

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. (1986 Code, § 5-101)

¹Municipal code references

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

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14 and Appendix A.

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 therefor 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. (1986 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. (1986 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 evaluate properly 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 and, if so, 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 town to cover the cost of investigating the facts stated therein. (1986 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 the 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. (1986 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 board of mayor and aldermen. 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 the appeal, and notice of the time and place of the 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. (1986 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the town 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 the town 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 town doing business with the permittee that the property purchased will be delivered according to the representations of the permittee. Action on the bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given. The surety may be relieved without costs of all further liability, 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. (1986 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 town 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. (1986 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. (1986 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1986 Code, § 5-209)

9-210. Police officers to enforce. It shall be the duty of all police officers to see that the provisions of this chapter are enforced. (1986 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen 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) The mayor may suspend a permit pending the revocation hearing when reasonably necessary in the public interest. (1986 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. (1986 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. (1986 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

9-301. Permit required.

9-302. Prerequisites for permit.

9-303. Denial of 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. 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. (1986 Code, § 5-301)

9-302. Prerequisites for permit. The recorder shall upon application, 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. (1986 Code, § 5-302)

9-303. Denial of permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1986 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 police officer or person solicited. (1986 Code, § 5-304)

CHAPTER 4

TAXICABS¹

SECTION

- 9-401. Taxicab permit 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 permit.
- 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.
- 9-417. Rates and charges generally.

9-401. Taxicab permit and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab permit from the town and has a currently effective privilege license. A taxicab permit shall be valid for two (2) years from the date of issuance unless otherwise revoked for cause. A taxicab permit shall be revoked upon the expiration date of the permittee's privilege license until the privilege license is renewed. (1986 Code, § 5-401)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab permit if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab permits shall be made under oath and in writing to the recorder. 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 the cabs, the names of all persons who will act as drivers of the cabs, and such other pertinent information as the recorder may require. The application shall be accompanied by at least two (2)

¹Municipal code reference
Privilege taxes: title 5.

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 recorder shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the board of mayor and aldermen; and make a recommendation either to grant or refuse a permit to the applicant. The board of mayor and aldermen shall thereupon hold a public hearing at which time witnesses for and against the granting of the permit shall be heard. In deciding whether or not to grant the permit, the board of mayor and aldermen 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 taxicab permit. Those persons already operating taxicabs when this code is adopted shall not be required to make application under this section but shall be required to comply with all of the other provisions hereof. (1986 Code, § 5-402)

9-403. Liability insurance or bond required. No taxicab permit 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. A certified copy of every insurance policy covering every authorized vehicle shall be filed with the recorder. In the event of the termination or cancellation of the insurance, the permit provided for in this chapter shall be automatically revoked until such time as additional insurance is obtained and a certified copy of the policy is filed with the recorder. (1986 Code, § 5-403)

9-404. Revocation or suspension of permit. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab permit 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. (1986 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the town unless the taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear view mirror, all of which shall conform to the requirements of the 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 the doors may be operated by the passenger from inside 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. (1986 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the town 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. (1986 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. (1986 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 recorder. The fee for the driver's permit shall be one dollar (\$1.00). (1986 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 recorder:

- (1) Makes written application to the recorder.
- (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 town 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 traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1986 Code, § 5-409)

9-410. Revocation or suspension of driver's permit. The board of mayor and aldermen, 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. (1986 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 town for the purpose of obtaining patronage for their cabs. (1986 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 town for the use of taxicabs. Taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops do not unreasonably interfere with or obstruct other traffic and the passenger loading or discharging is promptly accomplished. (1986 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. (1986 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. (1986 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 blow the automobile horn unnecessarily; or otherwise to disturb unreasonably the peace, quiet, and tranquility of the town in any way. (1986 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 the other passenger. (1986 Code, § 5-416)

9-417. Rates and charges generally. The rate to be charged for a trip to one destination of any taxicab shall not be in excess of two dollars (\$2.00) for the first one (1) mile or fraction thereof and seven cents (7¢) for each additional one-tenth mile or fraction thereof. Waiting time shall be charged on the basis of not more than sixty-five cents (65¢) per five minutes with appropriate charges being made for fractions thereof. "Waiting time" shall include the time when the taxicab is not in motion, beginning with the time of arrival to the place to which it has been called, or time consumed when it is standing at the direction of the passenger. No charge shall be made for time consumed by premature response to a call or for time lost through traffic interruption or for delays caused by the inefficiency of the taxicab or its driver. (Ord. #2-14-89-1, March 1989)

CHAPTER 5**POOL ROOMS¹****SECTION**

9-501. Hours of operation regulated.

