

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

9-101. "Going out of business" sales.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1970 Code, § 5-101)

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2**PEDDLERS, ETC.**¹**SECTION**

- 9-201. Permit required.
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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. (1970 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. (1970 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 references
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 five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1970 Code, § 5-203)

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. (1970 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. (1970 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the city in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1970 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the 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. (1970 Code, § 5-207)

9-208. 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. (1970 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1970 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1970 Code, § 5-210)

9-211. 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. (1970 Code, § 5-211)

9-212. 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. (1970 Code, § 5-212)

9-213. 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. (1970 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1970 Code, § 5-301)

9-302. Prerequisites for a permit. The recorder 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. (1970 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. (1970 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. (1970 Code, § 5-304)

CHAPTER 4

TAXICABS¹

SECTION

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

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the city and has a currently effective privilege license. (1970 Code, § 5-401)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the city council; and make a recommendation

¹Municipal code reference
Privilege taxes: title 5.

to either grant or refuse a franchise to the applicant. The city council shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the city council shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1970 Code, § 5-402)

9-403. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12.

The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the city. (1970 Code, § 5-403)

9-404. Revocation or suspension of franchise. The city council, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1970 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the city unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1970 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the city shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1970 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. For each such inspection the chief shall collect a fee of two dollars (\$2.00) and shall issue a certificate of inspection which shall be displayed prominently inside the taxicab. (1970 Code, § 5-407)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1970 Code, § 5-408)

9-409. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the city who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1970 Code, § 5-409)

9-410. Revocation or suspension of driver's permit. The city council, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1970 Code, § 5-410)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage for their cabs. (1970 Code, § 5-411)

9-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and

marked by the city for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1970 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1970 Code, § 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1970 Code, § 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise unreasonably disturb the peace, quiet and tranquility of the city in any way. (1970 Code, § 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1970 Code, § 5-416)

CHAPTER 5

MECHANICAL AMUSEMENT DEVICES, POOL TABLES, ETC.

SECTION

- 9-501. Definitions.
- 9-502. Seal or tag to show serial number.
- 9-503. Special requirements for electrical devices.
- 9-504. Location near playgrounds or schools prohibited; exception.
- 9-505. Noisy operation.
- 9-506. Rules and regulations to enforce chapter.
- 9-507. Machines exempt from chapter.
- 9-508. Permit required.
- 9-509. Filing and contents of application.
- 9-510. Fees.
- 9-511. Approval of application for permits by chief of police; appeals from denials.
- 9-512. Numbering of permits; permit required for each device, location.
- 9-513. Posting of permits.
- 9-514. Transfer of permits prohibited.
- 9-515. Renewal of permit.
- 9-516. Permit suspension or revocation.

9-501. Definitions. As used in this chapter, the following words shall have the following respective meanings:

(1) "Mechanical amusement device" shall mean any machine or device which, upon the insertion of a coin, slug, or token, in any slot or receptacle attached to such machine or connected therewith, operates or which may be operated for use as a game, contest, or amusement, or which may be operated for the playing of music or the exhibition of moving or still pictures, or may be used for any such game, contest, or amusement and which does not contain a payoff device for the use of slugs, money, coins, checks, tokens, or merchandise.

(2) "Owner or operator of a mechanical amuse device" shall mean the person in whose place of business any such mechanical amusement device is placed for the use, amusement, patronage, or recreation of the public or of persons in or about such place.

(3) "Pool tables and billiard tables" are defined to be tables of any size and construction wherein the games of pool, billiards, and similar games are played by the use of a cue stick and balls. (1970 Code, § 5-501)

9-502. Seal or tag to show serial number. Every mechanical amusement device shall have a seal or tag permanently attached thereto showing the serial number of the device. (1970 Code, § 5-502)

9-503. Special requirements for electrical devices. Every mechanical amusement device which is wired for electricity shall have attached thereto a label indicating the name and address of the manufacturer and the voltage and current necessary for the proper operation of such device.

Each portable mechanical amusement device wired for electricity shall be equipped with not more than six (6) feet of electric cord of a type approved by the electrical inspector, and shall be connected to a convenient plug receptacle adjacent to such mechanical amusement device.

Where it is necessary to install electric wiring to a mechanical amusement device location, such wiring shall be installed by a master electrician in accordance with the provisions of the electrical code. (1970 Code, § 5-503)

9-504. Location near playgrounds or schools prohibited; exception. It shall be unlawful for any owner or operator of a mechanical amusement device to cause, permit, or allow the same to be located, operated, or maintained to be operated within 500 feet of the nearest street entrance to or exit from any public playground or private school or elementary or high school grades, such feet to be measured from the entrance of exit in the most direct line or route on, along, or across such street adjacent to such public playground or public or private school. (1970 Code, § 5-504)

9-505. Noisy operation. It shall be unlawful for any person in charge of any mechanical amusement device playing or emitting music or sound to permit such device to be operated in such a manner that the sound created, emitted, or transmitted by the mechanical amusement device is audible to any public street or highway or upon any adjoining premises. (1970 Code, § 5-505)

9-506. Rules and regulations to enforce chapter. The chief of police and the electrical inspector are hereby authorized to adopt, promulgate, and enforce such rules and regulations regarding mechanical amusement devices as will enable the police and the electrical inspector to enforce and carry out the provisions, meanings, and intent of this chapter. (1970 Code, § 5-506)

9-507. Machines exempt from chapter. The provisions of this chapter shall not apply to any machine which, in return for the coin deposited in such device, will deliver the equivalent value of such coin in merchandise; provided that no prize, reward, bonus, or other thing of value is delivered with the merchandise. (1970 Code, § 5-507)

9-508. Permit required. It shall be unlawful for any person to install, operate, or maintain to be operated any mechanical amusement device or pool or billiard tables in the city without having first obtained a permit for each device or table from the chief of police. (1970 Code, § 5-508)

9-509. Filing and contents of application. Application for the permit required by this chapter shall be made to the chief of police on forms provided by him, shall be signed by the applicant, and shall contain the following information and such additional information as is deemed necessary by the chief of police;

- (1) Name and business address of applicant.
- (2) Name and address of the location where the mechanical amusement device or pool or billiard tables are to be placed for operation; the nature of any business or calling being conducted at said location, together with the name of the owner and manager of said business, and if a corporation; and the number of mechanical amusement devices or pool or billiard tables in place or to be placed by the permit holder at that location.

