policy. It may also be provided as a separate policy, dependent upon the underwriter. In any event, both garage keeper's liability and "on-hook" insurance coverage must be carried by the company. The minimum rates established by this manual are in no way intended to limit the amount of coverage deemed appropriate by owners.

(e) Wrecker service operators shall have insurance agents submit an insurance certificate to the designated representative of the LaFollette Police Department.

(3) Insurance renewal:

(a) Certificate of insurance must be submitted to the designated representative of the LaFollette Police Department ten (10) days prior to the renewal date.

(b) Insurance carriers shall notify the designated representative of the LaFollette Police Department immediately if a policy is canceled.

(c) The owner of the wrecker company shall make written notification of any changes in insurance coverage (i.e., changing companies, vehicles, etc.), to the designated representative of the LaFollette Police Department within ten (10) days prior to the change.

(4) Violation of any of the above insurance requirements or regulations shall be cause for suspension or removal from the LaFollette Police Department call list. (Ord. #98-13, July 1998)

9-808. Storage facilities. (1) Wrecker services must be equipped to provide a fenced lot or building for proper, safe, and secure storage.

(a) The storage facility must be located in close proximity to the wrecker service.

(b) The wrecker service shall be responsible for storing, safekeeping, and preventing vandalism of all vehicles and contents towed for the LaFollette Police Department.

(c) The storage facility shall be staffed, or available for access during normal business hours, Monday thru Friday, excluding legal holidays.

(d) When a hold order is placed on a vehicle by a commissioned officer of the LaFollette Police Department for the furtherance of an investigation, the vehicle shall be placed in an area that is not accessible to the general public, in an effort to preserve evidence, until such time that all evidence has been recorded, or retrieved, and the hold on the vehicle is released.

(2) The chief of police will be notified of all vehicles which are towed at the request of the department and have been held over fifteen (15) days.

(3) Violation of any of the above requirements or regulations shall be cause for suspension or removal from the LaFollette Police Department call list. (Ord. #98-13, July 1998)

9-809. Annual inspections. (1) The chief of police shall insure that all wrecker and storage facilities are physically inspected each year. The time of the annual inspection will be established by the chief of police and such inspection will remain valid, but not to exceed, a 12 month period. This does not mean that a re-inspection could not be performed at anytime during this 12 month period should circumstances warrant. This inspection shall include the checking of equipment, driver files, insurance, tow and storage rates and other records necessary to insure that all requirements of this manual are being met.

(a) Current tow and storage rates shall be posted in a conspicuous place at the wrecker company and a copy filed with the chief of police.

(b) A designated representative of the LaFollette Police Department may inspect wrecker companies at any time during normal business hours.

(2) Provisions of this section shall not apply to wreckers which are requested by owner/operator and not on the LaFollette Police Department call list. (Ord. #98-13, July 1998)

9-810. Call and notification procedures. (1) When a member of the LaFollette Police Department is dispatched to an accident, motorist assist, or any other request for assistance, the investigating officer, after determining the need, shall contact the dispatcher. The dispatcher will notify the next scheduled wrecker to respond, provided that the affected parties have not already made contact with a wrecker company of their choice. No wrecker shall remove a wrecked vehicle from the scene without it being investigated by a law enforcement agency.

(a) Calls made to a wrecker company directly from an investigation officer are not acceptable. Requests must be made by a LaFollette Police Department dispatcher.

(b) Officers are not permitted to directly contact wrecker companies by cellular phone in patrol units.

(2) Wreckers shall be available for immediate response twenty-four (24) hour hours a day.

(a) They must respond in a reasonable length of time, as determined by the requesting officer, or the next scheduled wrecker will be called and the first one will lose its turn. Continual slow responses shall be noted and addressed by the designated representative of the LaFollette Police Department.

(b) The responding wrecker(s) must be one displaying the company's name as called by the LaFollette Police Department dispatcher.

(c) Wrecker companies cannot refer a call to another wrecker company or substitute another company's wrecker to avoid losing a turn on the LaFollette Police Department call list.

(d) Operators refusing a call, or failing to respond promptly to a call, may be removed from the call list.

