

TITLE 5

BUSINESSES, PROFESSIONS, AND OCCUPATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. MASSAGE PARLORS.
3. OPERATION OF ANIMAL DRAWN VEHICLES.
4. TAXICABS.
5. POOL ROOMS, ETC.

CHAPTER 1

MISCELLANEOUS

SECTION

- 5-101. "Going out of business" sales.
5-102. Business license required.

5-101. "Going out of business" sales. It shall be unlawful for any person falsely to represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days, he shall prima facie be deemed to have violated this section. [Code of 1982]

5-102. Business license required. (1) Any vocation, occupation, business or business activity engaging in sales as enumerated, described or referred to in 67-4-708(1)-(3) of the Tennessee Code Annotated is hereby subject to a privilege tax not to exceed the rates fixed and provided for in said code.

(2) All requirements for payment documentation, collecting, etc. in the ordinance are intended to coincide with provisions established in the Business

¹For beer business regulations in this code, see title 2, chapter 2; for regulations relating to building, plumbing, etc., see title 4; for privilege tax provisions, etc., see title 6; for health and sanitation regulations with respect to certain businesses such as junk yards, etc., see title 8; for restrictions on posting notices or advertisements and making noise to attract attention, see title 10; and for zoning provisions, see title 11.

Tax Act as currently adopted and as may be further amended by the state legislature from time to time.

(3) The business license, except as exempted with transient business and other temporary businesses, shall be renewable on an annual basis.

(4) Those businesses or occupations designated in Tennessee Code Annotated, § 67-4-712 are hereby exempted from the payment of the business privilege tax including but not limited to:

(a) Persons selling livestock, horses, poultry, nursery stock or farm products provided said sales are made directly by the producer, breeder or trainer of said products.

(b) Businesses having a total volume of sales of less than \$3,000.

(c) Any institution operated for religious or charitable purposes with respect to any profits which are earned from the sale of items contributed to the institution or articles produced by the institution from each contributed items.

(d) "Business" includes any activity engaged in by any person, or caused to be engaged in by the person, with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include occasional and isolated sales or transactions by a person not routinely engaged in business.

(5) In the case of antique malls, flea markets, craft shows, antique shows, gun shows and auto shows, as described in Tennessee Code Annotated, § 67-4-709, the owner, manager, operation or promoter of the facility shall be required to obtain a business license and shall collect and submit to the town recorder one dollar (\$1.00) fee per day per booth from each exhibitor at the promotion location. In the case of a flea market, exhibitors shall have the option of remitting the business tax in accordance with Tennessee Code Annotated provisions or may remit a one dollar (\$1.00) fee per booth per day to the flea market operators. Those obtaining an annual license shall provide evidence of such license to the operator before conducting business.

(6) Transient vendors shall pay a tax of fifty dollars (\$50.00) for each fourteen-day period in which said vendor sells or offers to sell merchandise or for which they are issued a business license in Jonesborough. Such tax shall be paid prior to the first day of engaging in business.

(a) "Transient vendor" is defined as any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. "Transient vendor" does not include any person selling goods by sample, brochure or sales catalog for future delivery, or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For the purpose of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public

place, including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as the person's permanent residence for more than six (6) consecutive months.

(b) Although there are no other guidelines other than those adopted in the Business Tax Act governing the acquisition of a transient business license, the following conditions must be met before a transient vendor or operator begins conducting business:

(i) Must have been issued a transient business by the town recorder.

(ii) The vendor must fill out an application for a transient business permit with the application listing the person(s) operating the business, nature of business, specific location, contact numbers, and set-up details.

(iii) The temporary premises must be properly zoned for the business and not be located on public right-of-way.

(iv) The building inspector must review the intended temporary business operation for any code requirements, including but not limited to stormwater/sedimentation concerns, lighting glare and trespass, structural issues, and shall reserve the right to require said transient vendor to provide proof that the operation meets health department standards or is not required to meet any such standard.

(v) The public safety director must review the intended temporary business operation to determine if any public safety hazards may exist due to traffic or pedestrian ingress and egress.

(vi) The building inspector must issue a transient business permit in lieu of a certificate of occupancy to the applicant for only one approved location listed on the application form. The transient vendor must display the permit on the business premises in a location easily seen by the public.

