

TITLE 9**BUSINESS, PEDDLERS, SOLICITORS, ETC.****CHAPTER**

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CHAPTER 1**LICENSES AND BUSINESS REGULATIONS****SECTION**

- 9-101. Applicability of state law.
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9-101. Applicability of state law. For the use and benefit of the city, the taxes provided for in Chapter 387 of the Public Acts of Tennessee of 1971, known as the "Business Tax Act," are hereby enacted, ordained, imposed, levied and assessed and shall be paid, collected and enforced on the businesses, business activities, vocations and occupations carried on in the city at the maximum rates and in the manner prescribed by such act. (1985 Code, § 14-1)

9-102. Sundays. Except where prohibited by law or this code, it shall be lawful to carry on any business, trade, vocation, occupation, profession or calling within the city on the first day of the week as may be lawfully done on any other day of the week, subject, however, to all presently applicable restrictions on the hours of intoxicating liquors and/or intoxicating drinks as defined in Tennessee Code Annotated, § 57-2-101 and beer and alcoholic beverages containing alcoholic content of five (5) percent or less as defined in Tennessee Code Annotated, §§ 57-2-101 and 57-3-101.¹ (1985 Code, § 14-2)

¹Municipal code reference

Alcoholic beverages and beer: title 8.

CHAPTER 2

AMUSEMENTS

SECTION

9-201. Shooting galleries.

9-202. X-rated films.

9-201. Shooting galleries. (1) All shooting galleries operated within the city shall have a steel back stop of at least three-sixteenths of an inch in thickness, and shall have wings extending forward from the target board at least six (6) feet, which wings shall be made of three-sixteenths of an inch sheet steel, or one-inch solid boards. The top shall be covered with one-inch solid board.

(2) The counter shall not be less than thirty-five (35) feet from the back stop or target board.

(3) Rifles of greater than twenty-two (22) caliber shall not be used in any shooting gallery operated within the city, and such rifles shall be loaded only with twenty-two-caliber short cartridges.

(4) All shooting galleries operated within the city shall be housed in brick buildings, which buildings shall have solid brick walls of not less than eight (8) inches in thickness, the rear wall of which buildings shall have solid brick walls, without openings for doors or windows. If the second floor of any building in which a shooting gallery is operated within the city is occupied, the back stop or target board shall be covered with sheet steel, which shall be not less than three-sixteenths of an inch thick.

(5) No shooting gallery shall be operated within the city by any person under twenty-one (21) years of age. (1985 Code, § 14-19)

9-202. X-Rated films. It shall be unlawful for any person to exhibit for public consumption, whether or not such exhibition is for compensation, any motion picture, film, movie or videotape which is rated "X" by a recognized movie rating authority or which depicts sexual conduct as defined in Tennessee Code Annotated, § 39-6-1101 unless such exhibition is within a theater auditorium or other enclosed area which effectively removes such exhibition from the view of members of the public who are not voluntarily engaged in viewing such motion picture, film, movie or videotape. (1985 Code, § 14-20)

CHAPTER 3

POOLROOMS

SECTION

- 9-301. Permitting minors to play.
- 9-302. Persons under eleven years of age.
- 9-303. Family recreation businesses.

9-301. Permitting minors to play. It shall be unlawful for any proprietor, owner or manager of any bagatelle, poolroom, or billiard room within the city to permit any person under the age of eighteen (18) years to play bagatelle, pool, billiards or any other game played on pool tables, unless such proprietor, owner or manager shall have in his possession and on file, for inspection by the law enforcement officers, a written permit for such minor to play at such game, signed by the parent or guardian of such minor, and the signature of such parent or guardian witnessed in writing, or otherwise certified to be genuine by the recorder. (1985 Code, § 14-32)

9-302. Persons under eleven years of age. It shall be unlawful for any person under the age of eleven (11) years to remain or loiter in any room or place referred to in § 9-301 without the written permit required in such section. (1985 Code, § 14-33)

9-303. Family recreation businesses. Businesses engaged exclusively in family recreation which neither sell nor permit alcoholic beverages on the premises and which have an adult supervisor or manager present at all times the business is open and which are designed in such a way so as to permit visibility from the exterior along the main entrance of said establishment are exempt from this chapter. (1985 Code, § 14-34)

CHAPTER 4

PEDDLERS AND SOLICITORS

SECTION

9-401. Privilege declared.

9-402. Applicability to farmers, etc.

9-403. Peddling within fire district.

9-401. Privilege declared. It shall be a privilege for any person to go upon, travel upon or otherwise use any of the public sidewalks, streets, roads, alleys or other public property of the city, for the purpose of , and while engaged in the business of, soliciting orders for merchandise, printed matter, pictures or other property, or making contracts for the future delivery of same in sale to the ultimate purchaser, user or consumer of such merchandise, printed matter or other property; provided, however that this chapter shall not apply to regularly licensed insurance agents or hucksters or peddlers paying privilege taxes as otherwise provided by law, nor to traveling salesmen of wholesalers and jobbers selling merchandise to retail merchants or dealers or other wholesalers or jobbers, nor to representatives of retail merchants of the city nor to persons engaged in selling or soliciting orders for Bibles, religious songbooks or religious papers, magazines, periodicals or other religious literature of whatsoever kind; provided further, that such persons shall sell only religious books or periodicals. (1985 Code, § 14-51)

9-402. Applicability to farmers, etc. Section 9-401 shall not apply to farmers or truck growers taking orders for future delivery of products of farms, gardens or orchards, grown or raised by such farmers or truck growers; neither shall the provisions of such sections apply to any person who manufactures, makes, grows, raises or produces the article, merchandise or product he offers for sale; provided, however, that such person shall personally manufacture, make, grow, raise or produce by hand labor the article or merchandise he offers for sale. (1985 Code, § 14-52)

9-403. Peddling within fire district. No person shall peddle, sell or offer for sale, at retail, any fruits, vegetables, melons, produce, wood, coal or anything from trucks, wagons, carts or other vehicles, upon the sidewalks, streets, alleys, parkways, or public property of the city (except as allowed by § 16-105(2) of this code or at a marketplace or farmers' market designated or allowed as such on public property of the city), within the fire limits or fire district of the city. (1985 Code, § 14-53, as replaced by Ord. #4553-14, Aug. 2014)

CHAPTER 5

MASSAGE PARLORS¹

SECTION

- 9-501. Definitions.
- 9-502. Penalty.
- 9-503. Right of entry for inspection.
- 9-504. Register of patrons.
- 9-505. Standards for premises.
- 9-506. Unlawful acts.
- 9-507. When massages may not be administered.
- 9-508. Outcall massages.
- 9-509. Permits--required.
- 9-510. Massage parlor permit--application procedure.
- 9-511. Permits--suspension.
- 9-512. Individual massager permits.
- 9-513. Permits--display.
- 9-514. Permits--transfer.
- 9-515. Permits--renewal.
- 9-516. Permits--revocation.

9-501. Definitions. As used in this chapter, unless the context otherwise requires:

(1) “Employee” means any and all persons, other than massagers, who render any service to patrons of massage parlors.

(2) “Massage” means the administration by any person of any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, and/or the rubbing, stroking, kneading, pounding, tapping or otherwise manipulating a part or the whole of the human body or the muscles or joints 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 or the arranging for the administering of massages is a business purpose or activity that is conducted on or from 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, this being expressly excluded from said definition.

¹State law reference

Massage Licensure Act of 1995: Tennessee Code Annotated, § 63-18-201, et seq.

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

(5) "Outcall massage" means massage performed only by a licensed massager when performing massages at a location other than the address of a licensed massage parlor.

(6) "Permittee" means the individual, partnership, association, joint stock company, corporation or combination of individuals of whatever form or character, that is the legal holder of a massage parlor permit as provided by this chapter. (1985 Code, § 14-70, as amended by Ord. #2604, Dec. 1986)

9-502. Penalty. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be fined fifty dollars (\$50.00) for each violation, and each day of violation of any provision of this chapter shall constitute a separate violation. (1985 Code, § 14-71)

9-503. Right of entry for inspection. The chief of police or his duly authorized representative is hereby authorized to enter, examine and survey any premises in the city for which a massage permit has been issued pursuant to this chapter during business hours to enforce the provisions of this chapter. (1985 Code, § 14-72)

9-504. Register of patrons. 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 bound book; it shall be kept on file for at least one (1) year. (1985 Code, § 14-73)

9-505. Standards for premises. No massage parlor shall be operated, established or maintained in the city that does not comply with the following minimum standards:

(1) The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron.

(2) Closed cabinets shall be provided and used for the storage of clean linens, 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, which containers shall be kept separate from the clean storage areas.

(3) Clean linens 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 can 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 the patrons to be served at any given time. Separate bathing, dressing, locker, toilet and massage room facilities shall be provided for 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 areas shall not be permitted.

(10) Animals, except for seeing-eye dogs, shall not be permitted in the massage work areas. (1985 Code, § 14-74)

9-506. Unlawful acts. (1) It shall be unlawful for any person in a massage parlor to place his or her hand upon or to 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 also be unlawful for any person in the massage parlor to expose the sexual or genital 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 in or about such massage parlor any agent, employee or any other person under his control or supervision to perform any act prohibited in this chapter.

(5) Massagers issued permits under this chapter may not administer massages at any places other than at a massage parlor which has also been issued a permit hereunder, except when performing outcall massages in strict compliance with § 9-508.

(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.

(9) It shall be unlawful for any establishment subject to licensing under this chapter to advertise on the premises or near the premises except that each establishment may maintain two (2) signs which shall not be larger than two (2) feet by three (3) feet nor shall the same be illuminated in any manner. (1985 Code, § 14-75, as amended by Ord. #2604, Dec. 1986)

9-507. When massages may not be administered. No massager shall administer a massage at a massage parlor if the massager knows or should know that he or she is not free of any contagious or communicable disease; nor shall a massager administer a massage at a massage parlor to any patron exhibiting any skin fungus, skin infection, skin inflammation or skin eruption, unless the patron presents a statement from a physician licensed by the state certifying that the patron may be safely massaged and prescribing the conditions therefor. Each massager shall wash his or her hands in hot running water, using a proper soap or disinfectant, before and after the administration of each massage. (1985 Code, § 14-76)

9-508. Outcall massages. Outcall massages shall be allowed by any licensed massager, provided that all of the following conditions are met:

(1) Outcall massages shall be performed only by licensed massagers;

(2) The police department shall be given notice of at least twenty-four (24) hours in advance of the scheduled outcall massage;

(3) Outcall massages shall be recorded in a daily register as described elsewhere in these sections;

(4) All other requirements of this chapter must be complied with, except that the premises where an outcall massage is being performed shall not be required to maintain equipment for disinfecting and sterilizing nondisposable instruments or materials used in administering such massages. (Ord. #2604, Dec. 1986)

9-509. Permits Required. It shall be unlawful for any person to establish, maintain or operate a massage parlor in the city without a valid permit issued pursuant to this chapter; it shall be unlawful for any person to perform the services of a massager at a massage parlor in the city without a valid permit issued pursuant to this chapter. (1985 Code, § 14-88)

9-510. Massage parlor permit-application procedure.

