

## TITLE 9

### BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
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4. PRECIOUS METALS AND JEWELRY DEALERS.
5. CIRCUSES, CARNIVALS, TENT SHOWS, ETC.
6. CABLE TELEVISION.
7. ADULT ORIENTED ESTABLISHMENTS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 9-101. Casual sale of goods by residents of city.  
 9-102. Closing hours of poolrooms and dance halls.

**9-101. Casual sale of goods by residents of city.** The permit requirements in this title shall not apply to the casual sale of goods by residents of the city when said sales are conducted on the respective sellers' private residential property, at sales commonly known as "garage sales," "carport sales," "yard sales," etc., if all of the following conditions exist:

(1) Said casual sales may not be conducted by the same sellers for more than 3 days at any one time, and no more often than one time per month, on the same property.

(2) Any goods so sold must be the property of the sellers, and which goods have been used by said sellers or were theretofore purchased by said sellers for their personal use.

(3) Said goods sold shall not have been purchased by said sellers for the purpose of resale. Should one or more of the foregoing conditions not exist, then said casual sales activities shall be subject to permit and other requirements as are herein set forth, and further said sales activities shall be

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<sup>1</sup>Municipal 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.

considered as a business and be subject to business tax and other requirements pertaining to businesses in general. (1988 Code, § 5-101)

**9-102. Closing hours of poolrooms and dance halls.** (1) All poolrooms and dance halls shall be closed not later than 12:00 on Saturday nights. Said poolrooms and dance halls shall remain closed until 8:00 A.M. on the following Monday.

(2) For the purposes of this section "pool" is defined as follows: A game played on a table with six (6) pockets, using balls and cues. Pool is synonymous with pocket billiards. Further, for the purposes of this section, a "poolroom" is defined as an establishment opened to the public where pool tables are located and where pool is played. This section shall not include establishments where no charges are regularly made to customers or users for playing pool, nor shall it apply to church-related recreation centers where pool tables are located or to publicly owned recreation centers where pool tables are located if in said establishments no charges are made for the playing of pool. (1988 Code, § 5-103)

## CHAPTER 2

### PEDDLERS, ETC.<sup>1</sup>

#### SECTION

- 9-201. Permit required; use by permittee only.
- 9-202. Application for permit; fee.
- 9-203. Issuance or refusal of permit.
- 9-204. Exhibition of permit.
- 9-205. Revocation or suspension of permit.
- 9-206. Reapplication after revocation.
- 9-207. Expiration and renewal of permit.
- 9-208. Exemptions.
- 9-209. Appeal.
- 9-210. Loud noises and speaking devices.
- 9-211. Use of streets.
- 9-212. Regulations and exceptions.
- 9-213. General penalty provisions.

**9-201. Permit required; use by permittee only.** It shall be unlawful for any peddler, canvasser or solicitor or transient merchant to ply his trade within the city without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. Anyone who should violate the provisions hereof shall be liable under the general penalty provisions of the Code of Ordinances of the City of Tullahoma, Tennessee, and each day that said violation continues shall constitute a separate offense thereunder. (1988 Code, § 5-201)

**9-202. Application for permit; fee.** Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.

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

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

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

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

(9) The last three (3) municipalities, 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 as established by ordinance from time to time shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1988 Code, § 5-202, modified)

**9-203. 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 or business responsibility to be unsatisfactory the city recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-203.

(4) The city recorder shall keep a permanent record of all permits issued. (1988 Code, § 5-204)

**9-204. Exhibition of permit.** Permittees are required to exhibit their permits at the request of any policeman or citizen. (1988 Code, § 5-205)

**9-205. 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 business by said solicitor, canvasser, peddler, transient merchant, or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1988 Code, § 5-206)

**9-206. Reapplication after revocation.** 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. (1988 Code, § 5-207)

**9-207. Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire thirty (30) days from the date of their issuance and shall be renewed only under the same terms and conditions as an original permit is issued. An application for 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. (1988 Code, § 5-208)

**9-208. Exemptions.** The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, not to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, educational, patriotic, or philanthropic organizations. Further, the terms of this chapter shall not apply to farmers selling produce at a farmer's market conducted upon private property, or to farmers and/or produce growers selling produce on non-residential, public property from vehicles so long as all traffic requirements and other requirements of the City of Tullahoma, Tennessee, are not violated. Nor shall this chapter apply to craftsmen selling homemade goods from vehicles on non-residential, public property so long as all traffic requirements and other requirements of the City of Tullahoma are met, nor shall this chapter apply to the casual sale of Christmas trees by charitable organizations when said sales are conducted on private or public property, by permission, in non-residential areas of the city. (1988 Code, § 5-209)