(c) Temporary businesses exempted from the transient vendor permit criteria established in 5-102(6)(b) include:

(i) Vendors allowed to set up in the boundaries established for a special event and approved by the board of mayor and aldermen through the special event permit process.

(ii) Garage sales provided said sales meet any requirements for garage sales established by the town.

(iii) Sales of one motor vehicle by the owner(s).

(iv) Bake sales, car washes, and other non-profit organizations (optional) except that no such fund raising activities

shall be allowed within a special event boundary approved by the board of mayor and aldermen without a vendor permit issued by the sponsor of the event unless the activity is being conducted by the owner of a business property within the boundary that is properly licensed and permitted to carry out such business.

(d) Temporary businesses located on business property that are not operated through the records of the existing properly licensed business must obtain a separate transient business permit before they conduct business.

(7) Temporary business permit required. It shall be unlawful for any temporary business to be engaged in their trade within the town corporate limits without first obtaining a permit in compliance with the provisions of this section.

(a) "Temporary business" shall be defined as any person who engages in the giving away, the selling or offering for sale food; of goods, wares or merchandise (defined as all variety of merchandise items, whether handmade or manufactured, but not necessarily limited to souvenirs, gifts, prizes, art, school supplies, cloth, clothing or wearing apparel, toys, balloons, novelties, small appliances, works of art or crafts, tools or mechanical, devices of any nature); or who solicits patronage for any person, business, or service by word of mouth, gesture, or by use of electrical, mechanical or sound-making devices, to entice or persuade anyone to buy, sell or accept goods, wares or merchandise within the corporate limits of Jonesborough, where the above mentioned activities are conducted from a temporary premises or location. A temporary business can also be defined as a business that is open to the public on the same parcel as a regular business but is not in a permanent structure, sells or promotes a substantially different product, and is owned or managed by someone different from the other regular business(es), or a temporary business that is in a multi-store complex and the temporary premises is not immediately adjacent to the business owner.

(b) "Temporary premises" shall mean any vacant lot, building or part of a building, tent, private parking area, or other such space not owned by the town or other governmental entity in which a merchant temporarily occupies for the purpose of exhibiting stocks of merchandise to the public for sale. No town right-of-way or open space shall be considered temporary premises to be used for temporary business merchant activity, except as may be authorized through special events permits or other chapters in the municipal code. A temporary premises does not include an outside sales or display area used on a regular or on-going basis that is under the general cover of the associated building, or a location approved for outside sales that is on an approved site plan.

(c) Application for permit: Applicants for a temporary business permit under this section must file with the town recorder an application containing the following for each itinerant merchant:

(i) Name of applicant - each party involved in the management of the merchant activity.

(ii) Address of applicant(s) and contact information including local contact number(s) if applicant is not local.

(iii) If employed, name of employer, title or position with employee, and address and contact information of employer.

(iv) Description of business or merchant activity including food, goods or merchandise to be sold or promoted.

(v) Length of time the authorization to do business is desired.

(vi) A schematic providing the information required in the Jonesborough Zoning Ordinance. Title 11, chapter 5, §§ 11-518(6) and 11-519(7):

(vii) Address of any previous locations in which the business was in operation during the last three (3) years.

(viii) Certification of property owner that authorizes business on premises submitted.

(ix) Schematic of any signage to be used in association with temporary merchant activity.

(x) Verification that the proposed premises is properly zoned for the temporary merchant activity intended.

(xi) Verification of active Jonesborough business license.

(xii) Verification of current sales tax number from Tennessee Department of Revenue.

(xiii) A certificate of appropriateness from the historic zoning commission if the premises to carry out the merchant activity is within the historic district, and if a business with a temporary business permit is allowed.

(xiv) Verification of the acquisition of any permit(s) that may be required from the Washington County Health Department or other regulatory agency, if applicable.

(xv) Verification from the building inspector and fire marshal that the temporary business activity creates no apparent safety or code issues.

(xvi) Justification that the structure(s) associated with the temporary business does not need to be moved each night.

(xvii) Proof of liability insurance coverage of one million dollars (\$1,000,000.00) or such figure satisfactory to the planning commission.

