

**TITLE 9**

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

**CHAPTER**

1. TAXICABS.
2. CABLE TELEVISION.
3. SEXUALLY ORIENTED BUSINESSES.
4. GARAGE OR YARD SALES.

**CHAPTER 1**

**TAXICABS**

**SECTION**

- 9-101. Definitions.
- 9-102. Permit required.
- 9-103. Application requirements.
- 9-104. Name displayed on taxicab.
- 9-105. Mechanical condition of vehicles.
- 9-106. Bond or liability policy required.
- 9-107. Permits are non-assignable.
- 9-108. License required for drivers.
- 9-109. Revocation of license.
- 9-110. Violation and penalty.

**9-101. Definitions.** (1) "Taxicab" as used in this chapter, means any and all vehicles carrying passengers for hire, except motor busses or motor coaches operated by bus lines over designated routes in and through said city.

(2) "Conducting a taxicab business" as used in this chapter shall be held to mean the use of one or more taxicabs within the corporate limits of the City of Lawrenceburg, Tennessee, by the owner thereof, for the purpose of carrying passengers for hire, either by driving the same himself or having the same driven by some other person, but not operated on a fixed route.

(3) "Person" and all personal pronouns used herein shall be held to apply to and include partnerships, firms, associations, corporations, as well as individuals, and to include male or female. (1999 Code, § 9-201)

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<sup>1</sup>Municipal code references

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

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

**9-102. Permit required.** It shall be unlawful for any person to drive, operate, keep for hire or pay within the limits of Lawrenceburg, Tennessee any taxicab without having first obtained a permit to operate a taxicab or to conduct a taxicab business, and to obtain same from the City Administrator of the City of Lawrenceburg, Tennessee; and without having obtained and paid for a license for operating or keeping for pay or hire, or both, and having same, in force and effect under the provisions of this chapter. Said license referred to here or at other places in this chapter means the privilege license or privilege tax fixed by the Board of Mayor and Council of the City of Lawrenceburg, Tennessee. (1999 Code, § 9-202, modified, and amended by Ord. #1091, March 2012)

**9-103. Application requirements.** Any person, firm, partnership, corporation or association, applying for license to operate a taxicab or conduct a taxicab business in the City of Lawrenceburg, Tennessee, shall make such application in writing under oath to the City Administrator of the City of Lawrenceburg, and shall state thereon the name of the applicant, the intended place of business and the number of taxicabs to be operated, with the makes motor numbers, state license plate numbers, and model of each. If the applicant is a corporation the names and addresses of the president and secretary thereof shall be given.

And no such license shall be issued unless and until the city administrator shall have issued a permit to the applicant giving him permission to operate a taxicab or conduct a taxicab business in the City of Lawrenceburg; and no such permit shall be issued or held by a person who is not a person of good moral character nor shall a permit be issued to any person who has been convicted of a felony, nor shall such permit be issued or held by any corporation if any official thereof shall be ineligible for a permit under the foregoing conditions.

The final decision as to granting or refusing such permit based on proof or lack of proof is to the foregoing qualifications shall be left entirely to the discretion and judgment of the city administrator of said city.

Such permits shall be substantially as follows:

" \_\_\_\_\_ " is granted permission to operate a taxicab or conduct a taxicab business in Lawrenceburg, Tennessee, provided he shall comply with all other provisions of this chapter.

This to be signed by the city administrator of the city. (1999 Code, § 9-203, modified)

**9-104. Name displayed on taxicab.** Each taxicab while in operation shall have the name of the licensee on it in such place and manner as to be readable at a distance of 30 feet. (1999 Code, § 9-204)

**9-105. Mechanical condition of vehicles.** No taxicab shall be operated unless it bears state license plated, and is equipped with proper

brakes, lights, tires, horn, muffler, rear vision mirror and windshield wiper in good condition. It shall be the duty of the chief of police or his designee to inspect or cause to be inspected every taxicab as often as may be necessary to see to the enforcement of the provisions of this section, but at least once a year upon permit renewal or application. (1999 Code, § 9-205, modified)

**9-106. Bond or liability policy required.** No taxicab shall be operated within the City of Lawrenceburg, Tennessee, unless it is covered by a bond or public liability policy of one hundred thousand dollars (\$100,000.00) for the injury or death of one (1) person or three hundred thousand dollars (\$300,000.00) for two (2) or more persons, and fifty thousand dollars (\$50,000.00) property damage resulting from any accident through or by reasons of the operation of such taxicab, and such policy or certificate of insurance shall be approved by the city administrator of said city and filed and left with the city administrator at the time license is requested. Said policies shall not be cancelled or surrendered except on written notice to the city administrator. Failure of any permittee or licensee to procure and file the policies of insurance as required by this section, shall immediately forfeit and make null and void such permit and license and all rights thereunder shall at once cease.