**9-209. Appeal.** Any person aggrieved by the action of the chief of police 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. (1988 Code, § 5-210)

**9-210. 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. (1988 Code, § 5-211)

**9-211. 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 such operation might impede or inconvenience the public use of such 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. (1988 Code, § 5-212)

**9-212. Regulations and exceptions.** Except as provided hereinafter, no permittee shall be allowed to conduct any of the activities regulated by this chapter or to distribute any articles or materials or documents to the public at large upon the right-of-way of Jackson Street anywhere within the city limits of the City of Tullahoma, Tennessee, or upon the right-of-way of any street which intersects therewith within twenty (20) feet of the outer right-of-way of the said Jackson Street; provided, however, that this provision shall not apply to activities conducted during the annual Christmas Parade sponsored by the Tullahoma Chamber of Commerce.

Activities regulated by this chapter shall be allowed subject to the following provisions:

- (1) A permit must be obtained, pursuant to rules promulgated by the chief of police;
- (2) Participants must wear reflective-colored vests;

- (3) Participants must hold their position and not approach vehicles until motioned to do so;
- (4) Only one organization shall be given a permit on any one day;
- (5) Activities regulated hereby may be conducted only between 7:30 A.M. - 3:30 P.M. maximum;
- (6) A maximum of 2 permits per year for any one organization shall be issued;
- (7) Participants must be at least eighteen (18) years of age; if less than 18 years of age, one adult shall be present for each two (2) participants under 18 years of age;
- (8) Each participant must provide visible identification of their organization;
- (9) Streets must be dry;
- (10) There shall be a limit of eight (8) participants at any one intersection;
- (11) A listing of corner participants are to work shall be provided;
- (12) Permits for Jackson Street shall not be issued;
- (13) Participants at intersections of streets at Jackson Street must stand twenty (20) feet from Jackson Street's outer rights of way limits;
- (14) Additional rules may be adopted by the chief of police.

No permittee may move from a sidewalk into a line of traffic for the purpose of distributing goods or information or conducting any other activities regulated hereby.

No permittee shall offer any information or merchandise from sidewalks to individuals in vehicles on any city street. (1988 Code, § 5-213)

**9-213. General penalty provisions.** Anyone who shall violate the provisions of this title and chapter shall be subject to the general penalty provisions of the code of ordinances of the City of Tullahoma, Tennessee found in § 1-107 of said code. (1988 Code, § 5-214)

## CHAPTER 3

### CHARITABLE, EDUCATIONAL, AND RELIGIOUS SOLICITATIONS

#### SECTION

9-301. Solicitation on public streets prohibited.

9-302. Definitions.

9-303. Regulations and exceptions.

9-304. [Deleted.]

9-305. [Deleted.]

9-306. [Deleted.]

9-307. [Deleted.]

9-308. [Deleted.]

9-309. [Deleted.]

**9-301. Solicitation on public streets prohibited.** All solicitations and solicitations roadblocks on public streets and right of ways shall be prohibited, except as provided below in § 9-303 and a violation of this section, punishable under the general penalty clause of the municipal code of the City of Tullahoma, Tennessee found in § 1-107 of said code. (1988 Code, § 5-301, as replaced by Ord. #1398, Feb. 2010)

**9-302. Definitions.** The following terms shall apply in this interpretation application of this section:

(1) "Solicitation roadblock" shall mean the solicitation of money by any person of money on or in the right-of-way of any street, road, highway, or any other public way and place generally open to, and used by, the public for travel in or upon motor vehicles.

(2) "Street," "road," "highway," and "public way and place" shall include the paved or unpaved surface of any such street, road, highway or public place, the entire width of the public right-of-way extending laterally therefrom, dividers, medians, and butting or adjoining sidewalks or other pedestrian pathways generally open to the public for pedestrian traffic. (1988 Code, § 5-302, as replaced by Ord. #1398, Feb. 2010)

**9-303. Regulations and exceptions.** Except as provided herein after, no permittee shall be allowed to conduct any of the activities regulated by this chapter or to distribute any articles or materials or documents to the public at large upon the right-of-way of any street except as otherwise provided for herein: provided, however, that this provision shall not apply to the activities conducted during the annual Christmas Parade sponsored by the Tullahoma Chamber of Commerce.

