

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

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3. TAXICABS.
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CHAPTER 1

PEDDLERS, ETC.²

SECTION

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9-101. 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

¹Municipal code references

Beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

²Municipal code references

Privilege taxes: title 5.

chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (Ord. #80-5, Feb. 1980)

9-102. 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. (Ord. #80-5, Feb. 1980)

9-103. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (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. (Ord. #80-5, Feb. 1980)

9-104. 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 § 9-106. The city recorder shall keep a permanent record of all permits issued. (Ord. #80-5, Feb. 1980)

9-105. 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. (Ord. #80-5, Feb. 1980)

9-106. 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. (Ord. #80-5, Feb. 1980)

9-107. 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. (Ord. #80-5, Feb. 1980)

9-108. 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. (Ord. #80-5, Feb. 1980)

9-109. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (Ord. #80-5, Feb. 1980)

9-110. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (Ord. #80-5, Feb. 1980)

9-111. 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 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. (Ord. #80-5, Feb. 1980)

9-112. 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. (Ord. #80-5, Feb. 1980)

9-113. 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. (Ord. #80-5, Feb. 1980)

9-114. Penalty. The violation of any section or provision of this chapter shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (Ord. #80-5, Feb. 1980)

CHAPTER 2

CHARITABLE SOLICITORS

SECTION

- 9-201. Permit required.
- 9-202. Prerequisites for a permit.
- 9-203. Denial of a permit.
- 9-204. Exhibition of permit.
- 9-205. Penalty.

9-201. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. 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. (Ord. #80-5, Feb. 1980)

9-202. Prerequisites for a permit. The recorder shall, upon application, issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

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

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

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

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

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (Ord. #80-5, Feb. 1980)

9-203. 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. (Ord. #80-5, Feb. 1980)

9-204. 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. (Ord. #80-5, Feb. 1980)

9-205. Penalty. The violation of any section or provision of this chapter shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (Ord. #80-5, Feb. 1980)

CHAPTER 3

TAXICABS

SECTION

- 9-301. License required.
- 9-302. Definition.
- 9-303. Requirements of licenses.
- 9-304. Annual tax.
- 9-305. State license.
- 9-306. Taxicab numbers.
- 9-307. Prohibited conduct of drivers.
- 9-308. Driver's license.
- 9-309. Insurance.
- 9-310. Traffic regulations.
- 9-311. Use of taxicabs in crimes prohibited.
- 9-312. Duty to accept passengers.
- 9-313. Rates.
- 9-314. Cab stands.
- 9-315. Annual license fee.
- 9-316. Certificate from chief of police required.
- 9-317. Revocation of license.
- 9-318. Vehicle commission.
- 9-319. Vehicle commission certification.
- 9-320. Failure to operate taxicabs.

9-301. License required. It shall be unlawful to engage in the business of operating a taxicab within the municipality without first having secured a license therefor. Application for such licenses shall be made in writing to the city clerk, and shall state thereon the name of the applicant, the intended place of business, and the number of cabs to be operated. If the applicant is a corporation, the names and addresses of the president, the secretary, and the stockholders thereof shall be given. (1952 Code, § 6-4(1))

9-302. Definition. The term "taxicab" as used in this chapter means any and all vehicles carrying passengers for hire, except motor buses or motor coaches operated by bus lines over designated routes in and to said city. (1952 Code, § 6-4(2))

9-303. Requirements of licenses. No such license shall be issued to or held by any person who is not a person of good character, or to one who has been convicted of a felony; nor shall such license be issued to or held by any corporation where any officer or stockholder thereof would be ineligible for a license under the foregoing condition. (1952 Code, § 6-4(3))

9-304. Annual tax. The annual tax for each license shall be fifteen dollars (\$15.00) plus one dollar (\$1.00) fee for each taxicab operated, payable in advance. Whenever the number of cabs so operated shall be increased during the license year, the licensee shall notify the city clerk of such change and shall pay the additional tax. The clerk shall issue suitable receipts for the number of cabs covered by each license. Such receipts shall be displayed in a prominent place on each taxicab while it is in use; it may be transferred to any taxicab put into service to replace one withdrawn from service. The licensee shall notify the clerk of the motor number and the state license number of each taxicab and of the corresponding municipal receipt number. (1952 Code, § 6-4(4))

9-305. State license. No taxicab shall be operated unless it bears a state license duly issued, and no such cab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror, and windshield wiper in good condition. It shall be the duty of the chief of police to inspect or have inspected every taxicab as often as may be necessary to assure the enforcement of this section. (1952 Code, § 6-4(5))

9-306. Taxicab numbers. Every taxicab, while being operated, shall have on each side, in letters readable from a distance of twenty (20) feet, the name of the licensee operating it. If more than one taxicab is operated by the licensee, each cab shall be designated by a different number, and such number shall also appear on the side of each cab. (1952 Code, § 6-4(6))

9-307. Prohibited conduct of drivers. It shall be unlawful for any driver of any taxicab, while on duty, to drink any intoxicating liquor, to use any profane or obscene language, to shout or yell to prospective passengers, or to disturb the peace in any way. (1952 Code, § 6-4(7))

9-308. Driver's license. No person shall drive a taxicab, or be hired or permitted to do so, unless he is duly licensed to do so as a chauffeur by the State of Tennessee. (1952 Code, § 6-4(8))