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

9-503. Gambling, etc., not to be allowed.

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 between 1:00 P.M. to 6:00 P.M. on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (1986 Code, § 5-501)

9-502. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, or for their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if the father and mother are living. If the father is dead, then written consent must be obtained from the mother, guardian, or other person having legal control of such minor. If the minor is in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school must be obtained. This section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1986 Code, § 5-502)

9-503. Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire to permit any gambling or other unlawful or immoral conduct on such premises. (1986 Code, § 5-503)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 6

DANCING AND DANCING FACILITIES

SECTION

9-601. Prohibited in business zones.

9-602. Public disturbances prohibited.

9-603. Issuance of licenses.

9-604. Enforcement.

9-601. Prohibited in business zones. It shall be unlawful for any person, persons, partnership, corporation, or any social group or club to operate or maintain a dance where music is played within the business zones of the Town of Rogersville. (1986 Code, § 5-601)

9-602. Public disturbances prohibited. It shall be unlawful for any person, persons, partnership, corporation, or any social group or club to operate or maintain a dance where music is played within any area of this town where the peace and tranquility of residents nearby are disturbed by the noise or music emitting therefrom.

In the event music is being played for the entertainment of a group of people, even though no dancing takes place, the provisions of this chapter shall apply the same as if a public or social dance was being held. (1986 Code, § 5-602)

9-603. Issuance of licenses. The recorder is directed not to issue any license for the operation of a public dance until the terms and provisions of this chapter have been complied with. (1986 Code, § 5-603)

9-604. Enforcement. Whenever a violation of this chapter occurs and the peace and tranquility of the community is disturbed, the police department is directed to arrest those responsible and temporarily close the place where the dance is being held. (1986 Code, § 5-604)

CHAPTER 7

MASSAGE BUSINESSES

SECTION

- 9-701. Definitions.
- 9-702. Application; fee; investigation; issuance of permit.
- 9-703. Massage permits.
- 9-704. Inspections.
- 9-705. Suspension of permits.
- 9-706. Revocation of permits.
- 9-707. Daily register.
- 9-708. Regulations.
- 9-709. Display of permits.
- 9-710. Unlawful acts.
- 9-711. Expiration of permits.
- 9-712. Inapplicability to doctors, etc.
- 9-713. Permits not transferrable.

9-701. Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Employee" means any person, other than massagers, who render any service to patrons of massage parlors.

(2) "Massage" means the exerting or applying of pressure, friction, moisture, heat, or cold to the human body by any method and/or the rubbing, stroking, kneading, pounding, tapping, washing, or otherwise manipulating a part or the whole or the human body or the muscles or loins thereof by any physical or mechanical means for any form of consideration.

(3) "Massage parlor" means any establishment having a fixed place of business where the administering of massages is the principal or main business purpose or activity that is conducted on the premises. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a duly licensed physician, surgeon, physical therapist, chiropractor, or osteopath.

(4) "Massager" means any person who administers a massage to another person at a massage parlor.

(5) "Permittee" means the individual, partnership, association, joint stock company, corporation, or combination of individuals of whatever form or character, which is the legal holder of a massage parlor permit as provided by this chapter. (1986 Code, § 5-701)

9-702. Application; fee; investigation; issuance of permit. Any person desiring a massage parlor permit to establish, maintain, or operate a massage parlor in the town shall make application to the city recorder's office

on an application form provided by the Town of Rogersville, which shall contain the name and address of the place where the applicant proposes to operate, maintain, or establish a massage parlor in the town. Each massage parlor permit application shall be accompanied by an investigation fee of five hundred dollars (\$500.00).

The application shall state thereon that "It is unlawful for any person to make a false statement on this application. The making of a false statement shall constitute grounds for denial of an application or revocation of a permit."