Upon the depositing of such insurance policy with the city administrator, the said city administrator shall, if satisfied that said policy complies in all respects with this chapter, issue receipt therefor showing therein the number of the policy; the name of the company, corporation or association by which issued; the make, color, style and the motor or manufacturers serial number of the vehicle or vehicles covered by such policy. Said receipt shall at all times be either posted or displayed in such vehicle so insured, or be in possession of the chauffeur or driver operating such vehicle so insured while on the streets, alleys, public square, boulevards or other public places and thoroughfares and places of the city, and when called for shall be exhibited by such chauffeur or driver to any officer of the city charged with the enforcement of laws and ordinances of the city and to any person injured or damaged or their agents. When a single policy is filed with the city administrator under this chapter, insuring or covering more than one vehicle, the city administrator shall issue a separate receipt as to each vehicle insured thereunder or covered thereby. (1999 Code, § 9-206, modified)

**9-107. Permits are non-assignable.** Any license or permit issued under the provisions of this chapter shall be non-assignable. (1999 Code, § 9-207, modified)

**9-108. License required for drivers.** No person shall be employed by a taxicab licensee or be permitted by the licensee to drive unless he shall have procured a chauffeur's license in compliance with the state laws; nor shall any

one be employed unless he has the qualifications as set out in § 9-103 hereof. (1999 Code, § 9-208)

**9-109. Revocation of license.** The city administrator upon recommendation of the police chief may revoke any licensee's permit to operate a taxicab or conduct a taxicab business in said city for repeated violation of the traffic laws or ordinances or of any ordinances regulating the conduct of drivers, including any provisions of this chapter. And such permit may be revoked at any time for cause, if the permittee's vehicle shall be used for immoral purposes or in aiding and abetting in immoral conduct or purposes or for a violation of any ordinance of the city or any state law.

It shall be unlawful for any person whose permit or license has been revoked to thereafter operate a taxicab or conduct a taxicab business within the City of Lawrenceburg, Tennessee. (1999 Code, § 9-209, modified)

**9-110. Violation and penalty.** Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction be fined not less than five dollars (\$5.00) for each offense, and not more than state authorized limit for each offense together with all costs. Each separate operation of a taxicab on any trip or part thereof, by any operator of such vehicle, without complying with the provisions of this chapter, shall be considered a separate offense, and be punishable as such. (1999 Code, § 9-210, modified)

**CHAPTER 2**

**CABLE TELEVISION**

**SECTION**

9-201. To be furnished under franchise.

**9-201. To be furnished under franchise.** Cable television service shall be furnished to the City of Lawrenceburg and its inhabitants under franchise as the Board of Mayor and Council shall grant. The rights, powers, duties and obligations of the City of Lawrenceburg and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>1</sup> (1999 Code, § 9-301, modified, and amended by Ord. #1091, March 2012)

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. #813 dated April 28, 1995 in the office of the city recorder.

## CHAPTER 3

### SEXUALLY ORIENTED BUSINESSES

#### SECTION

- 9-301. Purpose and intent.
- 9-302. Definitions.
- 9-303. Classification.
- 9-304. Permit and/or license required.
- 9-305. Issuance of permit and/or license.
- 9-306. Fees.
- 9-307. Inspection.
- 9-308. Expiration of permit and/or license.
- 9-309. Suspension.
- 9-310. Revocation.
- 9-311. Transfer of permit and/or license.
- 9-312. Location restrictions.
- 9-313. Non-conforming uses.
- 9-314. Additional regulations for adult motels.
- 9-315. Regulations pertaining to exhibition of sexually explicit films or videos.
- 9-316. Exterior portions of sexually oriented businesses.
- 9-317. Signage.
- 9-318. Persons younger than eighteen prohibited from entry; attendant required.
- 9-319. Exemptions.
- 9-320. Notices.
- 9-321. Violation.

