

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. TRANSIENT VENDORS.
2. CHARITABLE SOLICITORS.
3. TAXICABS.
4. POOL ROOMS.
5. CABLE TELEVISION.
6. WRECKER SERVICES.
7. YARD SALES.
8. SEXUALLY ORIENTED BUSINESS.
9. MOBILE FOOD VENDORS.
10. DOOR-TO-DOOR SOLICITATION.

CHAPTER 1

TRANSIENT VENDORS²

SECTION

- 9-101. Definitions.
- 9-102. Permit required.
- 9-103. Exemptions.
- 9-104. Permit procedure.
- 9-105. Location restrictions.
- 9-106. Loud noises and speaking devices.
- 9-107. Exhibition of permit.
- 9-108. Enforcement.
- 9-109. Suspension or revocation of permit.
- 9-110. Expiration and renewal of permit.
- 9-111.--9.114. Deleted.

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.

²Municipal code references

Privilege taxes: title 5.

9-101. Definitions. The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this chapter. Terms not hereby defined shall have their standard dictionary definition or such as the context may imply.

(1) **Transient vendor.** Any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months. (1994 Code, § 9-201), as replaced by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-102. Permit required. It shall be unlawful for any transient vendor to ply their 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. (1994 Code, § 9-201, as replaced by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-103. 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, nor to mobile food vendors, including food trucks, canteen trucks or ice cream trucks that are under the provisions of title 9, chapter 9 of the La Vergne Municipal Code, nor to solicitors or peddlers that are under the provisions of title 9, chapter 10 of the La Vergne Municipal Code. (1994 Code, § 9-202, as replaced by Ord. #2019-22, July 2019 *Ch3_9-3-19*, and Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-104. Permit procedure. (1) **Application form.** Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (a) Name of applicant;
- (b) Complete permanent home address and local address of the applicant and the local address from which proposed sales will be made;

(c) A brief description of the nature of the business and the goods to be sold;

(d) Complete name and permanent address of the business or organization the applicant represents;

(e) The length of time for which the right to do business is desired; and

(f) A copy of a valid driver's license or state issued identification.

(2) Permit fee. At the time of filing the application, a non-refundable fee, as set forth in the fee schedule adopted with the annual budget, shall be paid to the municipality to cover the cost of investigating the facts stated therein.

(3) Property owner authorization. Each applicant for a permit as a transient vendor shall submit with their application a letter from the property owner giving them permission to conduct business at that specific location. All locations must meet local zoning provisions and must be located in a commercial zoning district. (1994 Code, § 9-204, as replaced by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*, and Ord. #2021-14, July 2021 *Ch4_10-06-22*, and amended by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

9-105. Location restrictions. All transient vendor locations must abide by the following location restrictions:

(1) No permittee shall be located within twenty feet (20') of any fire hydrant, fire escape, bus stop, any intersection curb radius return (the point of intersection of the street curb line and the curb radius), any doorway or driveway or other main entrance of any building, and of any emergency or fire exits.

(2) 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.

(3) No permittee shall operate in a location that impedes the ingress to, egress from, or signage of another business or otherwise cause undue interference with access to other business or emergency areas, paths, or facilities. (1994 Code, § 9-205, as replaced by Ord. 2020-17, Nov. 2020 *Ch4_10-06-22*)

9-106. 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. (1994 Code, § 9-207, as replaced by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-107. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman, codes official or citizen. (1994 Code, § 9-209, modified, as replaced by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-108. Enforcement. It shall be the duty of the police department and/or codes department to see that the provisions of this chapter are enforced. (1994 Code, § 9-210, modified, as replaced by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-109. Suspension or revocation of permit. (1) Suspension by the city administrator. The permit issued to any person or organization under this chapter may be suspended by the city administrator or his designee for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder 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) 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. (1994 Code, § 9-211, as replaced by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-110. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's business license expires and shall be renewed for up to six (6) months without cost if the permittee applies for and obtains a new business license. Permits

issued to applicants who are not subject to a business license shall be issued for up to six (6) months. (1994 Code, § 9-213, modified, as replaced by Ord. #2020-17, Nov. 2020 ***Ch4_10-06-22***, and Ord. #2021-14, July 2021 ***Ch4_10-06-22***)

9-111.--9.114. Deleted. (as deleted by Ord. #2020-17, Nov. 2020 ***Ch4_10-06-22***)

CHAPTER 2

CHARITABLE SOLICITORS

SECTION

- 9-201. Permit required.
- 9-202. Prerequisites for a permit.
- 9-203. Application for permit.
- 9-204. Denial of a permit.
- 9-205. Exhibition of permit.
- 9-206. Trespassing.
- 9-207. Violations.
- 9-208. Solicitation roadblocks.