(1) Application form; fee. Any person desiring a massage parlor permit to establish, maintain or operate a massage parlor in the city shall make application to the city recorder on an application form provided by the city, which application form shall contain the name and address of the place where the applicant proposes to operate, maintain or establish a massage parlor in the city. Each massage parlor permit application shall be accompanied by an investigation fee of fifty dollars (\$50.00).

(2) False statements on application. 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."

(3) Contents of application. 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 the detailed statement of any and all convictions, pleas of nolo contendere, forfeitures, adverse adjudications or proceedings 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, keeping and maintaining a disorderly house, frequenting a disorderly house, disorderly conduct, adamitism, anilingus, cunnilingus, coprophilia, fellatio, flagellation, frottage, masturbation, sodomy or urolagnia as proscribed by § 11-301 of this code, or any provision of any similar law or ordinance in any other jurisdiction, or any law or ordinance which is a felony or involves moral turpitude.

(4) Fingerprinting; photographs. The recorder shall arrange to have the fingerprints of each applicant taken by the police department, which fingerprints shall constitute a part of the application. There shall be filed with the application at least two (2) portrait photographs of the applicant (or the partners, members, managing officers or representatives otherwise of the applicant) taken within sixty (60) days immediately prior to the date of application, which photographs shall be not less than two (2) inches by two (2) inches and shall show the head and shoulders of the applicant in a clear and distinguishable manner.

(5) Investigation. Upon receipt of the application and investigation fee, the chief of police shall make or cause to be made an investigation of the applicant, which shall include:

- (a) The court records of the applicant;
- (b) Communication with the employers, business associates or fellow employees of the applicant during five (5) years next preceding the investigation;
- (c) Determination of whether the premises proposed to be utilized by the applicant comply with the provisions of this chapter and

all zoning ordinances and building, fire, plumbing and electrical codes; and

(d) Any and all other matters which the chief of police deems to be material to a reasonable consideration of the applicant.

(6) Filing of investigative report. The chief of police shall file his investigative report, with all supporting material and documentation, with the recorder 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 or information concerning the applicant comes to his attention.

(7) Review of report; scheduling of hearing. Upon receipt of the report of the chief of police, the recorder and the city manager shall review and docket the application on the agenda of the next regular meeting of the board of commissioners, at which time a hearing shall be conducted on the application. Notice of the time and place of the hearing before the board 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 said notice in readable condition, on open, public display until after the hearing. The board, after a consideration of the application and investigative report, after an open examination of the applicant, after opportunity has been given for introduction of additional information by any interested person, 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 (1) 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 or ordinances; the applicant has been convicted, pleaded nolo contendere or suffered a forfeiture on a charge of prostitution, assignation, pandering, obscenity, lewdness, keeping and maintaining a disorderly house, frequenting a disorderly house, disorderly conduct, adamatism, anilingus, bestiality, cunnilingus, coprophilia, fellation, flagellation, frottage, masturbation, sodomy or urolagnia as proscribed by § 11-301 of this code; or any provision of any similar law or ordinance in any jurisdiction, or any law or ordinance which is a felony or involves moral turptitude.

(8) Additional requirements. The board of commissioners shall not authorize the issuance of a permit to an applicant unless the proposed premises for the establishment, maintenance or operation of a massage parlor are within a proper zone according to the zoning ordinance of the city. No person shall operate or receive a permit to operate a massage parlor unless such person or applicant or the manager of said applicant shall meet the same qualifications as are required of a massager and in addition thereto shall have acquired an advanced course of training in the art or science of massaging from an accredited school of instruction as further specified in § 9-511. (1985 Code, § 14-89)

9-511. Permit-suspension. If the chief of police 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 chief of police or his duly authorized representative the right to enter the premises to enforce the provisions of this chapter, the chief of police may temporarily suspend the massage parlor permit, pending a hearing before the board of commissioners. A copy of the temporary suspension shall be sent to the city manager for docketing on the next regular agenda of the board, and sent addressed to the permittee at his place of business by certified mail, which shall set forth the reason for said suspension. No person shall operate a massage parlor when subject to an order of suspension. The board of commissioners 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. (1985 Code, § 14-90)

9-512. Individual massager permits. (1) Application form; fee. Any person desiring a permit to act as a massager in a massage parlor in the city shall make application to the recorder on an application form provided by the city, which application form shall contain spaces for the applicant's name, address, telephone number, all previous addresses within the year immediately preceding the date of 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 twenty-five dollars (\$25.00).

(2) False statements on application; conviction, etc; record 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 also include a detailed statement of any and all convictions, pleas of nolo contendere or forfeitures suffered by the applicant on any charge of prostitution, assignation, pandering, obscenity, lewdness, keeping and maintaining a disorderly house, frequenting a disorderly house, disorderly conduct, adamatism, anilingus, bestiality, cunnilingus, coprophilia, fellatio, flagellation, frottage, masturbation, sodomy or urolagnia as proscribed by § 11-301 of this code, or any provision of this chapter, or any provision of any similar law or ordinance in any other jurisdiction, or any law or ordinance which is a felony or involves moral turptitude.

(3) Fingerprinting. The chief of police shall arrange to have the fingerprints of each applicant taken, which fingerprints shall constitute a part of the application.

(4) Physician's certification. Every person who desires to act as a massager at a massage parlor in Johnson City shall attach to his or her application a certification from a physician currently licensed by the state 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.

(5) Investigation. Upon receipt of the application and investigation fee, the recorder shall refer the same to the chief of police, who shall make or cause to be made an investigation of the applicant, which shall include:

(a) The criminal record of the applicant;

(b) Communication with the employers, business associates, fellow employees of the applicant during the five (5) years next preceding the investigation;

(c) Referral of the medical examination submitted with the application to the city physician for review and comment; and

(d) Any and all other matters which the chief of police deems to be material to a reasonable consideration of the applicant.

(6) Filing of investigative report. The chief of police shall file his investigative report, with all supporting material and documentation, with the recorder 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 or information concerning the applicant comes to his attention.

(7) Review of report; scheduling of hearing. Upon receipt of the report of the chief of police, the recorder and the city manager, if the report of the applicant shall be complete, shall docket the application on the agenda of the next regular meeting of the board of commissioners, which, after a consideration of the application and investigative report, after an open examination of the applicant and applicant's supporting evidence or witnesses, and after opportunity has been given for the introduction of additional information by any interested person, and following a full and complete consideration of all relevant facts and circumstances, shall authorize the issuance of a massager's permit within one (1) week following the hearing, unless it finds that the application is deficient; that the application contains false or misleading information; that the applicant has been convicted, has pleaded nolo contendere or suffered a forfeiture on a charge of prostitution, assignation, pandering, obscenity, lewdness, adamitism, anilingus, bestiality, cunnilingus, coprophilia, fellatio, flagellation, frottage, masturbation, sexual intercourse, sodomy or urolagnia as proscribed by § 11-301 of this code, or any provision of this chapter, or any provisions of a similar law or ordinance in any other jurisdiction.

(8) Follow-up testing. All massagers who possess valid permits for administering massages in a massage parlor in the city shall undergo physical examinations, including the aforementioned tests for contagious and communicable diseases, at least once every six (6) months following the issuance of their massager's permits. When the chief of police, the city recorder, the city manager 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 any such person.

(9) **Course of study.** No person shall give or offer to give or hold oneself out to offer a massage or be licensed as a massager within the meaning of this chapter, or employ or engage as an independent contractor any massager who gives or offers to give or holds himself or herself out to offer a massage unless such person shall have satisfactorily completed a course or courses of study in body massage in an approved school of instruction or training which is accredited by, approved by or recognized by the American Massage and Therapy Association or a similar accrediting association. Said courses shall pertain to anatomy, physiology, hygiene, first aid, exercise therapy, massage techniques and related aspects of the art and science of massage or physical therapy. Such course of instruction or training shall include classroom or clinical training in therapeutic massage and reflexology techniques, classroom or clinical instruction or contraindications for massage, and classroom or clinical or laboratory instruction to develop a knowledge of anatomy and physiology of the systems of the body with emphasis on the muscular and skeletal systems. Such training shall pertain to understanding of the benefits of massage, and assist the student in developing an awareness of massage as a therapeutic process through a period of one (1) year's supervised or clinical training in the art and science of massage and physical therapy. (1985 Code, § 14-91)

9-513. Permit display. (1) Every permittee to whom a massage parlor permit shall have been granted shall display said permit in a conspicuous place in the massage parlor or establishment so that it may be readily seen by persons entering the premises.

(2) Every person to whom a massager's permit shall have been granted shall, while in a massage parlor, openly display said permit by pinning or clasp it to his or her outer garments, so that it may be readily seen by patrons and other interested persons.

(3) No permit shall be altered or defaced in any manner by any permittee or massager. (1985 Code, § 14-92)

9-514. Permit transfer. No permit issued under this chapter shall be transferable by operation of law or otherwise. (1985 Code, § 14-93)

9-515. Permit renewal. Each massage parlor permit shall expire one (1) year from the date of its issue; and each massager's permit shall also expire one (1) year from the date of issue. The application for renewal of either a massage parlor permit or massager's permit shall be accompanied by an investigative fee of ten dollars (\$10.00). (1985 Code, § 14-94)

9-516. Permit revocation. (1) Any massage parlor permit or massager's permit granted under this chapter shall be revoked by the board of

commissioners, after notice of 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, ademitism, anilingus, bestiality, cunnilingus, coprophilia, fellatio, flagellation, frottage, masturbation, sexual intercourse, sodomy or urolagnia as proscribed by § 11-301 of this code, or any provision of this chapter or any provision of a similar law or ordinance in any other jurisdiction.

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

(3) If any massager or other employee of any permittee violates any provisions of this chapter, it shall be presumed that such violation was with the knowledge and consent of the permittee; if any permittee fails to overcome said presumption, the massage parlor permit issued to him shall be subject to permanent revocation in the manner set out in this section. (1985 Code, § 14-95)

CHAPTER 6

BARBERS¹

SECTION

- 9-601. Definitions.
- 9-602. Inspection.
- 9-603. Sign required.
- 9-604. View of interior to be unobstructed.
- 9-605. Sanitation.
- 9-606. Hours and days of operation--generally.
- 9-607. Hours and days of operation--on Sunday.

