

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

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11. YARD SALES.

CHAPTER 1

MISCELLANEOUS

SECTION

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

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1976 Code, § 5-101)

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 9-201. Permit required.
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- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.

9-201. Permit required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1976 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1976 Code, § 5-202)

9-203. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

¹Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: section 11-801.

(3) A brief description of the nature of the business and the goods to be sold.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

(6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate properly the applicant's moral reputation and business responsibility.

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefor.

(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1976 Code, § 5-203)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the city recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by section 9-206. The city recorder shall keep a permanent record of all permits issued. (1976 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the governing body. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at

least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1976 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1976 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1976 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1976 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1976 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1976 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the governing body after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing,

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1976 Code, § 5-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1976 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1976 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.
- 9-305. Provisions regarding solicitors for charitable purposes.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the police chief authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1976 Code, § 5-301, as amended by Ord. #2007-10, July 2007)

9-302. Prerequisites for a permit. The police chief shall issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

(1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.

(2) The control and supervision of the solicitation will be under responsible and reliable persons.

(3) The applicant has not engaged in any fraudulent transaction or enterprise.

(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1976 Code, § 5-302, as amended by Ord. #2007-10, July 2007)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the governing body if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1976 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1976 Code, § 5-304)

9-305. Provisions regarding solicitors for charitable purposes. No solicitor for charitable purposes shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk.

(2) Stand or sit in or near the entrance to any dwelling or place or business, or in any other place which disrupt or impede pedestrian or vehicular traffic.

(3) Call attention to his solicitation efforts by crying out, by blowing the horn, by ringing a bell, or creating other noise that is disruptive to the public peace.

(4) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

(5) Solicit in vehicular traffic lanes or operate a "road block" of any kind unless the solicitation permit has specifically indicated it is for the purpose of conducting a road block and the following requirements have been met in seeking such permit:

(a) All persons in such road block must be eighteen (18) years of age or older;

(b) Such road block is only conducted during daylight hours;

(c) Signs that are a minimum size of 22"x28", are displayed for each lane of roadway occupied at the road block site clearly and boldly identifying the charity or cause for which funds are being raised in a type of font size that can be read by motorists from their vehicles;

(d) Orange, lime green, or yellow vests are worn by each participant so as to be clearly visible to motorists;

(e) Release of liability and assumption of the risk acknowledgments are executed on behalf of the organization seeking the permit and each adult participant in the road block activity;

(f) No more than two (2) such permits shall be available for any given calendar month on a first come, first served basis;

(g) No permit will be issued for any group more than once per calendar year;

(h) Such "road block" activity is allowed only at the intersection of Mulberry Street and Grove Street;

(i) No permit shall authorize more than one (1) event at a time and no permit may be sought more than one (1) year prior to the proposed date of the event. (as added by Ord. #2007-10, July 2007)

CHAPTER 4

TAXICABS¹

SECTION

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

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. All taxicab franchises within the City of Loudon shall expire on August 1, 1976, and applications must be submitted for renewal at least thirty (30) days prior to the above date. (1976 Code, § 5-401)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. 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 governing body; and make a recommendation to

¹Municipal code reference
Privilege taxes: title 5.

either grant or refuse a franchise to the applicant. The governing body 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 governing body shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. (1976 Code, § 5-402, as amended by Ord. #2003-03, May 2003)

9-403. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of one hundred thirty thousand dollars (\$130,000.00) for bodily injury or death to any one person, three hundred fifty thousand dollars (\$350,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and fifty thousand dollars (\$50,000.00) for property damage resulting from any one accident. The insurance policy 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 municipality. (1976 Code, § 5-403)

9-404. Revocation or suspension of franchise. The governing body, 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. (1976 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any taxicab to operate in the municipality unless it is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state 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. (1976 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the municipality 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. (1976 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1976 Code, § 5-407)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1976 Code, § 5-408)

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

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (6) Is familiar with the state and local traffic laws. (1976 Code, § 5-409, as amended by Ord. #2003-03, May 2003)

9-410. Revocation or suspension of driver's permit. The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for traffic violations or violation of this chapter. (1976 Code, § 5-410)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1976 Code, § 5-411)

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

Each taxicab owner operating and maintaining a stand or place of business on the street shall pay one hundred dollars (\$100.00) per year for each parking space used. Any owner requiring or using more than one cab shall pay \$100.00 for each space which he uses and for which it has made application to the City of Loudon. This annual fee for each space is payable in advance in installments of \$50.00 each on January 1 and July 1 of each year. No taxicab owner or operator maintaining a stand or place of business in the City of Loudon may make use of any street parking space for which he has not paid the above fee. (1976 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1976 Code, § 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1976 Code, § 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. It shall be unlawful for any taxicab driver, while on duty, to receive, possess, store, transport, sell, furnish or solicit orders for any intoxicating liquor within this municipality. (1976 Code, § 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1976 Code, § 5-416)

CHAPTER 5

POOL ROOMS¹

SECTION

9-501. Prohibited in residential areas.