(d) Exceptions: Except as may be required in some other section of this chapter, the terms of the section regarding permitting temporary

merchants shall not be applicable to persons selling wholesale to dealers, to licensed merchants who deliver goods in the regular course of business, nor to newspaper sales, nor for garage or yard sales, nor to a person receiving authorization to engage their trade through a special event permit or outdoor use permit.

(e) Application approval: Applications shall be submitted to the town recorder who will undertake an initial review. Final approval of a temporary business permit shall be made by the Jonesborough Planning Commission after reviewing a complete application submittal.

(f) Temporary permits issued will be good for eight (8) contiguous months and may not be renewed for at least sixteen (16) months. Permit holders may choose to deactivate the business activity for some period of time during the permit period, however if the temporary business activity is re-activated the operation and set-up must meet all the criteria and conditions established and approved by the planning commission initially when the permit was issued. While the eight (8) month limitation with a temporary business permit issued is intended to govern the business use and not the location of the temporary business, the planning commission reserves the right to also consider the business owner and location when receiving a permit application that could be considered a request for a temporary business permit renewal.

(g) There is a limit of five (5) temporary business permits that can be issued at the same time, within the town limits.

(h) There is a limit of one temporary business permit per property or parcel, and temporary business permit locations must be at least five hundred feet (500') apart.

(i) At the end of the permit period, all non-permanent site improvements must be removed within five (5) days from the final day of the permit period.

(j) Temporary business permits must be displayed or exhibited in a prominent location on the temporary premises at all times business activity is open or available to the general public.

(8) Due dates for taxes shall be those established in § 67-4-714 and 67-4-715 of the Tennessee Code Annotated, except as otherwise provided for transient vendors, craft shows, etc. in Tennessee Code Annotated, § 67-4-709.

(9) Collection of delinquent taxes composed shall be as established in Tennessee Code Annotated, § 67-4-719, which states:

(a) That business tax due shall be delinquent and payable twenty (20) days after such opening or commencement of said business.

(b) March 1, for tax due previous December 31 (Classification 1)
 June 1, for taxes due previous March 31 (Classification 2)
 September 1, for taxes due previous June 30
 (Classification 3)

December 1, for taxes due previous September 30
(Classification 4)

March 1, for tax due previous December 31 (Classification 5)

(c) In addition to all other available methods of collection, the town recorder may retain, by written contract, an attorney or agent to collect or to institute proceedings to collect delinquent business taxes, interest and penalties, upon such terms as the recorder deems appropriate. The costs of collection, including, but not limited to, the court costs and the reasonable compensation for the attorney or agent, as approved by the court, are the responsibility of the delinquent tax payer. Upon receiving a business tax disbursement from the court, the recorder shall disburse such taxes according to the disbursement formula established by law.

(d) The recorder, in cases of taxes owed to the town under this part, shall notify the taxpayer by mail to the taxpayer's last known address fifteen (15) days prior to turning delinquent taxes over to an attorney or agent retained for collection or instituting proceedings to collect such taxes. The notice shall state that the tax is delinquent and if not paid within ten (10) days will be subject to additional costs of collection including court costs. The notice shall also include the rate of penalty and interest.

(e) If the recorder retains an attorney or agent to assist in the collection of taxes imposed by this part, the attorney or agent is deemed to be a tax collector for the purpose of having access to all statements, reports or returns of a taxpayer and is subject to Tennessee Code Annotated, § 67-4-722 which governs access to taxpayers' records. (Ord. #92-13, Sept. 1992, as replaced by Ord. #2004-04, Dec. 2004, and amended by Ord. #2012-04, April 2012)

CHAPTER 2

MASSAGE PARLORS

SECTION

- 5-201. Definitions.
- 5-202. License required.
- 5-203. License requirements.
- 5-204. Jonesborough massage permit required.
- 5-205. Application for Jonesborough massage permit.
- 5-206. Revocation of permit.
- 5-207. Exemptions.
- 5-208. Right of entry for inspection.
- 5-209. Permit fee.
- 5-210. Permit renewal.
- 5-211. Permit transfer.
- 5-212. -- 5-215. [Deleted.]

5-201. Definitions. (1) Compensation: means the payment, loan, advance donation, contribution, deposit or gift of money, or anything of value.