The application shall include a business, occupation, or employment history of the applicant for the five (5) years immediately preceding the date of the application. It shall also include a detailed statement of any and all convictions; pleas of nolo contendere or forfeitures suffered by the applicant; if the applicant is a partnership or association, any partner or member thereof; or if the applicant is a corporation, any officer, director, or manager thereof or any shareholder thereof on any charge of prostitution, assignation, pandering obscenity, lewdness, crimes against nature, or any provisions of this chapter, or any provision of a similar law or ordinance in any other jurisdiction.

The chief of police shall arrange to have the fingerprints of each applicant taken. Fingerprints shall constitute a part of the application. There shall be filed with the application at least two (2) portrait photographs of the applicant taken within sixty (60) days immediately prior to the date of the application. The photographs shall not be less than two inches (2") by two inches (2") and shall show the head and shoulders of the applicant in a clear and distinguishable manner.

Upon receipt of the application and investigation fee, the mayor shall make or cause to be made an investigation of the applicant, which shall include:

- (1) The criminal record of the applicant.
- (2) Communication with employers, business associates, or fellow employees of the applicant during the five (5) years preceding the investigation.
- (3) Determination of whether the premises proposed to be utilized by the applicant comply with the provisions of this chapter and all other zoning ordinances and all other building, fire, plumbing, and electrical codes.
- (4) Any and all other matters which the mayor deems to be material to a reasonable consideration of the applicant.

The chief of police shall file his investigative report, with all supporting material and documentation, with the board of mayor and aldermen not later than twenty-one (21) days following the date of application; however, the chief of police may file an amended report at any time additional material concerning the applicant comes to his attention.

Upon receipt of the report of chief of police, the board of mayor and aldermen shall docket the application on the agenda of the next regular meeting of the board of mayor and aldermen, at which time a hearing shall be conducted on the application. The board of mayor and aldermen, after a consideration of the application and investigative report, after an open examination of the

applicant, after opportunity has been given for the introduction of additional information by any interested party, and after a full and complete consideration of all relevant facts and circumstances, shall authorize the issuance of a massage parlor permit at the premises designated in the application within one week following the hearing, unless it finds that: the application is efficient; the application contains false information; the applicant has not complied with all applicable laws and ordinances; the applicant has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of prostitution, assignation, pandering, obscenity, lewdness, crime against nature, or any provision of this chapter or any provision of a similar law or ordinance in any other jurisdiction. Notice of the time and place of the hearing before the board of mayor and aldermen shall be posted in a conspicuous place upon the premises specified in the application at least five (5) days prior thereto and the applicant shall maintain the notice until after the hearing.

The board of mayor and aldermen may not authorize the issuance of a permit to an applicant whose proposed premises for the establishment, maintenance, or operation of a massage parlor is within one-half (½) mile, measured from property line to property line, of any church, school, hospital, funeral parlor, library museum, playground, or other public or private building or premises likely to be utilized by persons under the age of eighteen (18) years. (1986 Code, § 5-702)

9-703. Massage permits. Any person desiring a permit to act as a massager in a massage parlor in the town shall make application to the city recorder's office on an application form provided by the Town of Rogersville. The application form shall contain spaces for the applicant's name, address, telephone number, all previous addresses within the year immediately preceding the date of the application, date of birth, place of birth, height, weight, massage training, and current employment. Each massager permit application shall be accompanied by an investigation fee of two hundred fifty dollars (\$250.00).

The application shall state thereon that "It is unlawful for any person to make a false statement on this application. The making of a false statement shall constitute grounds for a denial of an application or revocation of a permit."

The application shall also include a detailed statement of any conviction, plea of nolo contendere, or forfeiture, suffered by the applicant on any charge of prostitution, assignation, pandering, obscenity, lewdness, crimes against nature, or any provisions of this chapter or any provisions of a similar law or ordinance in any other jurisdiction.

The chief of police shall arrange to have the fingerprints of each applicant taken. Fingerprints shall constitute a part of the application. There shall be filed with the application at least two portrait photographs of the applicant taken within sixty (60) days immediately prior to the date of the application. The photographs shall not be less than two inches (2") by two inches (2") and

shall show the head and shoulders of the applicant in a clear and distinguishable manner.

All persons who desire to act as a massager at a massage parlor in the Town or Rogersville shall attach to their applications a certification from a licensed physician by the State of Tennessee that the applicant has submitted to a physical examination for contagious and communicable diseases and that the applicant is either free from any contagious or communicable diseases or is incapable of communicating any such diseases to others. The physical examination shall include a recognized blood test for syphilis, a culture for gonorrhea, and a chest x-ray which shall be made and interpreted by a trained radiologist.