(e) Wrecker companies are restricted to a maximum of two (2) telephone numbers on the LaFollette Police Department call list. "Call waiting" and "call forwarding" are recommended; pagers and beepers are not allowed.

(f) Wrecker operators who fail to answer a call will lose the call. If two (2) consecutive calls are missed on the rotation list, an investigation will be made by the LaFollette Police Department.

(3) If wrecker operators desire to be off-duty for any length of time, they shall inform the LaFollette Police Department dispatcher to avoid losing their turn on the call list. Upon returning, the wrecker operator will be placed back on the rotating list.

(4) Only one (1) wrecker company will be called to any one vehicle accident. If additional equipment or recovery vehicle are needed to adequately complete a tow (i.e., tractor-trailer roll over or difficult auto recovery), the severity of the situation and the estimated response time of additional

equipment will be weighted by the officer at the scene, who will be the deciding authority.

(5) When multiple cars are involved and multiple wreckers are called:

(a) The first wrecker arriving at the scene will tow the car causing the greater traffic hazard which will be determined by the member of the LaFollette Police Department.

(b) If a requested wrecker arrives first, the wrecker will help remove vehicles causing traffic hazard from roadway, then pick up the requested tow.

(c) In the event of an extreme emergency, the investigation officer may request the nearest available scheduled wrecker, or dispatch any class wrecker from the nearest location to expeditiously remove effected vehicles. Should this occur, members will make thorough notations for courses of action taken on the tow in report and inform the dispatcher.

(6) When a wrecker company receives a call for a Class "C" wrecker, it will not effect the wrecker company's status on either the "A," "B," or "D" class lists.

(7) All wreckers shall be prohibited from "chasing" or "running wrecks or break-downs," without a bona fide call from the LaFollette Police Department dispatcher or request from the owner.

(8) Wrecker companies are expressly prohibited from calling LaFollette Police Department dispatcher to determine their place on the call list. Concerns of position or placement on the call list will be addressed by the designated representative of the LaFollette Police Department.

(9) If a wrecker service is at the scene of an accident when the officer arrives without being called by the LaFollette Police Department or person(s) involved, the wrecker service will be sent back by the officer and lose its turn on the LaFollette Police Department call list. (Ord. #98-13, July 1998)

9-811. Service procedures and zone assignment. (1) Wrecker companies will be listed only once on each LaFollette Police Department call list and only in name under which they are qualified in conduction business in this state. The facilities and equipment must meet the standards previously stated in this manual. It is prohibited for a wrecker service operator, conducting business at one location, to receive multiple listings or classification by utilizing a different or fictitious name for trucks operating out of the same location, or out of different locations within the same zone. When two or more corporations are owned by the same individual(s), partnership, or parent corporation, each may have a separate listing only if each towing service has a distinctively separate storage facility and different corporate officers. It is prohibited for two or more wrecker service operators, owned in whole or in part by the same individual, partnership, or parent corporation, to be qualified to operate in the same zone.

(2) All wrecker company operator are expected to be familiar with and comply with all applicable federal regulations and traffic laws of the State of Tennessee.

(3) Wrecker companies shall abide by all rules and regulations as established in this manual.

(4) Wrecker company operators shall not perform repair work on towed vehicles without the owner's written consent.

(5) Wrecker company operators shall transport a vehicle to any location requested by the owner/operator after financial obligations have been finalized.

(6) Personal property contained in a towed vehicle must be released to owners upon their request, unless investigation officer orders otherwise.

(7) Soliciting at the accident scene is prohibited by the owner, operator, or representative of any wrecker company.

(8) In the event that a vehicle is to be held to retrieve evidence (i.e., felony investigation) a hold order may be placed on a vehicle and such order will be honored by the wrecker company.

(9) When no hold order is placed, the vehicle shall be released to the owner, upon proof of ownership and when the necessary financial transactions between vehicle owner and wrecker service are completed.

(10) Violation of any of the above requirements, shall be cause for suspension or removal from the LaFollette Police Department call list, after investigation is made by this department. (Ord. #98-13, July 1998)

9-812. Tow and storage rate. (1) The LaFollette Police Department shall not establish tow and storage rates. However, rates should be consistent with those of competitors in the same geographical area and be fair and equitable to all affected parties.