(2) Massage/bodywork/somatic: means the manipulation of the soft tissues of the body with the intention of positively affecting the health and well-being of the client.

(3) Massage establishment: means a place of business held out to the public wherein massage is practiced.

(4) Massage therapist: means a person who practices massage for compensation and is licensed by the Tennessee Massage Licensure Board. (Ord. of Oct. 21, 1987, as replaced by Ord. #2011-11, Aug. 2011)

5-202. License required. Persons or massage establishments engaged in massage for compensation shall be licensed by the Tennessee Massage Licensure Board. No person or establishment may use the word "massage" or any other term that implies massage technique or method when advertising a service by a person unless that person is licensed by the Tennessee Massage Licensure Board. (Ord. of Oct. 21, 1987, as replaced by Ord. #2011-11, Aug. 2011)

5-203. License requirements. Requirements to receive a massage therapist license are established in procedures and policies adopted by the Tennessee Massage Licensure Board, and as outlined in Tennessee Code Annotated, § 63-18-105. (Ord. of Oct. 21, 1987, as replaced by Ord. #2011-11, Aug. 2011)

5-204. Jonesborough massage permit required. Persons or establishments to provide massage service within the corporate limits of the Town of Jonesborough must have a massage permit. (Ord. of Oct. 21, 1987, as replaced by Ord. #2011-11, Aug. 2011)

5-205. Application for Jonesborough massage permit. Persons or establishments intending to undertake massage services for compensation must submit a permit application that includes the following information:

- (1) Name, address and contact information of applicant.
- (2) Address of establishment where massage services will take place, and name, address and contact information of owner of premises.
- (3) Copy of active license as a massage therapist from the Tennessee Massage Licensure Board.
- (4) Copy of certificate of occupancy or approved inspection of premises letter from the Jonesborough Building Inspector or designee.
- (5) Proof of Jonesborough business license as individual or establishment. (Ord. of Oct. 21, 1987, as replaced by Ord. #2011-11, Aug. 2011)

5-206. Revocation of permit. Jonesborough massage permits may be revoked, restricted or conditioned for any violation of Tennessee Code Annotated, § 63-18-108, including, but not limited to, employing, allowing or permitting any unlicensed person to perform massage in such licensee's establishment, providing false information, failure to allow inspection or investigation of premises, or failure to meet all financial and licensing requirements of the establishment. (Ord. of Oct. 21, 1987, as replaced by Ord. #2011-11, Aug. 2011)

5-207. Exemptions. Any person exempt from massage licensing requirements under Tennessee Code Annotated, § 63-18-110 shall be exempt from massage permit requirements of the Town of Jonesborough. (Ord. of Oct. 21, 1987, as replaced by Ord. #2011-11, Aug. 2011)

5-208. Right of entry for inspection. The chief of police or his duly authorized representative, and the Jonesborough Building Inspector and Safety Officer are hereby authorized to enter, examine and survey any premises in the town in which a massage permit license has been issued during normal business hours to enforce provisions of this chapter. (Ord. of Oct. 21, 1987, as replaced by Ord. #2011-11, Aug. 2011)

5-209. Permit fee. A permit fee may be established by the Jonesborough Board of Mayor and Aldermen. (Ord. of Oct. 21, 1987, as replaced by Ord. #2011-11, Aug. 2011)

5-210. Permit renewal. The Jonesborough massage permit shall automatically renew without additional submittals as long as the licensee continues providing massage services at the same location. (Ord. of Oct. 21, 1987, as replaced by Ord. #2011-11, Aug. 2011)

5-211. Permit transfer. No massage permits may be transferred. (Ord. of Oct. 21, 1987, as replaced by Ord. #2011-11, Aug. 2011)

5-212.--5-215. [Deleted.] (Ord. of Oct. 21, 1987, as deleted by Ord. #2011-11, Aug. 2011)

CHAPTER 3

OPERATION OF ANIMAL DRAWN VEHICLES

SECTION

- 5-301. Use restricted.
- 5-302. Permit required.
- 5-303. Permits renewed annually.
- 5-304. Transferability of permit.
- 5-305. Permit fee.
- 5-306. Permit revocation and expiration.
- 5-307. Liability insurance - required.
- 5-308. Certificate of appropriateness.
- 5-309. Design standards.
- 5-310. Safety and appearance - annual inspections.
- 5-311. Safety inspection fee.
- 5-312. Tour guide required.
- 5-313. Drivers certificate required.
- 5-314. Certificate of health of animals required.
- 5-315. Non-slip shoes required for animals.
- 5-316. Diapering apparatus required.
- 5-317. Compliance with traffic regulations.
- 5-318. Maintenance of traffic flow.
- 5-319. Passenger loading.
- 5-320. Route limitations.
- 5-321. Rates and schedules displayed.