9-502. Hours of operation regulated.

9-503. Minors to be kept out; exception.

9-501. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1976 Code, § 5-501)

9-502. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time between the hours of 12:00 midnight and 6:00 A.M. (1976 Code, § 5-502, as replaced by Ord. #1998-5, June 1998, and Ord. #2009-03, March 2009)

9-503. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father, mother or legal guardian of such minor, if living; if the father and mother are dead, then the guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1976 Code, § 5-503)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 6

MEMBERSHIP SOLICITORS

SECTION

9-601. Permit required.

9-602. Issuance and term of permit.

9-601. Permit required. It shall be unlawful for any person, without a city "membership solicitor's permit," to solicit, within the corporate limits of Loudon, Tennessee, membership for any organization requiring payment of membership fees or dues. Merely discussing the merits of, or making a speech in support of an organization, without more, shall not be deemed to be "soliciting" within the prohibition of this section, but any requests for joining such organization made to an individual, or group of individuals, shall be soliciting within the prohibitions of this section. (1976 Code, § 5-601)

9-602. Issuance and term of permit. The city recorder shall issue a "membership solicitor's permit" to any person making a sworn, written application therefor establishing his or her name and local and permanent addresses, the name and address of the organization which he or she represents, the name of his or her immediate superior, and his or her title or position with such organization.

The permit issued pursuant hereto shall expire twelve (12) months from the date of issue, and shall not be valid thereafter. (1976 Code, § 5-602)

CHAPTER 7

VIDEOCASSETTES

SECTION

9-701. Definitions.

9-702. Rental or sale of material to minor.

9-703. Display of material.

9-704. Violations.

9-701. Definitions. Definition of terms as used herein shall be as follows:

(1) "Minor" means any person who has not reached the age of eighteen (18) years;

(2) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering or the showing of the female breast with less than a full opaque covering or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state;

(3) "Person" shall include the singular and the plural and shall mean and include any individual, firm, partnership, co-partnership, association, corporation, or other organization or other legal entity, or any agent or servant thereof, but shall not include libraries or educational institutions;

(4) "Rating" means the rating standards promulgated by the Classification and Rating Administration of the Motion Picture Association of America;

(5) "Rental" means the loan for monetary consideration. (Ord. # 747, Oct. 1985)

9-702. Rental or sale of material to minor. It shall be unlawful for any person to rent or sell to a minor any "R" or "X" rated motion picture film or video cassette. (Ord. # 747, Oct. 1985)

9-703. Display of material. It shall be unlawful:

(1) To display for rental or sale any "X" rated motion picture film or video cassette in any area or by any method accessible to minors, or

(2) To display, cause, or permit to be displayed at a height less than five and one-half (5½) feet above the floor for rental or sale in any store, or similar place, any motion picture films package, box or container or video cassette package, box or container which exhibits nudity on said package, box or container.

(3) Each such motion picture film package, box, or container displaced in violation of this section shall constitute a separate offense. (Ord. # 747, Oct. 1985)

9-704. Violations. Violation of any of the provisions of this chapter shall be a misdemeanor and punished accordingly. (Ord. # 747, Oct. 1985)

CHAPTER 8

PINBALL MACHINES

SECTION

9-801. Defined.

9-802. Operation by minors prohibited.

9-803. Shuffle-boards not unlawful.

9-801. Defined. By pinball machine is meant a mechanically operated machine, either electrical or nonelectrical, using a ball or balls and a plunger to propel the same over a board so as to produce or make a score of points. (1976 Code, § 5-801)

9-802. Operation by minors prohibited. It shall be unlawful for any person or business concern of any type having in its possession pinball machines to permit anyone under the age of eighteen (18) years to play such machine or machines. (1976 Code, § 5-802)

9-803. Shuffle-boards not unlawful. Pinball machines shall not be meant to include shuffle-boards, and the use of shuffle-boards, either by the owner or operator, or by the participants, shall not be unlawful. (1976 Code, § 5-804)

CHAPTER 9

CATV AUTHORITY

SECTION

9-901. Created.