**9-301. Purpose and intent.** It is the purpose of this chapter to regulate sexually oriented businesses and related activities to promote the health, safety, morals, and general welfare of the citizens of the City of Lawrenceburg, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City of Lawrenceburg. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene materials. (1999 Code, § 9-401)

**9-302. Definitions.** Whenever used in this chapter, the following words or phrases shall have the meanings ascribed to them.

(1) "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(2) "Adult bookstore" or "adult video store." An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films, video cassettes, video reproductions or slides for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters, depicting, describing or relating to specified "sexual activities" or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such material, for sale or rental to patrons therein.

(3) "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment that regularly features:

(a) Persons who appear in a state of nudity; or

(b) Live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(c) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(d) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

(4) "Adult motel" means a hotel, motel or similar commercial establishment that:

(a) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or

(b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

(5) "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are

characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(6) "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(7) "Director" means the chief of police and such employee(s) of the police department as he may designate to perform the duties of the director under this chapter.

(8) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(9) "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

(10) "Establishment" means and includes any of the following:

(a) The opening or commencement of any sexually oriented business as a new business;

(b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(c) The additions of any sexually oriented business to any other existing sexually oriented business; or

(d) The relocation of any sexually oriented business.

(11) "Licensed day-care center" means a facility licensed by the State of Tennessee, whether situated within the city or not; that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for profit or charges for the services it offers.

(12) "Permittee and/or licensee" means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

(13) "Nudity" or a "state of nudity" means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.

(14) "Person" means an individual, proprietorship, partnership, corporation, association, limited liability company, limited liability partnership, or other legal entity.

(15) "Semi-nude" means a state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals, or



female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.

(16) "Sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(17) "Sexually oriented business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(18) "Specified anatomical areas" means less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state even if completely and opaquely covered.

(19) "Specified sexual activities" means and includes any of the following:

(a) The fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breasts;

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(c) Masturbation, actual or simulated; or

(d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

(20) "Substantial enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on December 15, 1995.

(21) "Transfer of ownership or control" of a sexually oriented business means and includes any of the following:

(a) The sale, lease, or sublease of the business;

(b) The transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or

(c) The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control. (1999 Code, § 9-402)

**9-303. Classification.** Sexually oriented businesses are classified as follows:

(1) Adult arcades;

- (2) Adult bookstores or adult video stores;
  - (3) Adult cabarets;
  - (4) Adult motels;
  - (5) Adult motion picture theaters;
  - (6) Adult theaters;
  - (7) Escort agencies;
  - (8) Nude model studios; and
  - (9) Sexual encounter centers.
- (1999 Code, § 9-403)

**9-304. Permit and/or license required.** (1) It shall be unlawful for a person to operate a sexually oriented business without a valid permit and/or license, issued by the city recorder.

(2) An application for a permit and/or license must be made on a form provided by the City of Lawrenceburg. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accurate of plus or minus six inches.

(3) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department and building official.

(4) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for the permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10%) percent or greater interest in the corporation must sign the application for a permit. and/or license as applicant.

(5) The fact that a person possesses other types of state or city permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit and/or license.

(6) Applications for a permit, whether original or renewal, must be made to the city recorder by the intended operator of the enterprise. Applications must be submitted by hand delivery to the office of the city recorder or the city recorder's designee during regular working hours. Application forms shall be supplied by the city recorder. The intended operator shall be required to give the following information on the application form:

(a)(i) The name, street address (and mailing address if different) and Tennessee driver's license number of the intended operator;

(ii) The name and street address (and mailing address if different) of the owner(s).