5-301. Use restricted. It shall be unlawful for any person to operate or cause to be operated any vehicle drawn by animals for the purpose of conducting tours within the city limits of Jonesborough except as provided for in this chapter. [Ord. #92-04, April 1992]

5-302. Permit required. Any person desiring to operate or cause to be operated an animal-drawn vehicle, hack, or carriage for tour or transportation services shall file application for a permit through the town recorder and must have that application approved by the board of mayor and aldermen. Permit application shall be on forms approved by the board and shall include but not be limited to the following:

- (1) Permit application form which includes a recommendation from staff;
- (2) A certificate of appropriateness approved by the chief of police;
- (3) A certificate of health for all individual animals to be used in the service.
- (4) Proof of issuance of a Jonesborough business license.

(5) Driver's certificates for all persons driving the animal-drawn vehicle(s)

(6) Certificate of insurance.

Permit applications are open to the public and notification of a pending permit application will be made through the appropriate local newspaper prior to action by the board of mayor and aldermen.

Permits will be signed by the mayor and recorder upon approval by the board, and the town recorder will notify all proper authorities including the town's general liability carrier of the permit approval. [Ord. #92-04, April 1992]

5-303. Permits renewed annually. Permits must be renewed annually by the board of mayor and aldermen by application which must include a certificate of appropriateness renewal form approved by the chief of police, the appropriate certificate of health forms for all animals, and certificate of insurance. [Ord. #92-04, April 1992]

5-304. Transferability of permit. A permit to operate an animal-drawn vehicle required under this chapter shall be issued on a specific vehicle and for a specific owner, and is not transferable. The permit remains the property of the Town of Jonesborough and must be surrendered upon expiration or revocation. [Ord. #92-04, April 1992]

5-305. Permit fee. Any owner, lessee, corporation, or other entity that is issued a permit under the provisions of this chapter shall pay a permit fee of one-hundred dollars (\$100.00) annually per vehicle permitted. Renewal fees will be one-hundred dollars (\$100.00) per year. Permit fees may be amended as deemed necessary by the board of mayor and aldermen. [Ord. #92-04, April 1992]

5-306. Permit revocation and expiration. A permit issued under the provisions of this chapter may be revoked temporarily by the chief of police for reasons of imminent danger to public safety. The circumstances requiring the revocation shall be listed in writing and sent to the owner, lessee, corporation or other entity involved in the permitted operation. A list of corrective actions necessary shall accompany the correspondence.

The board of mayor and aldermen may revoke a permit for, but not limited to, the following reasons:

(1) The animal drawn vehicles are made available to the public less than twenty-six (26) weeks in any year;

(2) The number of hours the animal-drawn vehicles are available in a week consistently falls below twenty (20) hours except during the winter months.

(3) The board determines that the animal-drawn vehicle operation has become a discredit to the town through the appearance and behavior of the drivers or the condition of the animals and equipment.

(4) The drivers associated with the animal-drawn vehicle operation constantly violate or ignore Jonesborough traffic regulations;

(5) Notification is received that the owner's, lessee's, corporation's or other entity's liability insurance coverage on the animal-drawn vehicle program has been canceled or has been reduced below the minimum limits required.

(6) The board determines that the health and safety of the general public is in jeopardy by allowing the animal-drawn service to continue to operate.

(7) A renewal application is not submitted before the annual renewal date, thus resulting in an automatic expiration and revocation of the permit until such time that a new permit is directed by the board of mayor and aldermen. [Ord. #92-04, April 1992]

5-307. Liability insurance - required. It shall be unlawful for any owner, operator, agent, lessee, or driver of any animal-drawn vehicle for tour or transportation purposes to drive or operate said vehicle(s) or permit same to be driven or operated on the public streets or right-of-ways of the Town of Jonesborough without having a liability insurance policy issued by a reliable and responsible insurance company authorized to write liability insurance and to do business in the State of Tennessee that is in full force and is on file at the recorder's office at any time the animal-drawn vehicle is in operation.