9-601. Definitions. For the purposes of this chapter, the following words and phrases shall have meanings respectively ascribed to them by this section:

(1) “Barber.” Any person who engages in any one (1) or any combination of the following practices, when done for payment, directly or indirectly, or without payment, for the public generally:

- (a) Shaving or trimming the beard;
- (b) Cutting or styling the hair;
- (c) Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances;
- (d) Singeing, curling, shampooing, coloring, bleaching or straightening the hair or applying hair tonics;
- (e) Cutting, fitting, measuring and forming head caps for wigs or hair pieces; or
- (f) Hair weaving, excluding medical or surgical procedures.

(2) “Barbershop.” Any place where the work or business of a barber is done. (1985 Code, § 14-112)

9-602. Inspection. The health officer shall have the right during business hours to inspect any barbershop for the purpose of determining whether or not any violation of this chapter exists. (1985 Code, § 14-113)

¹State law reference

Municipal regulation of barbers: Tennessee Code Annotated, § 62-3-131.

9-603. Sign required. There shall be displayed in front of every barbershop operated in the city a sign indicating that it is a barbershop. (1985 Code, § 14-114)

9-604. View of interior to be unobstructed. It shall be unlawful for any person to operate, maintain or conduct a barbershop or do any barbering business in any building in which or to which the full view of any part thereof to the interior is obstructed by the use of blinds, shades, screens, painted or frosted glass or any other device or means used to, or which will, prevent a free and unobstructed view of such barbershop and all parts thereof from the exterior of the same. (1985 Code, § 14-115)

9-605. Sanitation. (1) Infectious, etc., diseases. No barber shall practice in the city who is infected with the germ of, or suffering from the effects of, one (1) or more of the following diseases: tuberculosis, influenza, coryza, gonorrhea, syphilis, cancer, smallpox, chicken pox, measles, whooping cough, scarlet fever, septic sore throat, eczema, scabies, pediculosis, leprosy, pemphigus, psoriasis, favus, scrofulosis, lupus, tinea or other diseases capable of being communicated from person to person.

(2) Cleanliness, ventilation, etc. Every barbershop, its furniture, equipment, tools, utensils, floors, walls and ceilings shall, at all times, be kept in a clean and sanitary condition, well lighted and well ventilated; hot and cold running water must be provided in each establishment. The dipping of towels, mugs, tools or utensils of any kind in hot or cold water tank is prohibited. Cuspidors shall be cleaned every day and a disinfectant solution left in them at all times.

(3) Hand washing, etc. Any barber or employee in a barbershop whose work causes him to touch the skin of a person shall wash his hands with soap and water before beginning work on any other person.

(4) Receptacles, etc. At least two (2) receptacles must be provided in each barbershop, in one (1) of which shall be deposited shaving papers, and used towels in the other. Shaving mugs and brushes shall be thoroughly washed with hot water, the temperature of which is not less than two hundred (200) degrees Fahrenheit before each patron is served. A towel used on one (1) patron shall not be used again on another patron until relaundered.

(5) Head and neck sanitation. The head rest on each chair must be provided with a clean towel or sheet of clean paper for each patron. A strip of clean sanitary material must be placed around the patron's neck so that the chair does not come in contact with the neck.

(6) Bathrooms, razors, utensils, etc. All baths, bathrooms, toilets and other adjoining rooms in a barbershop shall be kept clean and in a sanitary condition. Bathtubs and basins shall be thoroughly cleaned after each patron's use. Individual soap and clean towels shall be given to each patron. No brushes, sponges or wash rags shall be left in bathrooms for the use of patrons.

The use of powder puffs, finger bowls, sponges and styptic pencils is prohibited. Razors, scissors, tweezers, combs, rubber discs and parts of vibrators and all other utensils, appliances or anything that comes in contact with the head, face or neck must be immersed in boiling water or in a disinfectant solution and placed in a compartment until used again.

(7) Sterilization of instruments, etc. All instruments and articles used in rendering of any service by any person engaged in the business of barbering within the city shall be thoroughly cleaned and sterilized before applying and using same in the performance of any service to any individual and this shall include all instruments, towels, combs and brushes and every other article used in the performing or administering of any service to any individual customer. (1985 Code, § 14-116)

9-606. Hours and days of operation--generally. It shall be unlawful for any barbershop or place of barbering business located within the city or for any person engaged in the practice of barbering to open such barbershop, barbering business or barbering place of business or to engage in the practice of or do any barbering work prior to 8:00 A.M., and it shall be unlawful for any such person engaged in the practice of barbering to remain open for business or to accept or do any act of service pertaining to any barbering business at such place after 6:00 P.M. on any day except Saturdays and on days immediately preceding any national holiday and on such last named days it shall be unlawful for any barbershop or barbering business engaged in the practice of barbering, to do any act of service pertaining to such business after 8:00 P.M. (1985 Code, § 14-117)

9-607. Hours of operation on Sunday. No work of a barber shall be carried on on Sunday. (1985 Code, § 14-118)

CHAPTER 7

JEWELRY AUCTIONS

SECTION

9-701. Applicability.

9-702. Hours.

9-703. Articles tagged or labeled--generally.

9-704. Articles tagged or labeled--delivery to purchaser.

9-705. "Cappers"; "boosters"; false bids.

9-701. Applicability. This chapter shall not apply to judicial sales or sales by executors and administrators, receivers or assignees in insolvent and bankrupt estates. (1985 Code, § 14-135)

9-702. Hours. It shall be unlawful for any person to conduct any auction sale of diamonds and other precious and semiprecious stones or imitation thereof, watches, clocks, jewelry, gold, silver or plated ware, chinaware and other merchandise of like kind, between the hours of 6:00 p.m. and 8:00 a.m. (1985 Code, § 14-136)

9-703. Articles tagged or labeled--generally. It shall be unlawful for any person to offer for sale or sell diamonds and other precious and semiprecious stones, or imitations thereof, watches, clocks, jewelry, gold, silver or plated ware, chinaware and other merchandise of like kind, unless there is securely attached to each of such articles a tag or label upon which shall be plainly written or printed, in English, a true and correct statement of the kind and quality of the metal of which such article is made or composed and the percentage or karat of the purity of such metal; and in case such articles are plated or overlaid, then such tag or label shall contain a true statement of the kind of material or metal covered; and when precious or semiprecious stones are offered for sale or sold, such written statement shall set forth the true name, weight, quality and fineness of such stones, and imitations shall be described as such; and when watches and clocks are sold, the true names of the manufacturers shall be stated in writing. No part of the movements or mechanism shall be substituted or contain false and misleading names or trade marks, nor shall second or old movements be offered for sale in new cases, without a true statement to that effect. (1985 Code, § 14-137)

9-704. Articles tagged or labeled-delivery to purchaser. The tags or labels required by § 9-703 shall remain securely attached to any such article or merchandise and shall be delivered to the purchaser as a true and correct description and representation of the article sold. (1985 Code, § 14-138)

9-705. "Cappers", "boosters"; false bids. It shall be unlawful for any person to act, or to employ another to act, as a by-bidder or what is commonly known as a "capper" or "booster" at any auction sale under this chapter, or to make or accept any false or misleading bid, or to pretend to buy or sell any such articles sold or offered for sale at any auction. (1985 Code, § 14-139)

CHAPTER 8

PAWNBROKERS, SECONDHAND DEALERS¹

SECTION

9-801. Applicability.

9-802. Purchasing, pawning, etc., property from minors.

9-803. Registration of articles pawned or purchased--required.

9-804. Registration of articles pawned or purchased--description.

9-805. Registration of articles pawned or purchased--inspection.

9-806. Waiting period prerequisite to selling, etc., certain articles.

9-801. Applicability. This chapter shall apply not only to dealers in used or secondhand personal property but shall apply also to pawnbrokers or other persons taking such properties in pledge or pawn or otherwise as security for indebtedness. (1985 Code, § 14-156)

9-802. Purchasing, pawning, etc., property from minors. It shall be unlawful for any person affected by this chapter to take in pawn or pledge any property from persons under eighteen (18) years of age. A person engaged in business as a dealer in used or secondhand personal property and not also engaged in the business of taking properties in pledge or pawn may purchase property from persons under eighteen (18) years of age, provided that all other provisions of this chapter are complied with. (1985 Code, § 14-157)

9-803. Registration of articles pawned or purchased--required. It shall be the duty of all pawnbrokers and dealers in second-hand automobile tires and accessories and dealers in secondhand wearing apparel or other personal property, each to keep a well bound book, in which every article taken by them in pawn or purchased by them shall be registered giving a sufficient description of such article clearly to identify same. (1985 Code, § 14-158)

9-804. Registration of articles pawned or purchased--description. All persons affected by this chapter shall furnish the best possible description of the property purchased by them; it being required that such description shall include the serial number or other identification number or any letters, words or markings of any nature intended to furnish or furnishing a description or part of the description item so reported. (1985 Code, § 14-159)

¹State law reference

Pawnbrokers Act of 1988: Tennessee Code Annotated, § 45-6-201, et seq.

9-805. Registration of articles pawned or purchased--inspection.

The book or register required by § 9-803 shall be kept in the place of business of the pawnbroker or secondhand dealer and shall at all times be open for inspection by the chief of police or any police officer of the city or by any interested private citizen; the purpose of this chapter being to aid in curbing theft and aid in the recovery of stolen property. (1985 Code, § 14-160)

9-806. Waiting period prerequisite to selling, etc., certain articles.

All articles by pawnbrokers or secondhand dealers in pawn or purchased shall not be sold or resold until they have been in the possession of such persons for a period of at least ten (10) days. (1985 Code, § 14-161)

CHAPTER 9

JUNK DEALERS, JUNKYARDS¹

SECTION

- 9-901. Definitions.
- 9-902. Fire district.
- 9-903. Dealers--record of purchases.
- 9-904. Dealers--scrap brass, copper, etc., segregated.
- 9-905. Dealing with minors; identification.
- 9-906. Location; visibility of junk.

9-901. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) “Junk” shall mean any motor vehicle, machinery, appliance, product or merchandise with parts missing, or scrap metal, or other scrap materials that are damaged, deteriorated or that are in a condition which prevents their use for the purpose for which they were intended.