(b) The name under which the establishment is to be operated and a general description of the services to be provided;

- (c) The telephone number of the establishment;
  - (d) The address, and legal description of the tract of land on which the establishment is to be located;
  - (e) If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the permit is sought, and the date on which the establishment began operations as a sexually oriented business at the location for which the permit is sought; and
  - (f) If the establishment is not in operation, the expected start-up date (which shall be expressed in number of days from the date of issuance of the permit). If the expected start-up date is to be more than ten (10) days following the date of the issuance of the permit, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same.
- (7) The application shall be accompanied by the following:
- (a) Payment of the application fee in full;
  - (b) If the establishment is a Tennessee corporation, a certified copy of the charter, together with all amendments thereto;
  - (c) If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;
  - (d) If the establishment be a limited partnership formed under the laws of Tennessee, a certified copy of the certificate of limited partnership, together with all amendments thereto;
  - (e) If the establishment to a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto;
  - (f) If the establishment be a limited liability company, a certified copy of the certificate of limited liability company and the qualification documents, together with all amendments thereto;
  - (g) If the establishment is a limited liability partnership, a certified copy of the certificate of limited liability partnership and the qualification documents, together with all amendments thereto;
  - (h) If the establishment is a partnership, a certified copy of the partnership agreement, together with all amendments thereto;
  - (i) Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed;
  - (j) If the persons identified as the fee owner(s) of the tract of land in item (f) are not also the owners of the establishment, the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and

possession of the tract or portion thereof that is to be used for the establishment for the purpose of the operation of the establishment;

(k) Any of items (b) through (g), above shall not be required for a renewal application if the applicant states that the documents previously furnished the recorder with the original application or previous renewals thereof remain correct and current.

(8) The application shall contain a statement under oath that:

(a) The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith to be true and correct; and

(b) The applicant has read the provisions of this chapter.

(9) A separate application and permit shall be required for each sexually oriented business. (1999 Code, § 9-404, modified)

**9-305. Issuance of permit and/or license.** (1) The recorder shall approve, based upon a recommendation from the director, the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:

(a) An applicant is under eighteen (18) years of age.

(b) An applicant or an applicant's spouse is overdue in his payment to the City of Lawrenceburg of taxes, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.

(c) An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the application form.

(d) An applicant is residing with a person who has been denied a permit and/or license by the city of operate a sexually oriented business within the preceding twelve (12) months.

(e) The premises to be used for the sexually oriented business have not been approved by the health department, fire department and building official as being in compliance with applicable laws and ordinances.

(f) The permit and/or license fee required by this chapter has not been paid.

(g) An application of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.

(2) The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(3) The health department, fire department and building official shall complete their certification that the premises are in compliance or not in

compliance within twenty (20) days of receipt of the application by the recorder. The certification shall be promptly presented to the recorder.

(4) In the event that the recorder and/or director determines that an applicant is not eligible for a permit, the applicant shall be given notice in writing of the reasons for the denial within forty five (45) days of the receipt of its application by the recorder, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten (10) days at any time before the notice is issued in order to make modifications necessary to comply with this chapter.

(5) An applicant may appeal the decision of the recorder regarding a denial to the Board of Mayor and Council by filing a written notice of appeal with the city administrator within fifteen (15) days after the applicant is given notice of the recorder's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The recorder may submit a memorandum in response to the memorandum filed by the applicant on appeal to the Board of Mayor and Council of the City of Lawrenceburg, Tennessee. After reviewing such memoranda, as well as the recorder's written decision, if any, and exhibits submitted to the recorder, the Board of Mayor and Council shall vote to either uphold or overrule the recorder's decision. Such vote shall be taken within twenty-one (21) calendar days after the date on which the city administrator receives the notice of appeal. However, all parties shall be required to comply with the recorder's decision during the pendency of the appeal. (1999 Code, § 9-405, modified, and amended by Ord. #1091, March 2012)

**9-306. Fees.** The annual fee for a sexually oriented business permit and/or license is five hundred dollars (\$500.00). This fee is to be used to pay for the cost of the administration and enforcement of this chapter. (1999 Code, § 9-406)

**9-307. Inspection.** An applicant, or permittee and/or licensee shall permit representatives of the police department, health department, fire department, building department, or other city or state departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business. (1999 Code, § 9-407)

**9-308. Expiration of permit and/or license.** (1) Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in § 9-305. Application for renewal should be made at least thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected.