Insurance policies shall cover bodily injuries, including death at any time resulting therefrom, accidentally sustained by any person caused by or arising out of the ownership, maintenance, use or operation of animal-drawn vehicles; or caused by or resulting from the loading or unloading of such vehicles. In addition, coverage shall include injuries to, and the destruction of, property so sustained by any person caused by or arising out of the ownership, maintenance, use or operation of the animal-drawn vehicles.

The policy may not be altered, modified, or canceled for any reason without notice of such alteration, modification, or cancellation being served upon the town recorder.

The policy shall be issued with minimum bodily injury and property damage liability limits of \$500,000.00 for each occurrence and aggregate. [Ord. #92-04, April 1992]

5-308. Certificate of appropriateness. No animal-drawn vehicle shall operate a tour or transportation business within the Town of Jonesborough without a duly issued certificate of appropriateness. Certificates of appropriateness shall be issued by the chief of police or his designee and shall include but not be limited to the following:

- (1) Adequate identification of the applicant, the animal drawn vehicle, and proof of ownership;
- (2) Dimensions, weight, passenger capacity and other characteristics as deemed necessary of the vehicle;
- (3) Color photographs of the vehicle showing all sides;
- (4) A satisfactory safety and appearance inspection;
- (5) A route map designating direction traveled on streets and scheduled stops that is approved by the chief of police and director of tourism.

The chief of police or appropriate designee upon satisfaction of appropriateness shall issue a certificate that must be presented in the permit application to the recorder. [Ord. #92-04, April 1992]

5-309. Design standards. Animal-drawn vehicles shall be authentically styled passenger carriages and must be maintained in a clean well-painted manner so as to provide a generally good appearance. All animal-drawn vehicles must be approved through a safety and appearance inspection in advance of their use. Equipment on the vehicle shall be maintained in good repair. The following will be among these items monitored in the inspection:

Body Condition

Reflectors

Grab Handles

Traces

Harness

Seats

Wheels

Top

Shafts

Steps

Lights

Brakes

Non-slip Shoes on Animals. [Ord. #92-04, April 1992]

5-310. Safety and appearance - annual inspections. The owner, lessee, corporation or other entity operating an animal-drawn tour or transportation vehicle in the Town of Jonesborough shall subject each vehicle used to a complete and thorough annual inspection to be carried out by a designated Jonesborough garage mechanic under the direction of the chief of police. The chief of police is given the authority to suspend the permit of any vehicle that might cause imminent danger to the public's safety. [Ord. #92-04, April 1992]

5-311. Safety inspection fee. A fee will be charged for carrying out the annual safety and appearance inspection. The fee is \$15.00, however, the fee may be changed from time to time as deemed necessary by the board of mayor and aldermen. [Ord. #92-04, April 1992]

5-312. Tour guide required. All tours on animal-drawn vehicles must be conducted by a registered tour guide. Every driver must be neat and clean in appearance and shall while on duty wear in plain view a badge or name plate with his or her name thereon. No driver may smoke while carrying any passenger. [Ord. #92-04, April 1992]

5-313. Drivers certificate required. Any person driving or operating an animal-drawn vehicle for the purpose of conducting tours in the Town of Jonesborough must be registered with the chief of police and receive a drivers certificate. Applicants for a drivers certificate must verify that:

- (1) He or she has a current automobile vehicle drivers license;
- (2) He or she is a reputable citizen through a minimum of two (2) references;
- (3) He or she is a person of good moral character, and a signed sworn written statement whether or not the applicant has been convicted of any felony or any violation involving moral turpitude.
- (4) He or she has passed any requirements, if any, for tour guide operating in Jonesborough.