(2) “Junk dealer” shall mean any person, in any way acquiring, buying, selling, exchanging, trading or dealing in scrap iron, brass, secondhand metals or parts of any sort.

(3) “Junkyard” shall mean any open or uncovered land on which dilapidated automobiles, rags, old papers, boxes, barrels or other used articles defined as junk herein are assembled for purposes of trade. (1985 Code, § 14-178, as amended by Ord. #4518-13, Feb. 2014)

9-902. Fire district. It shall be unlawful for any person to keep, operate or maintain a junkyard within the limits of any fire district of the city. (1985 Code, § 14-179)

9-903. Dealers--record of purchases. Every junk dealer in the city shall keep a book in which shall be entered the names of all persons from whom he buys or gets scrap iron, brass or other materials of any sort, followed by the date of purchase, the amount paid therefor, the kind of metal purchased or gotten and the number of pounds of each kind. Such entries shall be made in chronological order from day to day, as the business is transacted, and such books shall be at all times open to inspection of the police or other officer, or any

¹State law reference

Junk dealers: Tennessee Code Annotated, § 62-9-101, et seq.

Local regulation of junkyards: Tennessee Code Annotated, § 54-20-122.

person who may desire to see the same; and shall be in good faith kept and preserved by each dealer for convenient inspection. (1985 Code, § 14-180)

9-904. Dealers--scrap brass, copper, etc., segregated. Every junk dealer shall keep on hand and in separate packages, and not allowed to be mixed or confused with other purchases, in order that identification may be easy, all scrap brass, copper, lead and all other metals (except scrap iron and castings) bought or gotten from any person, the same to be kept separate and subject to easy and convenient inspection of any person desiring to investigate, for a period of not less than ten (10) days after the purchase or in any way acquired. (1985 Code, § 14-181)

9-905. Dealing with minors; identification. (1) No person shall purchase or receive, in any way, any scrap brass, copper, lead or other metals from any minor under sixteen (16) years of age, whether the same are gotten directly from or through or by aid of such minor.

(2) Junk dealers shall deal only with persons sixteen (16) years of age or over who are to them personally known, or of whose identification they are certain, and shall promptly give to any officer or other person inquiring about them information to enable the seller to be identified. (1985 Code, § 14-182)

9-906. Location; visibility of junk. It shall be unlawful for any person to keep or store junk, as defined in § 9-901, in the city, unless such junk is located in a zone allowing the storage of such junk, and only then if such junk is stored in such a manner as to not be visible from adjacent property, including public streets. In no event shall it be lawful for any person to allow junk, as defined in this chapter, to accumulate on any property not properly zoned for the storage of junk. Nothing contained in this section shall be construed to prevent persons who repair motor vehicles, appliances, etc., from accumulating unserviceable articles left with them in the normal course of their business, provided, however, such unserviceable articles shall not be visible from adjoining property. (1985 Code, § 14-183)

CHAPTER 10

FORTUNETELLERS

SECTION

9-1001. Privilege.

9-1002. Annual tax--generally.

9-1003. Annual tax collection; delinquency.

9-1004. Lien; distress warrants.

9-1001. Privilege. It is declared to be a privilege for any person to engage in the business or vocation of a fortuneteller, clairvoyant, hypnotist, spiritualist, palmist or phrenologist in the city. (1985 Code, § 14-200)

9-1002. Annual tax--generally. (1) Each person before exercising any privilege mentioned in § 9-1001, shall pay a city privilege tax of five hundred dollars (\$500.00), per annum to the city recorder-treasurer, which privilege tax shall be paid annually, in advance.

(2) The taxes provided in this chapter shall be levied and collected as other privilege taxes, and one (1) full year's tax on such privilege shall be paid in advance. Neither this chapter, nor the imposition of any tax hereunder shall be construed to operate as a release or exemption from any other privilege tax required by law. This chapter shall not be construed as repealing any section of this code, imposing a privilege tax, but shall be in addition thereto. (1985 Code, § 14-201)

9-1003. Annual tax collection; delinquency. It shall be the duty of each person exercising any privilege mentioned in this chapter to promptly pay the tax levied under the provisions hereof when the same becomes due, and before engaging in any of the vocations mentioned; and in case any such tax is not promptly paid, a penalty of ten (10) per cent on the amount of delinquent tax for the first month's delinquency, or any fractional part thereof, shall be added and, thereafter, there shall be added one (1) per cent for each additional month or fractional part thereof of delinquency. Such penalty shall be on the total amount of tax delinquency and shall be collected for the use and benefit of the city. (1985 Code, § 14-202)

9-1004. Lien; distress warrants. The tax levied or imposed by § 9-1002 shall be a lien upon the property of the person exercising such privilege as in the case of ad valorem tax, and in case the tax herein levied or imposed shall become due and delinquent as provided, the city recorder shall issue a distress warrant for the collection of such tax principal, interest and penalty due from each such delinquent taxpayer, which distress warrant shall be served by the chief of police or any other police officer. (1985 Code, § 14-203)

CHAPTER 11

COAL AND COKE

SECTION

- 9-1101. Definitions.
- 9-1102. Scope.
- 9-1103. Enforcement.
- 9-1104. License--required.
- 9-1105. License--prerequisites to issuance generally.
- 9-1106. License--issuance of stickers for trucks, etc.
- 9-1107. Discrimination by retail dealer.
- 9-1108. Weighing; delivery ticket.
- 9-1109. Delivery ticket produced; verification of weight.
- 9-1110. Coal peddlers.
- 9-1111. Coal delivered over streets to be weighed.
- 9-1112. Brakes on vehicles hauling coal, etc.
- 9-1113. Delivering split loads after weighing.

9-1101. Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) “Coal dealer.” Any person of any kind or nature, trucking, hauling or otherwise distributing coal or coke from any source of supply except that of a licensed coal dealer, which coal is not being delivered for his own use, shall be deemed a coal dealer.

(2) “Retail sale.” The sale of truck load or wagon load lots of coal, coke or other hard fuels where the weight of such load exceeds five hundred (500) pounds, to individuals, industries or consumers of any kind, and to cover the sale of such fuels in all cases except when sold to regularly licensed retail coal dealers in car load lots, or when purchased by individuals, industries, institutions or firms in car load lots for their own consumption. Should such persons purchase coal in wholesale lots and resell or distribute it to employees, friends, relatives or others, this shall be construed as a retail business and requires a retail license. (1985 Code, § 14-220)

9-1102. Scope. It is the purpose and intention of this chapter to cover the entire field pertaining to the regulation of the retail coal business and to exclusively regulate the same, distribution, weighing and delivering of coal, coke and other hard fuels within the city; provided, however, nothing herein contained shall be construed as relieving any retail coal dealer from paying the privilege taxes or licenses prescribed by the general revenue ordinances of the city. (1985 Code, § 14-221)

9-1103. Enforcement. The city manager or his designee is hereby vested with police power for the purpose of enforcing the provisions of this chapter. (1985 Code, § 14-222)

9-1104. License required. Any coal dealer as set out in § 9-1102 shall be liable to pay the required license fee and to conform to the requirements of this chapter. (1985 Code, § 14-223)

9-1105. License--prerequisites to issuance generally. Before a license shall be issued to any retail coal dealer, the applicant for license shall show that he possesses and owns proper equipment for the operation of such retail business, which must consist of a coal yard, reasonable storage facilities and office used expressly for such purposes, and not less than one (1) standard inspection wagon scale or truck scale of at least four (4) tons' capacity, and the same shall be located and maintained within the city. (1985 Code, § 14-224)

9-1106. License--issuance of stickers for trucks, etc. All licensed coal dealers, when applying to the city recorder for a license to engage in the retail coal business as provided in this chapter, shall file with the recorder a full description of the truck used by such retail coal dealer in the delivering of coal, coke or other hard fuels, such description to include the make, model, capacity and motor number of such trucks. Upon the listing of such trucks and simultaneously with the issuing of a license, the city recorder shall issue to each truck owner a plate or sticker, giving the name of the licensee, the make, model, motor number and capacity of the truck and the expiration date of the license. All retail coal dealers shall display such stickers or plates either on the windshields or at some other conspicuous place on their trucks so that the same may be easily seen by the city manager or his designee and by the general public. When any retail coal dealer exchanges a truck for another truck, then he may surrender the sticker or plate issued for the truck so exchanged to the city recorder and obtain a similar one for the new truck. The city recorder shall collect a fee of five dollars (\$5.00) for each plate or sticker issued to the truck owner. (1985 Code, § 14-225)

9-1107. Discrimination by retail dealer. Licensees operating under the provisions of this chapter shall supply, without discrimination and to the best of their ability, the regular day-to-day demand for coal. (1985 Code, § 14-226)

9-1108. Weighing; delivery ticket. All drivers, licensees or other persons having charge of conveyances for the purpose of transporting coal, coke or other hard fuels intended for sale in the city, shall have in their possession when such vehicles are loaded with such coal, coke or other hard fuels within the city, a ticket in duplicate showing gross net and tare weights of the load.

Such weight tickets must be signed by the person weighing the load and must also show the location by the person weighing the load and must also show the location of the scale, the date of weighing and the name of the purchaser, and it shall be the duty of the driver to deliver to the purchaser, and it shall be the duty of the driver to deliver to the purchaser such duplicate copy of such weight ticket. The owner or driver of the vehicle shall be responsible for any charge or expense incident to such weighing. In the event any vehicle shall be loaded with coal, coke or other hard fuels before entering the city, when the same is intended to be sold within such city, the driver shall first weigh the gross load on an approved scale and, after making delivery of the load, shall return the empty vehicle to the same scale and have it weighed for the purpose of obtaining the net and tare weights and, after receiving a ticket showing such weights, shall deliver such ticket to the customer; provided, however, that if any such vehicle leaves the city empty and returns the same day to the city loaded with coal, coke or other hard fuels intended for sale in the city, it is permissible for the driver thereof to have the empty vehicle weighed before leaving the city and have the loaded vehicle weighed immediately upon re-entering the city later in the day. (1985 Code, § 14-227)

9-1109. Delivery ticket produced; verification of weight.

(1) When any person who has sold, peddled or agreed to deliver coal or coke within the city and such fuel is being delivered, the city manager or his designee, or any of the city's police officers, shall have the right to demand the production of the ticket provided for in § 9-1805 and on such demand being made, such seller or his agent or employee, or other person in charge of such fuel being delivered, shall immediately produce, exhibit and allow inspection of the ticket.