Activities regulated by this chapter shall be allowed subject to the following provisions:

- (1) A permit must be obtained, pursuant to rules promulgated by the chief of police;
- (2) Participants must wear protective colored vests and must be at least eighteen (18) years of age;
- (3) Participants must hold their position and not approach vehicles until motioned to do so;
- (4) Only one (1) organization shall be given a permit on any one (1) day;
- (5) Activities shall be conducted only on the second (2nd) and fourth (4th) Saturday of each month, unless authorized by the chief of police, but no more than two (2) times per month;
- (6) Activities of any such organization shall be limited to the times between dawn and 1:00 P.M.;
- (7) At least two (2), but not more than four (4) adults shall be allowed at each appropriate intersection as provided for herein below;
- (8) All such solicitations shall be limited to any approved all way stops as determined by the chief of police or city administrator;
- (9) Only non-profit charities that directly benefit the Tullahoma community will receive permits for solicitation;
- (10) Proper signage for any charity shall be clearly visible to the public during solicitation activities;
- (11) City employees may participate but must not be in city uniforms or using city property including, but not limited to, city vehicles;
- (12) All participants must show proof of insurance at the time any such permit is issued;
- (13) Police chief, has the responsibility and authority to deny or revoke any solicitation permit if, in his opinion, conditions are unsafe (inclement weather, etc.), there is a violation of this chapter, or for any other reason he deems it in the best interest of the community;
- (14) Rules shall be provided to solicitors. An authorized representative from the nonprofit organization must sign that he/she has received and understands the rules promulgated herein above;
- (15) No more than one (1) permit per year shall be issued to any such organization as described herein above. (1988 Code, § 5-303, as replaced by Ord. #1398, Feb. 2010)

**9-304. [Deleted.]** (1988 Code, § 5-304, modified, as deleted by Ord. #1398, Feb. 2010)

**9-305. [Deleted.]** (1988 Code, § 5-305, as deleted by Ord. #1398, Feb. 2010)

**9-306. [Deleted.]** (1988 Code, § 5-306, as deleted by Ord. #1398, Feb. 2010)

**9-307. [Deleted.]** (1988 Code, § 5-307, as deleted by Ord. #1398, Feb. 2010)

**9-308. [Deleted.]** (1988 Code, § 5-308, as deleted by Ord. #1398, Feb. 2010)

**9-309. [Deleted.]** (1988 Code, § 5-309, as deleted by Ord. #1398, Feb. 2010)

## CHAPTER 4

### PRECIOUS METALS AND JEWELRY DEALERS

#### SECTION

- 9-401. Dealers shall register.
- 9-402. Holding period for items purchased.
- 9-403. Log or register requirements.
- 9-404. Tag requirements.
- 9-405. Penalty.
- 9-406. Business tax, bond, and forfeiture.

**9-401. Dealers shall register.** (1) Any person, firm, or corporation purchasing or otherwise dealing in antique, used silverware, or scrap jewelry and precious metals, where the said purchase is for resale in its original form or as changed by remounting, melting, reforming, remolding, or recasting or for resale as scrap or in bulk, shall be required to register with the Chief of Police of the City of Tullahoma. The police department shall photograph all registrants; and in the case of corporations, the manager and employees of the business activity in Tullahoma, Tennessee.

(2) The provisions of this act shall not be applicable to any person, firm or corporation purchasing or otherwise dealing solely in coins. (1988 Code, § 5-401)

**9-402. Holding period for items purchased.** It shall be unlawful for any person or corporation engaging in the activity described in § 9-401 hereof, to sell, exchange, barter or remove from the place in which said business is conducted, or to hide same from view or inspection by a law enforcement officer, or to change the form of any of said items by remounting, melting, cutting up, or otherwise changing the form of any of said items for a period of one hundred sixty-eight (168) hours from the date and time of said purchase. (1988 Code, § 5-402)

**9-403. Log or register requirements.** Every person or corporation dealing in the items described above shall keep a log in duplicate and shall enter on said log a clear and accurate description of any items of jewelry or precious metals, silverware, purchased and the date and time of purchase and amount of money paid for said items and the name, race, and residence and address of the seller. The seller and the purchaser shall sign the log below the description of each transaction. On each day the purchaser shall transact business of the type described herein, he shall deliver to the chief of the Tullahoma city police a copy of the log concerning that day's business, and said copy of said log shall be delivered by noon of the day following the date of said transaction. The said book shall be carefully preserved without alteration and shall at all times be

open to the inspection of the chief of the Tullahoma city police, any police officer of the city, and sheriff or any deputy sheriff. The dealer shall record the seller's driver's license number on the log and shall verify the identity of the seller through another additional means, listing same in the log. (1988 Code, § 5-403)