(2) Rate guidelines:

(a) Current tow and storage rates for all classes shall be posted in a conspicuous place at the tow service and filed with the LaFollette Police Department.

(b) A wrecker operator who uses a Class "B" or Class "C" wrecker to tow a vehicle in a lower classification must charge towing rates equitable to other wreckers towing in that classification.

(c) The vehicle owner/operator shall be responsible for payment of towing and related services prior to delivery or release of the vehicle by the towing company.

(d) The chief of police shall remove from the LaFollette Police Department call list any wrecker company whose tow rates are found to be excessive as a result of an investigation, and do not reflect charges assessed by other wrecker firms for similar services in the same geographical area. (Ord. #98-13, July 1998)

9-813. Complaints. (1) If the owner of a vehicle believes that the vehicle was towed and/or charged unjustly, a complaint may be filed with the designated representative of the LaFollette Police Department.

(a) The designated representative of the LaFollette Police Department shall contact the wrecker service involved and conduct an investigation. The designated representative of the LaFollette Police Department shall forward the complaint with his/her recommendation to the chief of police.

(b) The chief of police will review all correspondence and render a decision.

(c) Any valid complaint will result in suspension from the LaFollette Police Department call list of towing privileges for a period determined by the chief of police. Should this occur, the wrecker service will be notified, in writing, by the chief of police.

(2) Should any wrecker service desire a review of a decision, they shall contact the chief of police.

(a) The chief of police may, at his/her discretion, schedule a meeting to discuss the concerns of the wrecker service and present an explanation of this reasons for the recommended action.

(b) Should the chief of police decision not be agreeable to the wrecker service, they may request that the LaFollette City Council review the case. They will review all relative information and advise the wrecker service of the department's decision.

(3) This policy should not be construed in any way to conflict with state law. (Ord. #98-13, July 1998)

CHAPTER 9

ADULT-ORIENTED ESTABLISHMENTS

SECTION

- 9-901. Definitions.
- 9-902. License required.
- 9-903. Application for license.
- 9-904. Standards for issuance of license.
- 9-905. Permit required.
- 9-906. Application for permit.
- 9-907. Standards for issuance of permit.
- 9-908. Fees.
- 9-909. Display of license or permit.
- 9-910. Renewal of license or permit.
- 9-911. Revocation of license or permit.
- 9-912. Hours of operation.
- 9-913. Responsibilities of the operator.
- 9-914. Prohibitions and unlawful sexual acts.
- 9-915. Penalties and prosecution.
- 9-916. Invalidity of part.
- 9-917. Location restrictions.

9-901. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(1) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult-entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(2) "Adult bookstore" means an establishment having as a substantial or significant portion of its stock and trade in books, films, video cassettes, compact discs, computer software, computer generated images or text, or

magazines and other periodicals or publications or reproductions of any kind which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein.

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

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

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

(6) "Board of mayor and city council" means the Board of Mayor and City Council of the City of LaFollette, Tennessee.

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

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

(9) "Adult-entertainment" means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD rom generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas,

removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

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

(11) "Specified sexual activities" means:

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

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

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

(12) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(i) Human genitals, pubic region;

(ii) Buttocks;

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

(b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered. (as added by Ord. #2002-06, Sept. 2002)

9-902. License required. (1) Except as provide in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the City of LaFollette without first obtaining a license to operate issued by the City of LaFollette.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for them.

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

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

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

(6) No license may be issued for any location unless the premises is lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with. (as added by Ord. #2002-06, Sept. 2002)

9-903. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the Police Chief of the City of LaFollette. 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 clerk and to the applicant.

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

(a) Name and addresses, including all aliases.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation

required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the police chief. (as added by Ord. #2002-06, Sept. 2002)

9-904. Standards for issuance of license. (1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:

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

(ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) The applicant shall not have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(b) If the applicant is a corporation:

(i) All others, directors and stockholders required to be named under § 9-902 shall be at least eighteen (18) years of age.

(ii) No officer, director or stockholder required to be named under § 9-902 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.

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

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

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

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

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

(20) days after the date of the application. (as added by Ord. #2002-06, Sept. 2002)

9-905. Permit required. In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the police chief. (as added by Ord. #2002-06, Sept. 2002)

9-906. Application for permit. (1) Any person desiring to secure a permit shall make application to the police chief. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city clerk and to the applicant.