Upon receipt of the application and investigation fee, the mayor shall make or cause to be made an investigation of the applicant, which shall include:

- (1) The criminal record of the applicant.
- (2) Communication with employers, business associates, or fellow employees of the applicant during the five (5) years preceding the investigation.
- (3) Referral of the medical examination submitted with the application to the medical department of the Town of Rogersville for review and comment or to any retained, qualified clinic.
- (4) Any and all other matters which the mayor deems to be material to a reasonable consideration of the applicant.

The chief of police shall file his investigative report, with all supporting material and documentation, with the board of mayor and aldermen not later than twenty-one (21) days following the date of application; however, the chief of police may file an amended report at any time additional material concerning the applicant comes to his attention.

Upon receipt of the report of chief of police, the board of mayor and aldermen shall docket the application on the agenda of the next regular meeting of the board of mayor and aldermen, at which time a hearing shall be conducted on the application. The board of mayor and aldermen, after a consideration of the application and investigative report, after an open examination of the applicant, after opportunity has been given for the introduction of additional information by any interested party, and after a full and complete consideration of all relevant facts and circumstances, shall authorize the issuance of a massager's permit at the premises designated in the application within one week following the hearing, unless it finds that: the application is deficient; the application contains false information; the applicant has not complied with all applicable laws and ordinances; the applicant has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of prostitution, assignation, pandering, obscenity, lewdness, crime against nature, or any provision of this chapter or any provision of a similar law or ordinance in any other jurisdiction.

All massagers who possess valid permits for administering massages in a massage parlor in the Town of Rogersville shall undergo a physical examination, including the aforementioned tests for contagious and

communicable diseases, at least once every six (6) months following the issuance of the massager permits. When the mayor or his duly authorized representative has cause to believe that the massager is capable of communicating any contagious diseases to others, he may at any time require an immediate physical examination of the person.

In no event, and under no circumstances, shall a permit be issued to any party unless and until the party has satisfactorily completed a course or courses of studying body massage in an approved school of instruction and training which is accredited by, approved and recognized by, the American Massage and Therapy Association or a similar accredited association. The courses shall pertain to anatomy, physiology, hygiene, first aid, exercise, therapy massage techniques, and other related aspects of the arts and sciences of massage or physical therapy. (1986 Code, § 5-703)

9-704. Inspections. The mayor or his duly authorized representative is hereby authorized to enter, examine, and survey any premises in the town for which a massage parlor permit has been issued pursuant to this chapter during business hours to enforce the provisions of this chapter. (1986 Code, § 5-704)

9-705. Suspension of permits. If the mayor or his duly authorized representative finds that the massage parlor for which the massage parlor permit was issued does not conform to this chapter or the permittee has refused the mayor or his duly authorized representative the right to enter the premises to enforce the provisions of this chapter, the mayor or his duly authorized representative may temporarily suspend the massage parlor permit, pending a hearing before the board of mayor and aldermen. A copy of the temporary suspension shall be sent to the board of mayor and aldermen for docketing on the next regular agenda of board of mayor and aldermen and sent to the permittee at his place of business by certified mail, which shall set forth the reason for the suspension. No person shall operate a massage parlor when subject to an order of suspension. The board of mayor and aldermen may, after an open hearing, reinstate a suspended massage parlor permit when no fact or condition exists which would otherwise warrant the refusal to grant a massage parlor permit under the terms of this chapter. (1986 Code, § 5-705)

9-706. Revocation of permits. Any massage parlor permit or any massager permit granted under this chapter shall be revoked by the board of mayor and aldermen after notice and hearing if the permittee or massager has been convicted, pleaded nolo contendere, or suffered a forfeiture on any charge of prostitution, assignation, pandering, obscenity, lewdness, crimes against nature, or any provision of this chapter or any provision of a similar law or ordinance in any other jurisdiction.

The notice required by this section shall be sent by certified mail to the permittee or massager at his last known address at least five (5) days prior to the date set forth for the hearing before the board of mayor and aldermen.