**9-404. Tag requirements.** In addition to the log requirements set forth herein, every person or corporation dealing in the items described herein shall place a tag with identifying number on each article or item purchased, placing the name, race, and residence and address of the seller on said tag, along with the seller's signature on each tag. The number on the tag shall be placed in the log or register mentioned above beside the seller's name. There shall be no duplicate numbers placed on articles purchased. Tags shall remain attached to the article purchased for the same period mentioned above. (1988 Code, § 5-404)

**9-405. Penalty.** Every person, firm, or corporation, their agents, or employees who shall violate any of the provisions of this chapter shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined a sum of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) for each offense and in the discretion of the court may be imprisoned in the county workhouse for a period of time not exceeding ninety (90) days, if the court has jurisdiction to fine in excess of fifty dollars (\$50.00), or to impose imprisonment. In addition, any guilty person, firm, or corporation shall be barred from engaging, participating, or working in any similar business within the City of Tullahoma for a period of one (1) year, and shall be subject to the bond forfeiture provisions hereof. (1988 Code, § 5-405)

**9-406. Business tax, bond, and forfeiture.** (1) Business activities regulated by this chapter shall be subject to the business tax act.

(2) Before a person or corporation may engage in activities described herein the person or corporation must deposit with the city recorder one thousand dollars (\$1,000.00) cash, or a bond of one thousand dollars (\$1,000.00) with security satisfactory to the city recorder. The cash or bond shall remain with the city recorder until any such person or corporation has conformed with the provisions of this chapter for ten (10) business days. After compliance with the ten-business-day period, a lapse of business activity for twenty (20) calendar days shall be treated as a termination of the business. If the dealer fails to conform with the requirements of this chapter, the dealer shall forfeit the one thousand dollars (\$1,000.00) aforementioned. This forfeiture shall be in addition to any penalty provided for herein. If the dealer or sureties on his/her bond desire to contest the forfeiture, the appeal procedure shall be as set forth in subsection (3) below.

(3) A forfeiture of the one thousand dollars (\$1,000.00) cash or the one thousand dollars (\$1,000.00) bond shall become and be effective twenty-four (24) hours from the time of notice in writing of such forfeiture, together with a

succinct statement of grounds or reasons therefor. Such notice shall be sufficient if delivered to the place which the registrant listed as his place of business and if the place be locked or closed for business, by posting a copy on the door of the main entrance thereto. Provided, however, the registrant may request, in writing, a hearing with the city recorder within said twenty-four-hour period and the forfeiture shall not become effective prior to the hearing. In addition to the request for a hearing, in order to appeal the registrant must deposit with the city recorder a one hundred fifty dollar (\$150.00) court reporter fee within said twenty-four-hour period. The one hundred fifty dollar (\$150.00) fee shall be for the purpose of defraying the expense of a court reporter in attending and transcribing the proceedings before the Board of Mayor and Aldermen of the City of Tullahoma, Tennessee. Said funds shall be applied to the actual expenses of the court reporter. Any portion of said funds not actually used for said purpose shall be refunded to the applicant. The board of mayor and aldermen may appoint a judge or commission to hear appeals in lieu of hearings before the board of mayor and aldermen. (1988 Code, § 5-406)

## CHAPTER 5

### CIRCUSES, CARNIVALS, TENT SHOWS, ETC.

#### SECTION

- 9-501. Permit required.
- 9-502. Sponsor required.
- 9-503. Cash bond to be posted.
- 9-504. Compliance with health and sanitary standards.
- 9-505. When board's approval is required.

**9-501. Permit required.** All circuses, carnivals, tent shows, and other outdoor public entertainment attractions the operators of which wish to set up facilities and to maintain entertainment programs within the city shall obtain a permit therefor. Not less than thirty (30) days prior to conducting such activity, such person shall apply to the city recorder for a permit, making such application upon whatever forms are designed by and approved by the city recorder for said purpose. The sponsoring organization set out in § 9-502 hereof shall join in said application. (1988 Code, § 5-501)

**9-502. Sponsor required.** Any of said organizations aforementioned seeking to apply for a permit must be sponsored by a local civic organization, church, or other defined group maintaining its offices and membership in the city. (1988 Code, § 5-502)