(2) Whenever any of the persons under this section making such demands shall further demand that the weight of the coal or coke being delivered as shown by such ticket be verified, it shall thereupon become the immediate duty of the person selling such coal or coke and of his agents, representatives or employees or other person in charge of such fuel being delivered, to convey such fuel immediately to the nearest and most convenient private scales officially tested so as to determine the net weight thereof, and thereafter as soon as such fuel has been delivered, the person representing the seller, or others, shall immediately return to the same scales where such conveyance and fuel were weighed together and shall permit the conveyance and equipment which were used in the delivery of such fuel to be weighed, so as to ascertain the net weight of the fuel so sold and delivered; provided, however, that if requested, the privilege of reweighing such coal or coke, or the conveyance and equipment in which same was delivered on another and different scale from the person who demanded the verification of the weight of such fuel as provided, shall be granted on condition, however, that he is permitted to be present and inspect such reweighing. (1985 Code, § 14-228)

9-1110. Coal peddlers. (1) Any person operating a truck for sale of coal not covered as retail coal dealers, that is, delivering coal from any source not specified by this chapter, by truck, shall be defined as a coal peddler and shall have such coal weighed on an approved scale and deliver a copy of such scale ticket to the purchaser as provided for retail coal dealers.

(2) Nothing in this chapter shall apply to the peddler who buys from accredited dealers, and who shall have standard measures, and who shall sell by the bushel or fraction thereof. (1985 Code, § 14-229)

9-1111. Coal delivered over streets to be weighed. It shall be unlawful for any person to haul coal, coke or other hard fuels intended for sale in the city on and over any street, alley or roadway within the city unless the same has been weighed upon some scale approved and designated by the city manager or his designee. In the event any vehicle shall be loaded with coal, coke or other hard fuel before entering the city, then the driver of such vehicle shall have the load weighed as soon as the vehicle can be driven to an approved scale. (1985 Code, § 14-230)

9-1112. Brakes on vehicles hauling coal, etc. It shall be unlawful for any person to haul coal, coke or other hard fuels over the streets, alleys or roadways in the city unless the vehicle in which the same are being hauled shall have had its brakes inspected and approved within ten (10) days before such hauling, such inspection and approval to be by the city manager or his designee. (1985 Code, § 14-231)

9-1113. Delivering split loads after weighing. After having his load of coal, coke or other similar fuel weighed on an approved scale and receiving a weight ticket therefor, it shall be unlawful for any driver or licensee under this chapter to split such load and make delivery thereof to more than one (1) customer. (1985 Code, § 14-232)

CHAPTER 12**FOOD AND FOOD ESTABLISHMENTS¹****SECTION**

9-1201. Right of entry.

9-1202. Protection of food from contamination.

9-1203. Misrepresentation as to quality, wholesomeness.

9-1201. Right of entry. All places in the city or its police jurisdiction where food products are stored, offered for sale or sold, shall be subject to inspection by the health officer, who shall have the right to enter such places for the purpose of inspecting the food products therein, and who shall condemn as unfit for human consumption any spoiled, tainted or unwholesome food, and dispose of the same as he may see fit. (1985 Code, § 11-1)

9-1202. Protection of food from contamination. (1) The owner, lessee or agent occupying any room, stall or place where food products are stored, offered for sale or sold, shall keep such room, stall or place and all appurtenances in a clean, wholesome condition, under such direction as may be given by the health officer.

(2) It shall be unlawful for any person to keep for sale any article of food for human consumption, unless the same is protected and screened from dust, flies and other insects. (1985 Code, § 11-2)

9-1203. Misrepresentation as to quality, wholesomeness. No food products shall be exchanged, labeled or representations made in respect thereto under a name or quality, or as being what the same is not, as regards wholesomeness, soundness, safeness or fitness, for human food or drink. (1985 Code, § 11-3)

¹State law reference

Food, Drug, and Cosmetic Act: Tennessee Code Annotated, § 53-1-101, et seq.

CHAPTER 13**RESTAURANTS****SECTION**

- 9-1301. Definitions.
- 9-1302. Code adopted.
- 9-1303. Compliance.
- 9-1304. License.
- 9-1305. Permit required.
- 9-1306. Permit--power of health officer to suspend or revoke; reinstatement.
- 9-1307. Inspections--generally.
- 9-1308. Inspections--examination of samples of food, etc.
- 9-1309. Control of communicable diseases.
- 9-1310. Procedure when infection suspected.
- 9-1311. Itinerant restaurants.

9-1301. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) “Employee” shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensil, or who is employed in a room in which food or drink is prepared or served.

(2) “Health officer” shall mean the health officer of the city or his authorized representative

(3) “Itinerant restaurant” shall mean a restaurant operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.

(4) “Restaurant” shall refer to a coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

(5) “Utensil” shall include any kitchenware, tableware, glassware, cutlery, utensils, containers or other equipment with which food or drink comes in contact during storage, preparation or serving. (1985 Code, § 11-20)

9-1302. Code adopted. The 1976 Edition of the United States Public Health Service Model Food Service Sanitation Ordinance, three (3) copies of which are on file at the city recorder’s office, is hereby adopted by reference as if set out at length in this chapter. Any person who shall violate any provision of said ordinance shall be punished as provided in § 1-104. (1985 Code, § 11-21)

9-1303. Compliance. No restaurant shall be operated within the city, or its police jurisdiction, unless it conforms with the requirements of this chapter; provided, that when any restaurant fails to quality the health officer is authorized to suspend the permit. (1985 Code, § 11-22)

9-1304. License. Every person operating a restaurant in the city shall obtain an authorization form from the health officer signifying that the terms of this chapter have been complied with before he can purchase a city license. (1985 Code, § 11-23)

9-1305. Permit required. (1) It shall be unlawful for any person to operate a restaurant in the city who does not possess an unrevoked permit from the health officer. Such permit shall be posted in a conspicuous place.

(2) Only persons who comply with the requirements of this chapter shall be entitled to receive and retain such permit.

(3) A person conducting an itinerant restaurant shall secure a permit and may retain the same. (1985 Code, § 11-24)

9-1306. Permit--power of health officer to suspend or revoke; reinstatement. (1) The permit required by § 9-1305 may be temporarily suspended by the health officer upon the violation by the holder of any of the terms of this chapter or revoked after an opportunity for a hearing by the health officer upon serious or repeated violation.

(2) Any restaurant operator whose permit has been suspended may at any time make application for the reinstatement of the permit.

(3) Within one (1) week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provisions of this chapter have been conformed with, the health officer shall make a reinspection, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the requirements and in case the findings indicate compliance, shall reinstate the permit. (1985 Code, § 11-25)

9-1307. Inspections--generally. (1) At least once every six (6) months the health officer shall inspect every restaurant located within the city. In case the health officer discovers the violation of any item of sanitation, he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the requirements of this chapter. Any violation of the same item of this chapter on such second inspection shall call for immediate suspension of the permit.

(2) One (1) copy of the inspection report shall be posted by the health officer upon an inside wall of the restaurant, and such inspection report shall

not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department.

(3) The person operating the restaurant shall upon request of the health officer permit access to all parts of the establishment and shall permit copying any or all records of food purchased. (1985 Code, § 11-26)

9-1308. Inspections—examination of samples of food, etc. Samples of food, drink and other substances may be taken and examined by the health officer as often as may be necessary for the detection of unwholesomeness or adulteration. The health officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated. (1985 Code, § 11-27)

9-1309. Control of communicable diseases. No person who is affected with any disease in a communicable form or is a carrier of such disease, shall work in any restaurant, and no restaurant shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. If the restaurant manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such a disease he shall notify the health officer immediately. A placard containing this section shall be posted in all toilet rooms. (1985 Code, § 11-28)

9-1310. Procedure when infection suspected. When suspicion arises as to the possibility of transmission of infection from any restaurant employee the health officer is authorized to require any and all of the following measures:

- (1) The immediate exclusion of the employee from the restaurant;
- (2) The immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the health officer;
- (3) Adequate laboratory examinations as may be indicated. (1985 Code, § 11-29)

9-1311. Itinerant restaurants. Itinerant restaurants shall be constructed and operated in an approved manner. (1985 Code, § 11-30)

CHAPTER 14

MILK AND MILK PRODUCTS

SECTION

9-1401. Penalties.

9-1402. Milk ordinance adopted.

9-1403. Grade A pasteurized milk and milk products to be sold.

9-1401. Penalties. Any person who shall violate any of the provisions of this chapter or the code adopted herein shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than fifty dollars (\$50.00) or such person may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation. (1985 Code, § 11-47)

9-1402. Milk ordinance adopted. The production, transportation, processing, handling, sampling, examination, grading, labeling and sale of all milk and milk products sold for ultimate consumption within the corporate limits of the city or its police jurisdiction; the inspection of dairy herds, dairy farms and milk plants; the issuing and revocation of permits to milk producers, haulers and distributors shall be regulated in accordance with the provisions of Part II of the "Grade A Pasteurized Milk Ordinance-1978 Recommendations of the United States Public Health Service/Food and Drug Administration," three (3) copies of which are filed in the office of the city recorder; provided that § 9 and 16 of such unabridged ordinance shall be replaced, respectively, by §§ 9-1401 and 9-1403 of this chapter, and that § 17 of such unabridged ordinance shall be elided therefrom. (1985 Code, § 11-48)

9-1403. Grade A pasteurized milk and milk products to be sold. Only grade A pasteurized milk and milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores or similar establishments; provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority; in which case, such milk and milk products shall be labeled "ungraded." (1985 Code, § 11-49)

CHAPTER 15

SLAUGHTERHOUSES

SECTION

- 9-1501. Slaughtering of animals generally.
- 9-1502. Inspection fees generally.
- 9-1503. Inspection and approval prerequisite to sale of fresh meat.
- 9-1504. Inspection of dressed carcasses of beef, etc.--required.
- 9-1505. Inspection of dressed carcasses of beef, etc.--fees.
- 9-1506. Manner of displaying, etc., meats to be sold, etc.
- 9-1507. Condemnation.
- 9-1508. Federal standards adopted.

9-1501. Slaughtering of animals generally. (1) All animals not considered “game” slaughtered for human consumption or that are to be used for public trade or sold within the city or the police jurisdiction of the city shall be slaughtered at such slaughterhouse, as shall be licensed by the board of commissioners, except as provided thereby, and such slaughter shall be under the supervision and inspection of an official inspector of this city, and such slaughterhouse shall be regulated by the board of commissioners.