In addition, the applicant must demonstrate to the chief of police or his designee by written or oral examination, that he or she has satisfactory knowledge and competence in the following:

- (1) Principal streets of Jonesborough;
- (2) Traffic regulations/use of loading zones;
- (3) Handling animal drawn vehicles;
- (4) Any other requirements as deemed necessary by the board of mayor and aldermen or the chief of police;

Drivers certificates must contain a photograph of the approved driver and must be displayed and visible when driving an animal-drawn vehicle. [Ord. #92-04, April 1992]

5-314. Certificate of health of animals required. The applicant for a permit or renewal of a permit to drive or operate an animal-drawn vehicle within the Town of Jonesborough shall provide as a precondition a certificate of health by a doctor of veterinary medicine duly licensed in the State of Tennessee, for each animal to be used in the tour or transportation service in Jonesborough. The certificate shall certify that the doctor has examined said animal and that the same is of good health and capable of pulling the tour or transportation vehicle. [Ord. #92-04, April 1992]

5-315. Non-slip shoes required for animals. All animals used in the animal-drawn tour and transportation vehicle service shall be provided with non-slip shoes. [Ord. #92-04, April 1992]

5-316. Diapering apparatus required. It shall be unlawful for any person, firm, corporation or other entity to utilize any animal for the purpose of pulling any vehicle, hack or carriage for tour or transportation purposes on the streets of Jonesborough unless such animal is equipped with a diapering apparatus that prevents the droppings of said animal from being deposited or otherwise left on the town streets. It shall be the responsibility of the person, firm, corporation or other entity utilizing any animal for the purpose of pulling any tour or transportation vehicle to see that the diapering apparatus is maintained in working order. In the event of failure, it will be the sole responsibility of the owner to properly and immediately clean-up any waste on public streets or right-of-ways by sundown of the day of occurrence. Such clean up, however, does not prohibit the owner from being fined through the provisions of this chapter. The Town of Jonesborough at its discretion may clean up the animal waste if the public interest and health requires and bill the owner for the service(s). Each area of animal waste shall be considered a separate offense. [Ord. #92-04, April 1992]

5-317. Compliance with traffic regulations. Any person, firm, corporation or other entity having been issued a permit to operate a business under this chapter shall be subject to all traffic regulations, ordinances in the Jonesborough Municipal Code, and any applicable regulations in the Tennessee Code Annotated. [Ord. #92-04, April 1992]

5-318. Maintenance of traffic flow. On Main Street animal-drawn vehicles of any kind conducting tours shall remain in and be part of the normal traffic flow, however, said vehicles may pull over temporarily into loading zones to prevent unnecessary delays to following traffic. Said vehicles may also stop and stand for description purposes when loading zones are available. On side streets tour vehicles may temporarily pull to the side to prevent unnecessary delays to following traffic. [Ord. #92-04, April 1992]

5-319. Passenger loading. Animal-drawn vehicles may pick up or discharge passengers at the Historic Jonesborough Visitor Center, at designated loading zones, or any other location approved by the board of mayor and aldermen. [Ord. #92-04, April 1992]

5-320. Route limitations. Animal-drawn vehicles must operate within the general boundaries of the area between North and South Lincoln Ave. in the East; New Street at Cherokee and Depot Street at S-81 in the South; West Main to Persimmon Ridge Road to the West but including Persimmon Ridge Road to Persimmon Ridge Park; and the south boundary of U.S. 11-E/Jackson Blvd. but not including U.S. 11-E/Jackson Blvd. itself or any streets to the north of U.S. 11-E.

The board may make exception to the boundaries above, but must approve each on an individual request basis. [Ord. #92-04, April 1992]

5-321. Rates and schedules displayed. It shall be the responsibility of the owner, lessee, or operator of any animal-drawn vehicle tour or transportation business to appropriately display said rates and schedules at the Jonesborough Visitor Center in such a manner deemed appropriate by the Visitors Center Director. [Ord. #92-04, April 1992]

CHAPTER 4

TAXICABS¹

SECTION

- 5-401. Taxicab franchise and privilege license required.
- 5-402. Requirements as to application and hearing.
- 5-403. Liability insurance or bond required.
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5-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the town and has a currently effective privilege license. [Code of 1982]

5-402. Requirements as to application and hearing. No person shall be eligible for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the Board of Mayor and Aldermen; and make a recommendation

¹For privilege tax provisions, etc., see title 6 in this code.