The application may be made for a permit to place more than one (1) mechanical amusement device or pool or billiard table at the same location, but no single application may include more than one (1) location. (1970 Code, § 5-509)

9-510. Fees. A fee shall be charged for each mechanical amusement device or pool or billiard table permit issued. The fee shall be:

Bingo-type pinball machine	\$50.00 per machine
Pool table or billiards	\$10.00 per table
Video type picture-type, coin-operated machine, moving or still	\$25.00 per machine
Nonbingo-type pinball machine and shuffle- board coin-operated machine	\$10.00 per machine
Any other coin-operated public amusement device	\$5.00 per machine

The applicant shall file an original and one (1) copy of an application for a permit under the provisions of this chapter with the chief of police. If the application is approved, the application shall be marked "Approved by the Chief of Police." The applicant shall then deliver the approved original and copy to the city administrator of the city, where the appropriate fee shall be paid. After the applicant's paying of the fee, the city administrator shall stamp the original and copy of the application "fee paid." The applicant shall then retain the original, and the copy shall be sent by the city administrator to the chief of police. (1970 Code, § 5-510)

9-511. Approval of application for permits by chief of police; appeals from denials. The chief of police shall approve the application for a permit unless:

- (1) The owner or operator of the location, or the president of the corporation, where the permit is being sought has been convicted of criminal offense relating to the use of the type device for which a permit is being sought. This is to include, but not be limited to, illegal gambling on pinball machines,

illegal gambling at pool or billiard tables, illegally allowing minors to play pinball machines, showing or distributing obscene movies or pictures or operating a mechanical amusement device or pool or billiard table without having obtained a permit to do so;

(2) The electrical inspector has reported that the location is not capable of safely handling the electricity required for the operation of the machine(s); or

(3) The location for which the permit is sought is currently subject to suspension or revocation of a permit issued under this chapter.

Any person aggrieved by the action of the chief of police in denying the permit shall have the right to appeal to the city council, provided such appeal is perfected within five (5) days from such denial. The action of the city council on such appeal shall be final, except as same is subject to review at law. (1970 Code, § 5-511)

9-512. Numbering of permits; permit required for each device; location. Every permit issued under this chapter shall be serially numbered. A permit shall be required for each device at each location. The chief of police shall be required to keep records of the locations where permits have been issued and the number and type of permits for each location. (1970 Code, § 5-512)

9-513. Posting of permits. A permit of permits issued under this chapter shall be permanently and conspicuously posted at the location and on the machine or device or table for which it is issued and shall not be removed from such location or from the machine, device, or table, except with the written permission of the chief of police or his designee. (1970 Code, § 5-513)

9-514. Transfer of permits prohibited. No permit issued under this chapter shall be transferred from one person to another, nor shall any permit be transferred from one location to another, or from one machine, device, or table to another without first notifying the chief of police of such intended action. (1970 Code, § 5-514)

9-515. Renewal of permit. Permits issued under this chapter shall be renewed annually and the application for renewal shall be accompanied by the payment of the fee required for the type device prescribed. The renewal fee shall be paid each year from date of issue. (1970 Code, § 5-515)

9-516. Permit suspension or revocation. Whenever the chief of police has reason to believe that a permittee or any of the permittee's servants, agents, or employees in the use, operation or maintenance of any mechanical amusement device or poolroom has violated any law of the state or any provisions of this chapter or any other ordinance of the city which is directly

related to the public amusement device for which the permittee has been granted a permit, the chief of police shall give the permittee at least three (3) days notice of a hearing to determine whether the permit(s) should be suspended or revoked. At the revocation or suspension hearing, the chief of police, or his designee, shall hear testimony from both the police department and the permittee. The permittee shall have a right to representation by an attorney at said hearing. At the conclusion of the hearing, the chief of police, or his designee, shall give written notice of the decision to the permittee, said notice to include notice of permittee's right to appeal to the city council. The action of the chief of police, or his designee, shall be final unless his action is appealed to the city council.

Appeals shall be heard before the city council, provided the permittee notifies the city administrator in writing of his intention to appeal. This notice shall be made within ten (10) days after notice of suspension or revocation is mailed to permittee at his business address given on his application form. If such a hearing is requested, it shall be heard at such time as the city council so designates, and the city administrator shall notify the permittee of the time, date, and place of the hearing.

Mechanical amusement devices or pool or billiard tables as defined in this chapter shall be removed by the permittee from the establishment when a permit has been suspended or revoked and an appeal has not been requested to the city council as above set forth. If these items are not removed after the suspension or revocation is filed, and there is not appeal taken to the city council, they shall be deemed public nuisances and on order of the chief of police shall be removed from the permit location with costs for such removal to be assessed against the permittee. (1970 Code, § 5-516)

CHAPTER 6

CABLE TELEVISION

SECTION

9-601. To be furnished under franchise.

9-601. To be furnished under franchise. Cable television service shall be furnished to the city and its inhabitants under such franchise as the city council shall grant. The rights, powers, duties and obligations of the city, 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 (as added by Ord. #258, Jan. 2007)

¹Complete details relating to the cable television franchise agreement are available in the office of the city recorder.