**9-503. Cash bond to be posted.** Any of said aforementioned organizations wishing to conduct public entertainment programs in the city shall post a cash bond with the city recorder at such time as the application for permit is made, to insure that all the premises occupied by said group or organization shall be placed in a clean and orderly condition after its operation, the amount of said cash bond to be established by the city recorder at the time of said application for permit. This cash bond will be refunded upon certification by the superintendent of public works after said premises are cleaned and cleared that same have been placed in a good condition. If said premises are not cleaned and cleared, the cash bond will be forfeited to pay the expenses of placing said premises in a clean and orderly condition. (1988 Code, § 5-503)

**9-504. Compliance with health and sanitary standards.** Any of said aforementioned organizations when conducting their operations in the city shall comply with all health and sanitary standards and regulations, including installation of portable toilet facilities, and must be inspected and approved by the county health officer prior to assuming operations. In the event that compliance is not had and made, then said permit previously issued will be

temporarily suspended until such time as full compliance with said health and sanitary standards and regulations are fully met. (1988 Code, § 5-504)

**9-505. When board's approval is required.** Approval by the board of mayor and aldermen of an application for a permit to conduct any circus, carnival, tent show or other activity is required in any case where the applicant desires to establish its activities and/or facilities at any location which requires or will result in the obstruction of traffic over and upon any city street or alley. (1988 Code, § 5-505)

## CHAPTER 6

### CABLE TELEVISION

#### SECTION

9-601. To be furnished under franchise.

**9-601. To be furnished under franchise.** Cable television service shall be furnished to the City of Tullahoma and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Tullahoma and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>1</sup>

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. #1044 dated January 13, 1992, as amended by Ord. #1091 dated November 8, 1993; Ord. #1216 dated July 26, 1999; and Ord. #1242 dated March 12, 2002 published as Appendix E of this municipal code.

## CHAPTER 7

### ADULT ORIENTED ESTABLISHMENTS

#### SECTION

- 9-701. Adult-Oriented Establishment Registration Act adopted.
- 9-702. Special provisions relative to the location of adult oriented establishments.
- 9-703. Adult-oriented establishments; supplementary regulations.

**9-701. Adult-Oriented Establishment Registration Act adopted.**

All of the provisions set forth in Tennessee Code Annotated, § 7-51-1101, et seq. and all of the definitions found therein, which is entitled "Adult-Oriented Establishment Registration Act of 1998" are incorporated herein by reference as though same were fully set forth herein, and, further that all provisions set forth in Tennessee Code Annotated, § 7-51-1401, et seq. and all definitions found therein are also incorporated herein by reference as though same were fully set forth herein. (Ord. #1223, Feb. 2000)

**9-702. Special provisions relative to the location of adult oriented establishments.**<sup>1</sup> (1) Purpose. The special provisions set forth herein are intended to protect the health, safety, morals and general welfare of the city.

(2) Location. Adult oriented businesses are permitted only in I-2 Heavy Industrial Districts.

(a) No adult-oriented establishment shall be operated or maintained in the city within one thousand (1,000) feet, measured from property line to property line, of a school or educational or school related facility, church or religious or church related or church operated facility, public or other recreation facility, or a not for profit educational or scientific facility, or a cemetery, or a licensed day care facility, or a day-care drop off facility recognized by the State of Tennessee.

(b) No adult-oriented establishment shall be operated or maintained in the city within one thousand (1,000) feet, from property line to property line, of a boundary of a residential zone.

(c) No adult-oriented business establishment shall be operated or maintained in the city within one thousand (1,000) feet, measured from property line to property line, of another adult-oriented business establishment. (Ord. #1223, Feb. 2000)

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<sup>1</sup>The provisions of this section were taken from Ord. #1223, Feb. 2000, § 3, which amended Article V Section 3C of the Zoning Ordinance of the City of Tullahoma, Tennessee.

**9-703. Adult-oriented establishments; supplementary regulations.**

All adult-oriented establishments as same are defined in the provisions of Tennessee Code Annotated, § 7-51-1101, et seq., shall be subject to the following supplementary regulations in addition to any other regulations appearing in this code of ordinances or any appendices thereto:

(1) Hours of operation. Such establishments may be open for business between the hours of 10:00 A.M. and 10:00 P.M. Monday through Saturday only, excepting Christmas Day should it fall on a Monday through Saturday, and excepting all Sundays.

(2) Gratuities. No patron and/or customer of said establishments may pay to:

- (a) Performers and/or
- (b) Employees and/or
- (c) Independent contractors and/or
- (d) Others who are performing in said establishments,

any gratuities, nor shall any type of gratuity be accepted by said performers. (as added by Ord. #1225, April 2000)