either to grant or refuse a franchise to the applicant. The Board of Mayor and Aldermen shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise, the Board of Mayor and Aldermen shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional taxicab franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. [Code of 1982]

5-403. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in title 55, chapter 12, Tennessee Code Annotated. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the town. [Code of 1982]

5-404. Revocation or suspension of franchise. The Board of Mayor and Aldermen, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. [Code of 1982]

5-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the town unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear view mirror, all of which shall conform to the requirements of the state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. [Code of 1982]

5-406 Cleanliness of vehicles. All taxicabs operated in the town shall at all times be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. [Code of 1982]

5-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. [Code of 1982]

5-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. [Code of 1982]

5-409. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the town who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent traffic offenses.
- (7) Is familiar with the state and local traffic laws. [Code of 1982]

5-410. Revocation or suspension of driver's permit. The Board of Mayor and Aldermen, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in section 5-409. [Code of 1982]

5-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the town for the purpose of obtaining patronage for their cabs. [Code of 1982]

5-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the town for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to interfere

unreasonably with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. [Code of 1982]

5-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. [Code of 1982]

5-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. [Code of 1982]

5-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to blow the automobile horn unnecessarily; or otherwise to disturb unreasonably the peace, quiet, and tranquility of the town in any way. [Code of 1982]

5-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. [Code of 1982]

CHAPTER 5

POOL ROOMS, ETC.

SECTION

5-501. Hours of operation regulated.

5-502. Minors prohibited in pool rooms.

5-503. Unlawful for owner to allow minor to play pool, etc.

5-504. Unobstructed view from sidewalk to be maintained in pool rooms.

5-505. Pool prohibited in beer establishments.

5-506. Violations.

5-501. Hours of operation regulated. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard or pool rooms or tables or nine pin, or ten pin alleys, or for their agents, employees, servants, or other persons for them, to play, or permit any person or persons to play any games in said billiard or pool rooms, or play the game of billiards or pool upon such billiard or pool tables, or to play any game upon such nine pin or ten pin alleys, or roll balls thereon, within the limits of Jonesborough, Tennessee, except between the hours of 6:00 o'clock, a.m. and 11:59 o'clock, p.m. [Ord. of May 12, 1986, repealing Ord. of March 27, 1926, § 1 as amended by ord. of May 3, 1944, § 1]

5-502. Minors prohibited in pool rooms. It shall be unlawful for minors under the age of 18 years of age unless accompanied by their parents or guardians to engage in the playing of pool or billiards in any publicly operated establishment or to congregate or loiter in or around any such pool room or billiard hall within the town. [Ord. of May 12, 1986, repealing Ord. of June 23, 1955, § 1]

5-503. Unlawful for owner to allow minor to play pool, etc. It shall be unlawful for the owner, operator, manager, or anyone in charge of or having any connection with a billiard parlor or pool room to suffer or permit any minor under the age of 18 years to play or participate in any game of pool or billiards or similar game or to congregate or loiter in or about the premises of such billiard parlor or pool room, except when said under the age of 18 years is accompanied by a parent or guardian. [Ord. of May 12, 1986, repealing Ord. of June 23, 1955, § 2]

5-504. Unobstructed view from sidewalk to be maintained in pool rooms. It shall be unlawful to maintain or operate any pool room or billiard room, or any part thereof, or any device therein or connected therewith for playing pool, billiards, or any other game similar thereto, within the corporate limits of the

Town of Jonesborough, except when such is open to plain and unobstructed view of and from the sidewalk in front of such building in which the said business is being operated; neither shall there be any obstructions as to view, in respect to any part or portion of such room in which such games are being played, whether by partition in whole or in part. [Ord. of Oct. 8, 1946, § 1]

5-505. Pool prohibited in beer establishments. It shall be unlawful to operate any type of pool room in the same room or building in which beer is consumed, or in any room or building having a connection by door or otherwise into or with any other room or building where beer is consumed as will afford passage of persons from the one room or building into another room or building; the mere locking of any existing doors being insufficient, without the erection of permanent walls or their equivalent. [Ord. of May 12, 1986, repealing Ord. of Oct. 8, 1946, § 2]

5-506. Violations. Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, therefore, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each violation. [Ord. of May 12, 1986]