(2) When the recorder denies renewal of a license, the applicant shall not be issued a permit and/or license for one year from the date of denial. If,

subsequent to denial, the recorder finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date denial became final. (1999 Code, § 9-408, modified)

**9-309. Suspension.** The recorder shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that permittee and/or licensee or an employee of a permittee and/or licensee has:

- (1) Violated or is not in compliance with any section of this chapter;
- (2) Become impaired or intoxicated through the use of alcoholic beverages while on the sexually oriented business premises;
- (3) Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter;
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises. (1999 Code, § 9-409, modified)

**9-310. Revocation.** (1) The recorder shall revoke a permit and/or license if a cause of suspension in § 9-309 occurs and the permit and/or license has been suspended within the proceeding twelve (12) months.

(2) The recorder shall also revoke a permit and/or license if he determines that:

- (a) A permittee and/or licensee gave false or misleading information in the material submitted during the application process;
- (b) A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (c) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises;
- (d) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;
- (e) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises;
- (f) A permittee and/or licensee is delinquent in payment to the city or state for any taxes or fees past due;
- (g) The owner or operator of the permitted establishment knowingly allowed a person under eighteen (18) years of age to enter an establishment; or
- (h) That there was a change of owner or operator for which a transfer application was not timely filed.

(3) When the recorder revokes a permit and/or license, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date

revocation became effective. If, subsequent to revocation, the recorder finds that the basis for the revocation has been corrected or abated the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date the revocation became effective.

(4) After denial of an application by the recorder and Board of Mayor and Council, or denial of a renewal of an application, or suspension or revocation of a permit and/or license by the recorder, the applicant or licensee or permittee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court. (1999 Code, § 9-410, modified, and amended by Ord. #1091, March 2012)

**9-311. Transfer of permit and/or license.** A permittee and/or licensee shall not transfer his permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license at any place other than the address designated in the application. (1999 Code, § 9-411)

**9-312. Location restrictions.** Sexually oriented businesses shall be permitted in any district Zoned C-2, C-3 or C-4 provided that:

(1) The sexually oriented business may not be operated within 1,000 feet of:

- (a) A church, synagogue or regular place of religious worship;
- (b) A public or private elementary or secondary school;
- (c) A boundary of any residential zoned district;
- (d) A public park;
- (e) A licensed day-care center;
- (f) Another sexually oriented business;
- (g) The property line of a lot devoted to residential use;
- (h) Public library;
- (i) A business licensed to sell beer or alcoholic beverages; or
- (j) Funeral home.

(2) A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.

(3) For the purpose of this chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from and to the nearest lot lines of said premises. (1999 Code, § 9-412)

**9-313. Non-conforming uses.** (1) Any business lawfully operating on the effective date of this chapter that is in violation of the locational or structural configuration requirements of this chapter shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or

voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business that was first established and continually operating at a particular location is the conforming use and the later-established business(es) is non-conforming.

(2) A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed day-care center, public park, or residential district within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked. (1999 Code, § 9-413)

**9-314. Additional regulations for adult motels.** (1) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

(2) It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or sub-rents the same sleeping room again.

(3) For purposes of subsection (2) of this section, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration. (1999 Code, § 9-414)

**9-315. Regulations pertaining to exhibition of sexually explicit films or videos.** (1) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(a) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be



permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches (6"). The recorder may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(b) The application shall be sworn to be true and correct by the applicant.

(c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the recorder or his designee.

(d) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(f) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (e) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.

(g) No viewing room may be occupied by more than one person at any time.

(h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons

are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level.

(i) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises. (1999 Code, § 9-415, modified)

**9-316. Exterior portions of sexually oriented businesses.**

(1) It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

(2) It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this chapter.

(3) It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:

(a) The establishment is a part of a commercial multi-unit center; and

(b) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

(4) Nothing in this chapter shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business. (1999 Code, § 9-416)

**9-317. Signage.** (1) Notwithstanding any other city chapter, code, or regulation to the contrary, it shall be unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided herein.

(2) Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:

(a) Not contain any flashing lights;

(b) Be a flat plane, rectangular in shape;

(c) Not exceed seventy-five (75) square feet in area; and

(d) Not exceed ten (10) feet in height or ten (10) feet in length.

(3) Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.

(4) Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color.

(5) Secondary signs shall have only one (1) display surface. Such display surface shall:

- (a) Be a flat plane, rectangular in shape;
- (b) Not exceed twenty (20) square feet in area;
- (c) Not exceed five (5) feet in height and four (4) feet in width;

and

- (d) Be affixed or attached to any wall or door of the enterprise.