9-309. Insurance. No taxicab shall be operated unless it is covered by a bond or public liability insurance policy in the minimum amount of ten thousand dollars (\$10,000.00) per person, twenty thousand dollars (\$20,000.00) per accident, and five thousand dollars (\$5,000.00) for property damage, for each accident. A memorandum copy of each such bond or insurance policy shall be kept on file with the city clerk. (1952 Code, § 6-4(9))

9-310. Traffic regulations. It shall be the duty of every driver of a taxicab to obey all traffic rules established by statute or ordinance. (1952 Code, § 6-4(10))

9-311. Use of taxicabs in crimes prohibited. It shall be unlawful to knowingly permit any taxicab to be used in perpetration of a crime or misdemeanor. (1952 Code, § 6-4(11))

9-312. Duty to accept passengers. It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to use the taxicab, provided, such person is not intoxicated and conducts himself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger, and the driver shall take his passenger to his destination by the most direct available route from the place where the passenger enters the cab. (1952 Code, § 6-4(12))

9-313. Rates. A flat rate of ___ shall be the charge for any trip within the city; provided, that if any additional passenger is carried on a trip, there may be an additional charge of ___ for each such additional passenger. The hourly rate shall not be more than \$___ per hour. No extra charge shall be made for baggage or parcels, the size of which permits them to be carried within the cab. The maximum number of passengers that may be carried at any one time shall be ____. (1952 Code, § 6-4(13))

9-314. Cab stands. All cab stands shall be designated by the mayor and chief of police, and each cab stand shall be appropriately marked by signs erected under the supervision of the chief of police. It shall be unlawful to park any vehicle other than a licensed taxicab in any cab stand. A licensed taxicab may be parked in any cab stand while such taxicab is in care of the driver awaiting a fare. Such taxicab shall not be parked at any other place in the city limits for the purpose of soliciting business, other than at cab stands so designated. (1952 Code, § 6-4(14))

9-315. Annual license fee. No person shall drive a taxicab unless he shall have secured a license from the city clerk. The annual fee for a taxicab driver's license shall be one dollar (\$1.00). (1952 Code, § 6-4(15))

9-316. Certificate from chief of police required. No such license shall be issued to any person who is not competent to operate a motor vehicle, or who is not familiar with the traffic laws and ordinances, or who does not have a valid chauffeur's license issued by the State of Tennessee. The chief of police shall examine each applicant for a taxicab driver's license and determine the competency of the applicant. No such license shall be issued excepting on certificate of the chief of police that the applicant has demonstrated to him his ability to operate a taxicab. (1952 Code, § 6-4(16))

9-317. Revocation of license. The mayor and city clerk may revoke any taxicab driver's license for repeated violations of traffic laws or any ordinance regulating the conduct of such drivers. (1952 Code, § 6-4(18))

9-318. Vehicle commission. There is hereby established a vehicle commission consisting of the mayor and council. The public vehicle commission shall meet on the call of the mayor, at such times as may be necessary to transact business. (1952 Code, § 6-4(19))

9-319. Vehicle commission certification. No license to operate a taxicab shall be issued until the public vehicle commission shall certify that the public need for taxicab service requires the additional service to be rendered by the applicant. In deciding this question, the commission shall consider the need of the public for taxicab service, the number of cabs in operation, and the anticipated future demands, provided, that no such certificate shall be required for the renewal of any operator's license. (1952 Code, § 6-4(20))

9-320. Failure to operate taxicabs. If any licensee, on whose behalf such a certificate has been issued, shall fail to operate all or any of the taxicabs covered by such certificate for a period of six (6) days, the certificate may be revoked or modified by the commission so as to cover and authorize only the number of cabs actually operated. (1952 Code, § 6-4(21))

CHAPTER 4

POOL ROOMS¹

SECTION

- 9-401. Prohibited in residential areas.
- 9-402. Hours of operation regulated.
- 9-403. Minors to be kept out; exception.
- 9-404. Gambling etc., not to be allowed.
- 9-405. Penalty clause.

9-401. 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. (Ord. #2-78, May 1978)

9-402. 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 on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (Ord. #2-78, May 1978)

9-403. 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 and mother of such minor, if living; if the father is dead, then the mother, 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. (Ord. #2-78, May 1978)

9-404. Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire to permit any gambling or other unlawful or immoral conduct on such premises. (Ord. #2-78, May 1978)

¹Municipal code reference
Privilege taxes: title 5.

9-405. Penalty clause. The violation of any provision of this chapter shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (Ord. #2-78, May 1978)

CHAPTER 5**PINBALL MACHINES****SECTION**

9-501. Unlawful to permit minors to play machines.

9-502. Hours of operation.

9-503. Penalty clause.

9-501. Unlawful to permit minors to play machines. It shall be unlawful for any person having custody or charge of any pinball machine to permit any minor under the age of eighteen to play, operate, or use any such machine or to loiter about the same.

For the purpose of enforcing the provisions of this chapter, the burden of proof shall be upon any person having control or custody of such machine to establish the age of persons using said machines. (Ord. #3-78, May 1978)

9-502. Hours of operation. It shall be unlawful for any person to operate a pin ball machine at any time on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (Ord. #3-78, May 1978)

9-503. Penalty clause. The violation of any provision of this chapter shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (Ord. #3-78, May 1978)

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 Friendsville and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the City of Friendsville and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹Complete details relating to the cable television franchise agreement are available in the office of the city recorder.