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. (1994 Code, § 9-301)

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.

(6) The benefits of the solicitation will be used solely for and by the citizens of La Vergne. (1994 Code, § 9-302)

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.
- (3) A brief description of the nature and purpose of the solicitation.
- (4) The length of time for which the right to do the solicitation is desired.
- (5) A copy of a valid driver's license or state issued identification.
- (6) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance and, if so, the nature of the offense and the punishment or penalty assessed therefor.

9-204. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1994 Code, § 9-303)

9-205. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman, codes official or citizen. (1994 Code, § 9-304, modified)

9-206. Trespassing. It shall be unlawful and deemed to be trespass for any permittee acting under this chapter to fail to leave promptly the private premises of any person who requests or directs him to leave. (1994 Code, § 9-305)

9-207. Violations. Any person violating any provisions of this chapter or making a false or fraudulent statement either in his application for a permit or in the process of making a solicitation shall be subject to the penalty provided in the general penalty clause for this municipal code. In addition to or in lieu of any pecuniary penalty, if a violator has been issued a permit, his permit shall be cancelled and revoked by the court. (1994 Code, § 9-306)

9-208. Solicitation roadblocks. 1. Application to and approval from the board of mayor and aldermen shall be required before the use of a solicitation roadblock is permitted during any solicitation.

2. The following terms shall apply in the interpretation and application of this section:

- a. "Solicitation roadblock" shall mean the solicitation 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.

b. "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 abutting or adjoining sidewalks or other pedestrian pathways generally open to the public for pedestrian traffic.

3. A roadblock shall not be permitted to be set up for more than a five (5) hour interval and any organization shall not be allowed to hold more than one permit at any given time. At the time of the application, the applicant may choose an alternate date for the roadblock in case of inclement weather. The maximum number of permits that may be issued per calendar year to each organization is two (2). These permits will be issued on a first come-first served basis. If the roadblock is cancelled due to inclement weather, it shall not be counted toward the maximum number of permits allowed during a calendar year.

4. The roadblock permit shall be issued by the city recorder after approval is given by the board of mayor and aldermen. All roadblock workers must carry a copy of this permit and must exhibit their permit at the request of any policeman or citizen.

5. All roadblock workers must be at least eighteen (18) years of age and must wear highly visible clothing which must include an orange safety vest.

6. All organizations conducting a roadblock must place a proper form of notification at each roadblock location to warn motorists of "Roadblock Ahead," and provide a flyer to each contributor.

7. All organizations conducting a roadblock must remove all signs upon the completion of the roadblock. (1994 Code, § 9-307, modified)

CHAPTER 3

TAXICABS¹

SECTION

- 9-301. Taxicab franchise and privilege license required.
- 9-302. Requirements as to application and hearing.
- 9-303. Liability insurance or bond required.
- 9-304. Revocation or suspension of franchise.
- 9-305. Mechanical condition of vehicles.
- 9-306. Cleanliness of vehicles.
- 9-307. Inspection of vehicles.
- 9-308. License and permit required for drivers.
- 9-309. Qualifications for driver's permit.
- 9-310. Revocation or suspension of driver's permit.
- 9-311. Drivers not to solicit business.
- 9-312. Parking restricted.
- 9-313. Drivers to use direct routes.
- 9-314. Taxicabs not to be used for illegal purposes.
- 9-315. Miscellaneous prohibited conduct by drivers.
- 9-316. Transportation of more than one passenger at the same time.

9-301. Taxicab franchise and privilege license required. (1) 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.

(2) Before a franchise will be granted, the franchisee shall pay a one-time franchise application fee as set forth in the fee schedule adopted with the annual budget. Annually thereafter, on or before January 1, the franchisee shall pay a franchise renewal fee as set forth in the fee schedule adopted with the annual budget, per taxicab registered for operation in the city. It is the duty of the franchisee to provide the number and identifying information for each taxicab operating in the town. All taxicabs and drivers operating under a franchise hereunder must be registered with the town. (1994 Code, § 9-401, modified, as amended by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

9-302. 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

¹Municipal code reference
Privilege taxes: title 5.

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 forty-five (45) days after receipt of an application, the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the board of mayor and aldermen; and make a recommendation to either grant or refuse a franchise to the applicant. The board of mayor and aldermen shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the board of mayor and aldermen shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make application under this section but shall be required to comply with all of the other provisions hereof. (1994 Code, § 9-402, modified)

9-303. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1994 Code, § 9-403)

9-304. Revocation or suspension of franchise. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1994 Code, § 9-404)

9-305. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab 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 motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably

necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1994 Code, § 9-405)

9-306. 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. (1994 Code, § 9-406)

9-307. 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. (1994 Code, § 9-407)

9-308. License and permit required for drivers. (1) 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.