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

- (a) Name and address, including all aliases.
- (b) Written proof that the individual is at least eighteen (18) years of age.
- (c) All residential addresses of the applicant for the past three (3) years.
- (d) The applicant's height, weight, color of eyes, and hair.
- (e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
- (f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.
- (g) All criminal statutes, whether federal, state or city ordinances violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- (h) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.
- (i) The length of time the applicant has been a resident of the City of LaFollette, or its environs, immediately preceding the date of the application.

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

(3) Within ten (10) days of receiving the results of the investigation conducted by the LaFollette Police Department, the police chief shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional

thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the police chief shall advise the applicant in writing whether the application is granted or denied.

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

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the police chief. (as added by Ord. #2002-06, Sept. 2002)

9-907. Standards for issuance of permit. (1) To receive a permit as an employee or entertainer, an applicant must meet the following standards:

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

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

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

(2) No permit shall be issued until the LaFollette Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the police chief not later than twenty (20) days after the date of the application. (as added by Ord. #2002-06, Sept. 2002)

9-908. Fees. (1) A license fee of five hundred dollars (\$500.00) shall be submitted with the application for a license. If the application is denied, one-half (½) 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 (½) of the fee shall be returned. (as added by Ord. #2002-06, Sept. 2002)

9-909. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the LaFollette Police Department, or any person designated by the board of mayor and council. (as added by Ord. #2002-06, Sept. 2002)

9-910. Renewal of license or permit. (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city clerk and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and council.

(2) A license renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (½) of the total fees collected shall be returned.

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

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

(5) A permit renewal fee of one hundred dollars (\$100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars (\$50.00) shall be assessed against the applicant who

files for renewal less than sixty (60) days before the license expires. If the application is denied one-half (½) of the fee shall be returned.

(6) If the LaFollette Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the police chief. (as added by Ord. #2002-06, Sept. 2002)

9-911. Revocation of license or permit. (1) The police chief shall revoke a license or permit for any of the following reasons:

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license. (as added by Ord. #2002-06, Sept. 2002)

9-912. Hours of operation. (1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Mondays through Saturdays, and between the hours of 1:00 A.M. and 12:00 P.M. on Sundays.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the LaFollette Police Department, the Campbell County Sheriff's Department, or such other persons as the board of mayor and council may designate. (as added by Ord. #2002-06, Sept. 2002)

9-913. Responsibilities of the operator. (1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the board of mayor and council. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

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

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

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

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

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

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

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

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

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

This adult-oriented establishment is regulated by the City of LaFollette Municipal Code. Entertainers are:

1. Not permitted to engage in any type of sexual conduct;
2. Not permitted to expose their sex organs;
3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion. (as added by Ord. #2002-06, Sept. 2002)

9-914. Prohibitions and unlawful sexual acts. (1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or

entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

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

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

(4) No entertainer, employee or customer shall be permitted to have any physical contact with any other on the premises during any performance and all performances shall only occur upon a stage at least eighteen (18) inches above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer. (as added by Ord. #2002-06, Sept. 2002)

9-915. Penalties and prosecution. (1) Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (as added by Ord. #2002-06, Sept. 2002)

9-916. 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 so declared unconstitutional, and shall not affect any other section, clause or provision of this chapter. Districts provided that the adult oriented businesses may not be operated within: (as added by Ord. #2002-06, Sept. 2002)

9-917. Location restrictions. Adult-oriented businesses shall be permitted in industrial districts provided that the adult-oriented businesses may not be operated within.

(1) One thousand (1,000) feet measured from property line to property line, of a school or educational or school related facility, church or religious or church related or church operated facility, public or other recreation facility, or a not for profit educational or scientific facility, or a cemetery, or a licensed day care facility, or a day-care drop off facility recognized by the State of Tennessee;

(2) One thousand (1,000) feet, measured from property line to property line, or a boundary of a residential zone;

(3) One thousand (1,000) feet, measured from property line to property line, of another adult-oriented business establishment. (as added by Ord. #2002-06, Sept. 2002)