(2) It shall be unlawful for any person to erect or maintain a slaughter pen or any kind, or to carry on the business of slaughtering within the city, and no such pen or houses shall be used within one (1) mile of the city, unless the same is at all times kept in a condition of cleanliness as not to prove offensive or injurious to the health of the neighborhood. Whenever any territory shall be annexed to the city, any slaughterhouses in operation in such annexed territory at the time of annexation shall be permitted to continue in operation so long as they comply with all the necessary health and sanitary requirements. (1985 Code, § 11-66)

9-1502. Inspection fees generally. An inspection fee shall be charged for each carcass slaughtered at any slaughterhouse, to be paid by the owner of such carcass to the inspector. (1985 Code, § 11-67)

9-1503. Inspection and approval prerequisite to sale of fresh meat. No fresh or processed meat shall be sold or offered for sale within the city or its police jurisdiction, unless the same bears the stamp indicative of inspection and approval of the inspector, excepting meats bearing the stamp indicative of the inspection and approval of the Bureau of Animal Industry, United States Department of Agriculture. (1985 Code, § 11-68)

9-1504. Inspection of dressed carcasses of beef, etc., required.

It shall be unlawful for any person to sell, offer or expose for sale, within the city any dressed carcasses, until the same is accompanied by the heart, liver, lungs, kidneys and tongue, and shall have been inspected by the health officer and the fees therefor, as established, shall have been paid. (1985 Code, § 11-69)

9-1505. Inspection of dressed carcasses of beef, etc--fees. The fees collectable for inspections required by § 9-1504 shall be as designated by the board of commissioners. These fees shall apply to all dried or cured meats, as well as to fresh meats; provided, however, that this section and § 9-1504 shall not apply to meats which have been inspected and approved by the inspection of the Bureau of Animal Industry, United States Department of Agriculture. (1985 Code, § 11-70)

9-1506. Manner of displaying, etc.,meats to be sold, etc.. All meat exposed for sale, sold or stored, shall be placed so as to prevent contamination by flies, dust and decaying or infectious material, and such meats shall be subject to inspection at any time or place. (1985 Code, § 11-71)

9-1507. Condemnation. All meats inspected and found unfit for human consumption shall be condemned, stamped and disposed of as the inspector may direct. (1985 Code, § 11-72)

9-1508. Federal standards adopted. In the inspection of all livestock or the dressed carcasses or parts thereof, and in condemning any of the above as unfit for human consumption, the inspector shall be guided by the rules and regulations of the Bureau of Animal Industry, United States Department of Agriculture. (1985 Code, § 11-73)

CHAPTER 16

VEHICLES FOR HIRE

SECTION

- 9-1601. Violations.
- 9-1602. Parking or standing within fire limits.
- 9-1603. Certificate--generally.
- 9-1604. Certificate--application fee.
- 9-1605. Certificate--suspension; revocation.
- 9-1606. Insurance.
- 9-1607. Posting privilege license.
- 9-1608. Operating rights.
- 9-1609. Trademark and number displayed.
- 9-1610. Sidewalk solicitation.
- 9-1611. Identification.
- 9-1612. Intoxication.
- 9-1613. Illegal use.

9-1601. Violations. Any person who willfully or deliberately violates or fails to comply with, or aids or abets in the violation of , any provision of this chapter shall be guilty of a misdemeanor. Upon conviction thereof, the first offense shall be punished by a fine of twenty-five dollars (\$25.00), and the second offense shall be punished by a fine of fifty dollars (\$50.00). The city court shall have concurrent jurisdiction with the state courts for such offenses. (1985 Code, § 23-1)

9-1602. Parking or standing within fire limits. It shall be unlawful for any person to park or leave standing on the streets or other public ways of the city, within the fire limits, any vehicle used for transporting persons or freight for hire; provided, however, that such vehicle used may be left standing on the streets for such time as may be necessary to load or unload passengers or freight. (1985 Code, § 23-2)

9-1603. Certificate--generally. No person shall operate any passenger motor vehicle for hire within the city, unless there is enforced with respect to such person a certificate of public convenience and necessity issued by the board of commissioners. A certificate of public convenience and necessity shall be issued to any qualified applicant thereby authorizing the operation of a passenger motor vehicle for hire within the city, if it is found that the applicant is fit, willing and able to properly perform the services proposed and to conform to the provisions of this chapter, and that the proposed service authorized by such certificate is, or will be, required by the present or future public convenience and necessity. Otherwise, such application shall be denied. No

certificate issued under this chapter shall confer any proprietary or property rights in the use of the streets and highways within the city. All applications for certificate of public convenience and necessity shall be made to the board of commissioners in writing, giving the name and address of the applicant, the number and character of passenger motor vehicles to be operated for hire, the reasons why such certificate should be issued and such other information as may be pertinent to the application for an issuance of such certificate. The application shall be verified under oath and shall be in such form and accompanied by proof sufficient to authorize the board of commissioners to grant the certificate applied for. No new certificates for public convenience and necessity to operate a passenger motor vehicle for hire shall be issued by the board of commissioners until and unless a public hearing is held on the request for a certificate of public convenience and necessity. Said hearing shall be held within thirty (30) days after receipt of the application for certificate of public convenience and necessity. If the city commission determines that there is additional need for services which can be provided by the applicant, said certificate of public convenience and necessity shall be issued. (1985 Code, § 23-3)

9-1604. Certificate--application fee. Each application for a certificate of public convenience and necessity required by this chapter shall be accompanied by an application fee of fifty dollars (\$50.00) (1985 Code, § 23-4)

9-1605. Certificate--suspension; revocation. All certificates of public convenience and necessity issued to operators of passenger motor vehicles for hire are subject to suspension and /or revocation at any time by the city commission for good cause. (1985 Code, § 23-5)

9-1606. Insurance. Before any passenger motor vehicle for hire is licensed to be operated in the city, the owner or operator thereof shall exhibit a liability insurance policy, written by a company authorized to issue liability insurance policies in the state, on which the premium has been paid for at least one (1) year. Such liability insurance policy shall ensure the occupants and the public against bodily injury and property damage in the limits of not less than twenty thousand dollars (\$20,000.00) for bodily injury or death of one (1) person, and forty thousand dollars (\$40,000.00) for bodily injury or death of all persons injured or killed in any one (1) accident, and property damage in any one (1) accident in the amount of fifteen thousand dollars (\$15,000.00), and uninsured motorist coverage with the same minimum limits. Such policy shall provide that it shall not be canceled or withdrawn until after thirty (30) days' notice in writing shall have first been given to the city and said thirty (30) days' notice shall commence upon the date that notice is actually received at the office of the city manager. In the event such policy is so canceled or withdrawn, the license for the operation of the passenger motor vehicle for hire insured thereby shall

be suspended until said policy is replaced with a like policy on which the premiums have been paid for at least one (1) year. (1985 Code, § 23-6)

9-1607. Posting privilege license. All persons doing a taxi business in the city shall be required to post, in a conspicuous place in their offices or business houses, the license issued to them by the city, for the privilege of operating such business within the city. (1985 Code, § 23-7)

9-1608. Operating rules. All persons who hold certificates of public convenience and necessity to operate passenger or motor vehicles for hire in the city shall be governed by the following rules and regulations:

(1) They shall have a place of business and shall do business from said place of business and shall not park vehicles which are not carrying passengers on the streets.

(2) They shall have their trademark or name, telephone number and permit number shown on each side and the rear of each vehicle in permanent paint.

(3) They shall not cruise or park any vehicle on any street in the city for the purpose of soliciting business.

(4) They shall not have such office or place of business where alcoholic beverages are sold.

(5) They shall have at least monthly inspections for all operational vehicles for the purpose of safety to passengers, baggage and the public. Records of said inspections shall be kept for at least one (1) year and shall be open to inspection by the city at all times.

(6) They shall not permit any of said vehicles to be operated by a person under the influence of intoxicating liquor or drugs. (1985 Code, § 23-8)

9-1609. Trademark and number displayed. It shall be unlawful for any person to operate a passenger motor vehicle for hire in the city unless said vehicle shall have a trademark of the company represented painted on each side and on the back so that said trademark, and number of permit, shall be visible for at least one hundred (100) feet. (1985 Code, § 23-9)

9-1610. Sidewalk solicitation. It shall be unlawful for any person engaged in the transfer or transportation of passengers for hire in the city to solicit any person upon the public sidewalks of the city for patronage. (1985 Code, § 23-10)

9-1611. Identification. Each driver must have an identification card with a picture of the driver, certified by the chief of police, posted in a conspicuous place in each passenger vehicle during the time said vehicle is driven by the authorized driver. (1985 Code, § 23-11)

9-1612. Intoxication. The operator or driver of any passenger motor vehicle for hire who shall have been licensed for such purpose by the city, upon the first conviction for the offense of driving said vehicle while intoxicated and in addition to the other penalties provided, shall have his license or permit suspended for a period of one (1) year from the date of the violation; upon a second conviction for a like offense, said permit or license shall be permanently revoked. (1985 Code, § 23-12)

9-1613. Illegal use. No passenger motor vehicle for hire authorized to be operated in the city shall be used for any illegal purpose. (1985 Code, § 23-13)

CHAPTER 17**VEHICLES FOR HIRE--DRIVER'S PERMIT****SECTION**

9-1701. Required; application.

9-1702. Investigation.

9-1703. Chauffeur's license.

9-1704. Approval; appeal.

9-1705. Contents; fees; term.

9-1706. Display.