(6) The provisions of item (a) of subsection (2) and subsection (3) and (4) shall also apply to secondary signs. (1999 Code, § 9-417)

**9-318. Persons younger than eighteen prohibited from entry; attendant required.** (1) It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.

(2) It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:

- (a) A valid operators, commercial operator's, or chauffeur's driver's license; or
- (b) A valid personal identification certificate issued by the State of Tennessee reflecting that such person is eighteen (18) years of age or older. (1999 Code, § 9-418)

**9-319. Exemptions.** It is a defense to prosecution under this chapter that a person appearing in a state of nudity did so in a modeling class operated:

(1) By a proprietary school, licensed by the State of Tennessee; a college, junior college, or university supported entirely or partly by taxation;

(2) By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation. (1999 Code, § 9-419)

**9-320. Notices.** (1) Any notice required or permitted to be given by the recorder or any other city office, division, department or other agency under this

chapter to any applicant, operator or owner of an establishment may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit, or transfer application that has been received by the recorder, or any notice of address change that has been received by the recorder. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the recorder or his designee shall cause it to be posted at the principal entrance to the establishment.

(2) Any notice required or permitted to be given to the recorder by any person under this chapter shall not be deemed given until and unless it is received in the office of the recorder.

(3) It shall be the duty of each owner who is designated on the permit application and each operator to furnish notice to the recorder in writing of any change or residence or mailing address. (1999 Code, § 9-420, modified)

**9-321. Violation.** Any person who shall violate any provision of this chapter shall be guilty of an offense against the City of Lawrenceburg punishable by a fine not to exceed state authorized limits. Any person who operates or causes to be operated a sexually oriented business without a valid permit and/or license or otherwise violates this chapter is subject to a suit for injunction. (1999 Code, § 9-421, modified)

## CHAPTER 4

### GARAGE OR YARD SALES

#### SECTION

9-401. Garage sales, yard sales, etc.

**9-401. Garage sales, yard sales, etc.** (1) "Garage sales, yard sales, etc." means the sale or trading of clothing, furniture, household items, food, dishes, antiques or similar goods or merchandise, other than in the normal course of business, or the sale or trading of such goods, as outlined in this definition, by a person not regularly engaged in such business. Such goods or merchandise do not need to be attended for a sale to be deemed to be in existence. The term "yard sale" shall include garage sales, estate sales, carport sales and similar types of sales or events.

(2) Location and manner of yard sale. Yard sales may be held on a lot or parcel of land upon which there is situated a house, apartment or other structure which is utilized primarily for residential purposes. Persons conducting sales held upon vacant lots or upon lots upon which there is situated a structure that is utilized primarily for any use, other than residential purposes must have the express written consent of the owner of the premises.

(3) Number and duration. Yard sales shall be allowed not more than four (4) times in any calendar year for any premises. No sale may run more than three (3) consecutive days. Property may only be displayed between the hours of 5:00 A.M. and 8:00 P.M.

(4) Display area. All displays of yard sale merchandise shall be limited to that portion of the yard area which is at least five feet (5') back from the property line on all sides, and at least ten feet (10') back from any curb or road edge. Displays inside garage and carport areas are permitted. All items must be removed from the yard sale display area at the end of each sale.

(5) Religious and charitable organizations. Religious and charitable organizations may conduct yard sales on the property of the organization or at other locations within the city with the expressed written consent of the owner of the premises where the yard sale is being conducted.

(6) Signage. Yard sale signs located off-premises from the sale should be free standing and shall not be placed on public utility poles, road signs, etc. Signs may be placed on private property with the permission of the property owner. All signage must be removed after the conclusion of the yard sale.

(7) Prohibited acts. No individual, firm, corporation or other partnership shall be permitted to engage in the business of promoting or conducting yard sales for others for a fee or other consideration.

No yard sale shall be held on premises other than the premises of at least one (1) of the persons conducting the yard sale except with the express written consent of the owner of the premises where the yard sale is being conducted.

(8) Enforcement. Any person violating any of the provisions of this chapter shall be guilty of an infraction and upon a first conviction thereof shall be punished by a fine. For second and third convictions, additional fines may be added. (as added by Ord. #1139, Sept. 2014)