9-901. Created. The Loudon County Cable Television Authority is hereby established. The City of Loudon approves the agreement creating a CATV authority by Ord. #1993-21, § 1, December 1993. The agreement is attached to this ordinance and is available in the office of the recorder. (Ord. #1993-21, § 1, Dec. 1993)

CHAPTER 10

ADULT ORIENTED MATERIALS IN COMMERCIAL ESTABLISHMENTS

SECTION

9-1001. Regulation of the display of sexually oriented materials.

9-1002. Definition of "display."

9-1003. Penalty for violation.

9-1001. Regulation of the display of sexually oriented materials. It shall be unlawful for a person to display for sale or rental a visual depiction, including a videocassette tape or film, or a written representation, including a book, magazine or pamphlet, which contains material harmful to minors anywhere minors are lawfully admitted. (as added by Ord. #2000-19, Dec. 2000)

9-1002. Definition of "display." The burden shall be on the City of Loudon or its employees to prove that the material is displayed. Material is not considered displayed under this chapter if:

- (6) The material is:
 - (a) Placed in "binder racks" that cover the lower two thirds (2/3) of the material and the viewable one third (1/3) is not harmful to minors;
 - (b) Located at a height of not less than five and one half feet (5.5') from the floor; and
 - (c) Reasonable steps are taken to prevent minors from perusing the material;
- (7) The material is sealed, and, if it contains material on its cover which is harmful to minors, it must also be opaquely wrapped;
- (8) The material is placed out of sight underneath the counter; or
- (9) The material is located so that the material is not open to view by minors and is located in an area restricted to adults;
- (10) Unless its cover contains material which is harmful to minors, a video cassette tape or film is not considered displayed if it is in a form that cannot be viewed without electrical or mechanical equipment and such equipment is not being used to produce a visual depiction; or
- (11) In a situation if the minor is accompanied by the minor's parent or guardian, unless the area is restricted to adults as provided for in subdivision (4). (as added by Ord. #2000-19, Dec. 2000)

9-1003. Penalty for violation. Any person violating any of the provisions of this chapter may be punished by penalty not to exceed fifty dollars (\$50.00). Each such person is guilty of a separate offense for each and every day during which any violation of the provisions of this chapter is committed or continued. (as added by Ord. #2000-19, Dec. 2000)

CHAPTER 11

YARD SALES

SECTION

- 9-1101. Definitions.
- 9-1102. Property permitted to be sold.
- 9-1103. Hours of operation.
- 9-1104. Display of sale property.
- 9-1105. Advertising.
- 9-1106. Persons exempted from chapter.
- 9-1107. Enforcement.
- 9-1108. Violations and penalty.

9-1101. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Yard sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold.

(2) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (as added by Ord. #2014-10, Sept. 2014)

9-1102. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property. "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (as added by Ord. #2014-10, Sept. 2014)

9-1103. Hours of operation. Yard sales period shall be limited in time to no longer than 7:00 A.M. to 7:00 P.M. on a maximum of three (3) consecutive twenty-four (24) hour days or two (2) two (2) day weekends in a thirty (30) day period. (as added by Ord. #2014-10, Sept. 2014)

9-1104. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a yard sale shall be displayed in any public right-of-way. At completion of the sales period all display and sales property must be removed from view. (as added by Ord. #2014-10, Sept. 2014)

9-1105. Advertising. Signs are permitted. Signs can be put up three (3) days before yard sale and must be taken down within two (2) days after sale is complete. (as added by Ord. #2014-10, Sept. 2014)

9-1106. Persons exempted from chapter. The provisions of this chapter shall not apply to 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 on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the City of Loudon, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances.

(4) The annual Highway 11 yard sale. (as added by Ord. #2014-10, Sept. 2014)

9-1107. Enforcement. Upon receiving a citizen complaint and/or a violation being viewed by law enforcement or codes enforcement it will be the duty of said enforcement agencies to investigate and determine if violations exist and penalize said violations. (as added by Ord. #2014-10, Sept. 2014)

9-1108. Violations and penalty. Any person violating the provisions of this chapter shall be subject to a civil penalty up to and including fifty dollars (\$50.00) plus costs for each violation. Each day of violation constitutes a separate offense. (as added by Ord. #2014-10, Sept. 2014)