9-1707. Suspension; revocation

9-1701. Required; application. No person shall operate any passenger motor vehicle for hire in the city, or permit another to operate such a vehicle owned or controlled by him/her for hire, unless the driver of such vehicle has first obtained and has in force a permit as required by the provisions of this chapter. An application for a permit to operate a passenger motor vehicle for hire in the city shall be filed with the city manager on forms provided by the city and such application shall be verified under oath and shall contain the following information:

- (1) Age of applicant. Applicant must be at least twenty-one (21) years of age;
- (2) A list of experience of the applicant in the transportation of passengers;
- (3) The applicant's chauffeur's license number;
- (4) A concise history of the applicant's employment; and
- (5) Such other information as may be reasonably required. (1985 Code, § 23-30)

9-1702. Investigation. The chief of police shall cause a background investigation to be conducted on each applicant to determine if the applicant has a criminal record and if the applicant is of good moral character. (1985 Code, § 23-31)

9-1703. Chauffeur's license. Before any application for a driver's permit is finally passed upon by the city manager, the applicant shall exhibit a current motor vehicle chauffeur's license issued by the state. (1985 Code, § 23-32)

9-1704. Approval; appeal. The city manager shall pass upon each application for a driver's permit and shall not approve the application if, in the opinion of the city manager, the applicant is not of good moral character and competent to operate a passenger motor vehicle for hire. If an applicant is

rejected by the city manager, such applicant may file a written request with the city manager within ten (10) days after such rejection to appear personally before the city commission for a review of his application. The action of city commission on such appeal shall be final. (1985 Code, § 23-33)

9-1705. Contents; fees; term. Upon approval of an application and payment of a permit fee of five dollars (\$5.00), the chief of police shall issue a permit to operate a passenger motor vehicle for hire in the city which shall bear the name, address, age, signature and photograph of the applicant. Such permit shall be in effect for the remainder of the city's licensing year. A permit for each year thereafter shall be issued upon payment of two dollars (\$2.00) unless the permit for the preceding year has been revoked, in which event a new application is required. (1985 Code, § 23-34)

9-1706. Display. Each driver of a passenger motor vehicle for hire shall post his driver's permit in such vehicle as to be in full view of all passengers while such driver is operating said passenger motor vehicle for hire. (1985 Code, § 23-35)

9-1707. Suspension; revocation. The city commission, at any time it is deemed to be in the best interest of the welfare of the city and the citizens thereof, may suspend or revoke any permit issued pursuant to this chapter. The city commission, if it desires to do so, may grant to such permit holder an opportunity to be heard before suspension or revocation is effective. The city manager, upon recommendation of the chief of police, and when he deems it to be in the best interest and welfare of the city, may suspend any permit issued under the terms of this chapter. Such suspension shall be effective until the next regular meeting of the city commission, at which time the city commission shall either reinstate, continue such suspension or revoke such permit as it deems to be in the best interest and welfare of the city. (1985 Code, § 23-36)

CHAPTER 18

WEIGHTS AND MEASURES

SECTION

9-1801. Authority of board of commissioners generally.

9-1802. Department created.

9-1803. Standards--generally.

9-1804. Standards--state standards for certain transactions.

9-1805. Standards--coal and coke dealers.

9-1806. Full, honest and correct weight or measure.

9-1807. Compliance; hindering, obstructing, etc., sealer.

9-1801. Authority of board of commissioners generally. The board of commissioners may from time to time prescribe the rules and regulations necessary to enforce this chapter, as it may deem necessary or expedient. (1985 Code, § 25-1)

9-1802. Department created. A department of standard weights and measures for the city is hereby created. (1985 Code, § 25-2)

9-1803. Standards--generally. The weights and measures fixed by the United States, under the acts of resolutions of Congress, approved June 14, 1936, and additions thereto, and renewals thereto, certified by the national bureau of standards, and such other weights, measures, balances and apparatus as are the property of the city so made or added by the sealer of weights and measures, which are in conformity to, and certified by the national bureau of standards, shall be the standards by which all standards of weights and measures of the city shall be tried, proved and sealed. The board of commissioners shall provide the sealer of weights and measures with the necessary working sets of weights, measures, balances and apparatus for his use. (1985 Code, § 25-3)

9-1804. Standards--state standards for certain transactions. The provisions of Tennessee Code Annotated, § 47-26-101 are incorporated in this section by reference setting forth the legal and uniform standard of weights and measures in the city for the sale and purchase of products of the farm, orchard and garden, and articles of merchandise contained therein. (1985 Code, § 25-4)

9-1805. Standards--coal and coke dealers. In addition to the standard of weights and measures referred to in §§ 9-1803 and 9-1804, all retail coal and coke dealers, operating or delivering within the city, shall furnish the sealer of weights and measures with a list of all their wagons, trucks, or other devices used in delivering coal and coke, which list shall contain an accurate

description of such vehicles and the weight of same; and in the weighing of coal and coke sold or to be sold by all such coal and coke dealers, the driver shall not remain in the wagon, truck or vehicle at the time such coal or coke is weighed; and all coal and coke sold by such dealers shall weigh at least two thousand (2,000) pounds per ton, and at the same time such coal or coke is weighed, a ticket or slip shall be made up by the persons so weighing this coal or coke, which ticket or slip shall be in duplicate, the carbon copy of which shall be delivered to the purchaser by the driver of such vehicle so delivering the coal or coke, and the original shall be kept on file in the dealer's office, subject to the inspection of the sealer of weights and measures; and these slips shall contain a statement of the gross and net weight of the coal or coke, and also the weight of the vehicle. (1985 Code, § 25-5)

9-1806. Full, honest and correct weight or measure. All persons within the city selling goods, wares and merchandise, groceries, meat, flour, bread, fruit, fish, fowl, coal, ice or any other form or kind of merchandise, and selling by weight or measure, shall give at all times a full, honest and correct weight or measure of the commodity sold and delivered; and, upon demand, shall furnish the purchaser an itemized statement in writing showing the weight or measure of the article purchased and the price thereof. (1985 Code, § 25-6)

9-1807. Compliance; hindering, obstructing, etc., sealer. No person shall hinder, obstruct or interfere in any way with the sealer of weights and measures, while in the performance of his official duties, or shall fail to produce, upon demand by the authorized sealer of weights and measures, any weights, measures, balances, weighing devices or measuring devices in or upon his premises, place of business or in his possession for use in manufacture or trade. No person shall sell anything within the terms of this chapter which is less by weight or measure than the standards referred to in this chapter. (1985 Code, § 25-7)

CHAPTER 19

SEALER OF WEIGHTS AND MEASURES

SECTION

- 9-1901. Appointment; duties generally.
- 9-1902. Salary; term of employment.
- 9-1903. Powers--generally.
- 9-1904. Powers--spot checks of packages, etc.
- 9-1905. Powers--right of entry.
- 9-1906. Prosecution of violators generally.
- 9-1907. Sealing, weighing or measuring devices.
- 9-1908. Condemnation, etc., and correction of weights, measures, etc.
- 9-1909. Records and reports.
- 9-1910. Approved standards, etc., to be provided.
- 9-1911. Police powers.

9-1901. Appointment; duties generally. The city manager may appoint a sealer of weights and measures, who shall have and keep a general supervision of the weights, measures, weighing devices and measuring devices within the city; shall enforce all laws regarding them; and shall have the care and custody of all weights, measures, balances and other apparatus provided by the city, for the enforcement of this chapter. (1985 Code, § 25-24)

9-1902. Salary; term of employment. The salary and term of employment of the sealer of weights and measures shall be fixed by the board of commissioners. (1985 Code, § 25-25)

9-1903. Powers--generally. The sealer of weights and measures shall have power within the city to inspect, try and ascertain, if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for measurements and tools, appliances or accessories connected with any and all such instruments or measures kept or exposed for sale, sold or used, or employed within the city, by any person in proving the size, quantities, things, produce, articles for distribution or consumption, for or submitted for sale, hire or reward. (1985 Code, § 25-26)

9-1904. Powers--spot checks of packages, etc. The sealer of weights and measures shall from time to time weigh or measure packages or amounts of commodities of any kind kept with intent to sell, sold or in the process of delivery, in order to determine whether the same contain the amounts of represented or are sold in a manner in accordance with the law. (1985 Code, § 25-27)

9-1905. Powers--right of entry. The sealer of weights and measures, at least once in a year, and more often as he may deem necessary, shall enter and go into, or upon, without formal warrant, any place, building or premises, or stop any vendor, peddler, junk dealer or any dealer whatsoever, and require him, if necessary to proceed to some place which the keeper of weights and measures shall specify for the purpose of making proper test. (1985 Code, § 25-28)

9-1906. Prosecution of violators generally. Whenever the sealer of weights and measures finds a violation of any section of this chapter relating to weights and measures, he shall cause the violator to be prosecuted. (1985 Code, § 25-29)

9-1907. Sealing, weighing or measuring devices. Whenever the sealer of weights and measures compares weights, measures, weighing devices or measuring devices and finds that they correspond, or if he causes them to correspond, with the standards in his possession, he shall seal or mark such weights, measures, weighing devices or measuring devices with a seal to be approved and provided by the board of commissioners. (1985 Code, § 25-30)

9-1908. Condemnation, etc., and correction of weights, measures, etc. (1) The sealer of weights and measures shall condemn, seize and may destroy inaccurate weights, measures, weighing devices or measuring devices, which in his best judgment are not susceptible to repair, but such as are inaccurate and yet may be repaired, he shall mark, or tag as "condemned for repairs," and the owners or operators of apparatuses so condemned shall have same corrected or repaired within ten (10) days and may not use nor dispose of same in any manner without permission from the sealer of weights and measures.

(2) Any apparatus, which has been "condemned for repairs," and has not been repaired as required above, shall be confiscated by the sealer of weights and measures. (1985 Code, § 25-31)

9-1909. Records and reports. The sealer of weights and measures shall keep a complete record of his official acts, and shall make an annual report to the board of commissioners, duly sworn to, and also an annual report, duly sworn to, on the first day of December of each year, to the commissioner of the state department of agriculture, on blanks to be furnished by such commissioner. (1985 Code, § 25-32)

9-1910. Approved standards, etc., to be provided. The board of commissioners shall provide the sealer of weights and measures with suitable quarters, a set of standards to be approved by the commissioner of the state department of agriculture, and all other equipment for the proper performance

of his duties; and all such standards shall, so furnished to the sealer of weights and measures, be tried, approved and sealed under the direction of the commissioner, and shall be returned to him for verification at least once in every five (5) years. (1985 Code, § 25-33)

9-1911. Police powers. The sealer of weights and measures is made a special policeman and, after first taking the oath and making bond, may arrest, without formal warrant, any violator of this code or any ordinance, in relation to weights and measures, and seize for use as evidence, without formal warrant, any false or insulated weight, measure weighing devices or measuring devices or packages, or amounts of commodities offered or exposed for sale or sold in violation of this Code or any city ordinance. (1985 Code, § 25-34)

CHAPTER 20

GARAGE SALES

SECTION

9-2001. Definitions.

9-2002. Requirements.

9-2003. Exemptions.

9-2004. Enforcement.

9-2001. Definitions. The following words, terms, and phrases, when used in this chapter shall have the meanings described to them in this section:

(1) "Garage sale" means and includes the sale of personal property from a residence. It includes all general sales open to the public including but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sales, as well as other sales of personal property from a residence not exempted hereunder. This definition shall not include the sale of personal property not in excess of five (5) items, provided that such items are specifically named or identified in the advertisement.

(2) "Personal property" means any property other than real property.

(3) "Residence" shall mean a single address of a single-family residence (including mobile homes), duplexes, apartments, or condominiums. (Ord. #3322, Sept. 1995)

9-2002. Requirements. (1) No garage sale shall be conducted unless and until the person desiring to conduct such sale shall obtain a permit therefor from the city finance department. Members of more than one residence may collectively obtain a permit for a garage sale to be conducted at one of the residences.