If any massager or other employee of any permittee violates any provisions of this chapter, it shall be presumed that the violation was with the knowledge and consent of the permittee; if any permittee fails to overcome the presumption, the massage parlor permit issued to him shall be subject to permanent revocation in the manner set out in this section. (1986 Code, § 5-706)

9-707. Daily register. Every permittee shall maintain a daily register, showing the names and addresses of all patrons, along with the name of the massagers assigned and the fee charged. The daily register shall be kept in a permanent, well-bounded book; it shall be kept on file for at least one (1) year. (1986 Code, § 5-707)

9-708. Regulations. No massage parlor shall be operated, established, or maintained in the town that does not comply with the following minimum standards:

(1) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials shall be disinfected after use on each patron.

(2) Closed cabinets shall be provided and used for the storage of clean linen, towels, and other materials used in connection with administering massages. All soiled linens, towels, and other materials shall be kept in properly covered containers, or cabinets. These containers or cabinets shall be kept separate from the clean storage area.

(3) Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.

(4) All massage tables, bathtubs, shower stalls, steam or bath areas, and floors shall have surfaces which may be readily disinfected.

(5) Oils, creams, lotions, or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

(6) Adequate bathing, dressing, locker, and toilet facilities shall be provided for patrons to be served at any given time. Separate bathing, dressing, locker, toilet, and massage room facilities shall be provided male and female patrons.

(7) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

- (8) The premises shall be equipped with a service sink for custodial services.
- (9) Eating in the massage work areas shall not be permitted.
- (10) Animals, except for seeing-eye dogs, shall not be permitted in the massage work areas. (1986 Code, § 5-708)

9-709. Display of permits. Every permittee to whom a massage parlor permit has been granted shall display the massage parlor permit in a conspicuous place in the massage parlor or establishment so that it may be readily seen by persons entering the premises.

Every person to whom a massager permit has been granted shall, while in a massage parlor, openly display the permit by pinning or clasping it to his or her outer garments, so that it may be readily seen by patrons and other interested persons.

No permit shall be altered or defaced in any manner by any permittee or massager. (1986 Code, § 5-709)

9-710. Unlawful acts. (1) It shall be unlawful for any person in a massage parlor to place his or her hand or hands upon or touch with any part of his or her body, or to fondle in any manner, or to massage, a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, buttocks, anus, or perineum of any person or the vulva or breast of a female.

(2) It shall be unlawful for any person in a massage parlor to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall be also unlawful for any person in the massage parlor to expose the sexual or genitals parts, or any portion thereof, of any other person.

(3) It shall be unlawful for any person, while in the presence of any other person in a massage parlor, to fail to conceal with a fully opaque covering the sexual or genital parts of his or her body.

(4) It shall be unlawful for any person owning, operating, or managing a massage parlor knowingly to cause, allow, or permit any agent, employee, or any other person under his control or supervision to perform acts prohibited in this chapter or to perform massages without a license in or about the massage parlor, and violation of this provision shall be grounds for revocation of the massage parlor permit.

(5) Massagers issued a permit under this chapter may not administer massages at any place other than at a massage parlor which has also been issued a permit hereunder.

(6) Every person owning, operating, or managing a massage parlor shall post a copy of this chapter in a conspicuous place in the massage parlor so that it may be readily seen by persons entering the premises.

(7) It shall be unlawful for any massage parlor to remain open or provide services at any time between the hours of 10:00 P.M. and 10:00 A.M. or at any time on Sundays.

(8) The administering of massages shall not be conducted in private rooms or areas, but shall be conducted in separate general areas for males and females. (1986 Code, § 5-710)

9-711. Expiration of permits. Each massage parlor and massager permit shall expire one (1) year from the date of issue. The application for renewal of either a massage parlor permit or a massager permit shall be accompanied by an investigative fee of ten dollars (\$10.00). (1986 Code, § 5-711)

9-712. Inapplicability to doctors, etc. Nothing in this chapter shall be construed to require a duly licensed physician, surgeon, physical therapist, chiropractor, osteopath, or registered nurse to obtain a massager license as prescribed in this chapter. (1986 Code, § 5-712)

9-713. Permits not transferrable. No permit issued hereunder shall be transferrable. (1986 Code, § 5-713)

CHAPTER 8

CABLE TELEVISION

SECTION

9-801. To be furnished under franchise.

9-801. To be furnished under franchise. Cable television service shall be furnished to the Town of Rogersville and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Rogersville 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. #1-12-93-1 dated March 1993 in the office of the recorder.