(2) Upon compliance with the provisions of this section and the payment of the proper fee, the finance department shall issue a permit the same day which shall designate the location of the sale and day(s) upon which sale shall be conducted.

(3) Only one (1) sign not exceeding six (6) square feet in size may be displayed on the premises where such sale is being conducted. Such sign shall not be erected or placed closer than five (5) feet to the front or side property lines and shall be removed immediately following the termination of the sale or exhibited no more than two days prior to the sale.

(4) Such a garage sale shall be held only between the hours of 7:30 A.M. and 7:00 P.M.

(5) No more than three (3) garage sales shall be held from the same address within any calendar year with not more than two (2) garage sales permitted within a thirty (30) day period.

(6) Each garage sale shall not exceed three (3) consecutive days.

(7) There shall be no fee charged for any permit issued.

(8) The garage sale permit shall be prominently displayed from the front of the building from which such sale is conducted. Upon the request of any code enforcement personnel of the City of Johnson City, the owner or lessee of the property shall exhibit such permit.

(9) Personal property offered for sale at a garage sale may be displayed within the residence, in a garage, carport, and/or the yard. No personal property may be offered for sale at a garage sale in any public right-of-way.

(10) Exceptions. (a) If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, the city may issue another permit to the applicant. No additional permit fee is required.

(b) A fourth garage sale shall be permitted in a calendar year if satisfactory proof of change in ownership of the real property is first presented to the city recorder or his duly authorized representative.

(11) Revocation and refusal. (a) Any permit issued under this chapter may be revoked or any application for issuance of a permit may be refused by the city recorder if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.

(b) If any individual is convicted of an offense under this chapter, the city recorder shall cancel any existing garage sale permit held by the individual convicted and not to issue such individual another garage sale permit for a period of two years from the time of cancellation. (Ord. #3322, Sept. 1995)

9-2003. Exemptions. The provisions of this chapter shall not apply or affect the following:

(1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the city or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.

(4) Any sale conducted by a bona fide charitable, non-profit, educational, cultural, or governmental institution or organization from or at the place of business for the institution or organization when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis. (Ord. #3322, Sept. 1995)

9-2004. Enforcement. (1) A police officer or any other official designated by any city ordinance to make inspections under the licensing or regulating ordinance or to enforce the same shall have the right of entry to any premises showing evidence of a garage sale for the purpose of enforcement or inspection and may close the premises from such a sale and/or charge the individual(s) conducting or working in such a sale with violation of this chapter.

(2) Every article sold and every day a sale is conducted in violation of this chapter shall constitute a separate offense. (Ord. #3322, Sept. 1995)

CHAPTER 21

AMBULANCE SERVICES¹

SECTION

- 9-2101. General provisions.
- 9-2102. Annual permit.
- 9-2103. Organization identification.
- 9-2104. Operating base.
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9-2101. General provisions. (1) Each service licensed hereunder shall conform to all Class "A" or "B" ambulance standards as defined by the Tennessee Department of Health and Environment, Division of Emergency Medical Services.

(2) This chapter shall apply solely to services as referred to hereinabove operating point to point transports within the geographic boundaries of Washington County or the City of Johnson City and operating under a business license from the City of Johnson City.

(3) No such service shall cause or permit any ambulance to be dispatched on the basis of information obtained by scanning radio traffic. All dispatches shall be made and answered by established base operations for each service.

(4) No such service shall make an emergency response to the scene of any call without the permission of the Washington County - Johnson City 911 Communications Center.

(5) Such services permitted to operate within the area of Washington County and the City of Johnson City shall first notify the 911 Communications Center if, while transporting a patient, it becomes necessary to change from non-emergency to emergency traffic. (Ord. #3513, Sept. 1997)

9-2102. Annual permit. Each such service operating and initiating calls within the area of Washington County and the City of Johnson City,

¹State law reference

Ambulance services: Tennessee Code Annotated, § 7-61-101, et seq.

respectively, shall be required to obtain a permit from Washington County and the City of Johnson City or their designated agent. The following information shall be submitted annually to the respective government entities, no later than April 1st of each year, and shall be expressly contingent on processing of the state ambulance license renewal by the State of Tennessee, to wit:

(1) The name and address of the applicant and the owner(s) of the service.

(2) The trade or fictitious name, if any, under which the applicant does business and/or proposes to do business.

(3) The training and experience of the applicant in the transportation and care of patients.

(4) A copy of the completed state licensure package along with a copy of the applicant's state license.

(5) A current copy of the business/privilege license issued by the county clerk or City of Johnson City.

(6) An accompanying fee, mutually agreed upon by the Washington County Executive and the City Manager of Johnson City, and which fee shall be published from time to time.

(7) Ambulance services will supply the city government with evidence of compliance with the current annual State of Tennessee ambulance permits at the A or B level. This can be done through supplying a copy of the annual license or by letter from the regional director for the Tennessee Department of Health and Environment - Division of Emergency Medical Services. (Ord. #3513, Sept. 1997)

9-2103. Organization identification. (1) The ambulance service shall boldly display its company name on all facilities, visible to the public.

(2) No entity providing ambulance service shall use the name "Washington County" or "Johnson City," or any part thereof, in their name or any other phrase or wording that would tend to cause the public to believe that it is associated with the Washington County or Johnson City Governments. This provision shall not apply to the Washington County-Johnson City EMS Inc. or the Johnson City Rescue Squad, both of which have established their names prior to the ordinance comprising this chapter. (Ord. #3513, Sept. 1997)

9-2104. Operating base. Each such service accepting calls originating and terminating in Washington County or the City of Johnson City shall do the following:

(1) Maintain a fixed base of operations within the boundaries of Washington County or within the City of Johnson City.

(2) Such base shall house necessary equipment for communications and business functions.

(3) Maintain twenty-four (24) hour per day communications with the public, with other services and with the emergency departments of the various hospitals.

(4) The address and telephone number(s) of such fixed base shall be published and available to the public. (Ord. #3513, Sept. 1997)

9-2105. Medical director. All physician medical directors for ambulance services operating within the area of Washington County or the City of Johnson City shall be physicians practicing predominantly within the boundaries Washington County or the City of Johnson City. (Ord. #3513, Sept. 1997)

9-2106. Insurance. All ambulance services operating hereunder of shall maintain insurance policies consistent with the state law for emergency medical services, workers compensation and financial responsibility. Such insurance policies shall be issued by insurance companies authorized to do business in the State of Tennessee. (Ord. #3513, Sept. 1997)

9-2107. Vehicles and equipment. (1) All vehicles used as ambulances shall conform to the regulations of the Tennessee Department of Health concerning specifications and equipment.

(2) Each emergency ambulance shall be equipped for communication with the 911 communications center and the hospitals from the vehicle as well as portable communications.

(3) Each emergency ambulance shall be equipped to provide advanced life support including but not limited to those items required by the Department of Public Health, State of Tennessee.

(4) Each ambulance shall display its company name and unit number on the outside of the vehicle.

(5) Each emergency ambulance shall be equipped with essential emergency pediatric equipment.

(6) Each ambulance shall have available snow tires or chains to enable the vehicle to travel in times of snow or ice.

(7) All vehicles used as non-emergency ambulances shall be no more than seven (7) years old from the date of manufacture and have no more than 200,000 actual miles.

(8) Ambulances shall be kept in sanitary condition. Units shall be cleaned immediately after each call. All services shall conform to the provisions of occupational health regulations regarding bloodborne pathogens, specifically under conditions established under CFR1910.1030 and any other applicable law or regulation. (Ord. #3513, Sept. 1997)

9-2108. Ambulance personnel. (1) Emergency medical technicians and paramedics employed by ambulance services operating within the

boundaries of Washington County or within the City of Johnson City shall be licensed by the Tennessee Department of Health.

(2) All emergency medical technicians and paramedics shall be clean in dress and person and shall display his/her name and level of license in an appropriate manner visible to the patient. (Ord. #3513, Sept. 1997)

9-2109. Disasters and mutual aid. All permitted services within the boundaries of Washington County and within the City of Johnson City shall be required to:

(1) Respond, in the case of disaster, upon the request of the 911 communications center and report for coordination by the appropriate level of authority of the Washington County-Johnson City Emergency Medical Services, the state EMS regional director and/or the emergency management agency or their designees in accordance with the incident command system.

(2) Establish mutual aid agreements with the surrounding EMS and rescue services for assistance in the event of major disaster situations or incidents that exceed the capabilities of the primary EMS service, consistent with state statutes regarding the provisions of emergency medical services. (Ord. #3513, Sept. 1997)

9-2110. Revenue. Each service licensed hereunder shall be Medicare and TennCare enrolled and currently approved with a valid Tennessee provider number and will accept assignment on all Medicare and TennCare claims. Each service shall have the capability and shall provide electronic billing with Medicare. Computer billing shall be used for all patient accounts receivables. Business office hours shall be established for the general public at least forty (40) hours per week and at least during normal daylight office hours. (Ord. #3513, Sept. 1997)

9-2111. Refusal of service. No service licensed hereunder shall deny emergency care or transportation to any patient based on race, creed, sex, national origin, patient condition, or ability to pay. (Ord. #3513, Sept. 1997)

9-2112. Monitoring and enforcement. The Washington County-Johnson City Medical Advisory Board and the Regional Director for the Tennessee Division of EMS under the Department of Health and Environment, shall jointly monitor all licensed services operating in Washington County and within the City of Johnson City for compliance with the provisions of this chapter.

Permits issued under § 9-2102 shall be subject to revocation for violations as provided herein, by the issuing body and that revocation shall be subject to review as provided by law. (Ord. #3513, Sept. 1997)

9-2113. Penalties. (1) Any person or service violating or failing to comply with any provision of the ordinance comprising this chapter shall be assessed a penalty not exceeding fifty dollars (\$50.00) for each violation and payable in equal sums to the governments of Washington County and the City of Johnson City.

(2) Two (2) violations within a six (6) month period shall subject the service to revocation of its permit. (Ord. #3513, Sept. 1997)

CHAPTER 22**CABLE TELEVISION****SECTION**

9-2201. To be furnished under franchise.

9-2201. To be furnished under franchise. Cable television shall be furnished to the City of Johnson City and its inhabitants under franchise granted by the board of commissioners of the city. The rights, powers, duties and obligations of the City of Johnson City and its inhabitants are clearly stated in the franchise agreements executed by, and which shall be binding upon the parties concerned.¹

¹Ordinances providing complete details relating to cable television franchise agreements are of record in the office of the city recorder.