(2) A person seeking a taxicab driver's permit must submit an application as herein below provided and submit a one-time taxicab driver application fee as set forth in the fee schedule adopted with the annual budget. Said taxicab driver's permit shall be effective for one (1) year from the date of issuance. A taxicab driver's permit may be renewed on or within ten (10) days of the expiration of the taxicab driver's permit upon the completion of a renewal application and payment of a taxicab driver's renewal fee as set forth in the fee schedule adopted with the annual budget. Failure to renew a taxicab driver's permit within the stated time will require the applicant to apply for a new permit and pay the taxicab driver application fee. (1994 Code, § 9-408, modified, as amended by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

9-309. 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. (1994 Code, § 9-409, modified)

9-310. Revocation or suspension of driver's permit. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1994 Code, § 9-410)

9-311. 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. (1994 Code, § 9-411)

9-312. 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. (1994 Code, § 9-412)

9-313. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1994 Code, § 9-413)

9-314. 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. (1994 Code, § 9-414)

9-315. 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 unreasonably disturb the peace, quiet and tranquility of the municipality in any way. (1994 Code, § 9-415)

9-316. 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. (1994 Code, § 9-416)

CHAPTER 4**POOL ROOMS**¹**SECTION**

9-401. Prohibited in residential areas.

9-402. Hours of operation regulated.

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. (1994 Code, § 9-501)

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 between the hours of 3:00 A.M. and 5:00 A.M. Monday through Saturday or between the hours of 3:00 A.M. Sunday and 12:00 P.M. (noon) Sunday. (1994 Code, § 9-502, modified)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 5

CABLE TELEVISION

SECTION

9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television service shall be furnished to the City of La Vergne and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of La Vergne 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 (1994 Code, § 9-601)

¹For complete details relating to the cable television franchise agreement see Ord. #94-3, dated May 3, 1994, in the office of the city recorder.

CHAPTER 6

WRECKER SERVICES¹

SECTION

- 9-601. Definition of terms.
- 9-602. Purpose and intent of chapter.
- 9-603. Wrecker franchise and privilege license requirement.
- 9-604. Requirements as to application and hearing.
- 9-605. Liability insurance or bond required.
- 9-606. Revocation or suspension of franchise.
- 9-607. Mechanical condition of vehicles.
- 9-608. Equipment required.
- 9-609. Inspection of vehicles.
- 9-610. License and permit for drivers.
- 9-611. Rotating schedule.
- 9-612. Use of scheduled service.
- 9-613. Use of owner-requested services.
- 9-614. Acceptable response time.
- 9-615. Revocation or suspension of driver's permit.
- 9-616. Wreckers not to be used for illegal purposes.
- 9-617. Miscellaneous prohibited conduct by drivers.
- 9-618. Schedule of rates and billing procedures.
- 9-619. Street cleaning.
- 9-620. Storage of towed vehicles.
- 9-621. Retrieving of towed vehicles.

9-601. Definition of terms. For purposes of this chapter, the following terms shall be defined as follows:

(1) "Cruising." The driving of a wrecker on the streets, alleys, or public places of the city in a fashion or manner calculated for the purpose of soliciting business.

(2) "Driver." Any person driving a wrecker upon the streets and roads of the city.

(3) "License." A copy of the approved tow rotation application will serve as a wrecker service's license to participate in the scheduled tow rotation monitored by the La Vergne Police Department. Any current wrecker service that has continually provided scheduled tow rotation service for the La Vergne Police Department since January 1, 1990 is considered grandfathered, and exempt from having a tow rotation application on file.

¹Municipal code reference
Privilege tax: title 5, chapter 2.

(4) "Number of wrecker services." The number of wrecker services on the scheduled rotation shall be based on the population of the city. One (1) wrecker service will be added to the rotation list for every ten thousand (10,000) people, based on the official census results. A new wrecker service will be added when the population is five thousand one (5,001) into the next ten thousand (10,000) of population.

(5) "Permit." A permit required and issued by the city to a licensee for each wrecker operated by the licensee under the authority of a license. This permit will document that the tow vehicle has passed the annual tow vehicle inspection.

(6) "Rates and charges." Any charges assessed for transporting, towing, or conveying a vehicle by a wrecker and storage of said vehicle.

(7) "Rate card." A rate card issued by the city for display in each wrecker which contains the mandatory rates or charges then in force. A copy of La Vergne Municipal Code § 9-618 will meet the rate card requirement. The purpose of the rate card being required in each tow vehicle is to inform the public of authorized rates that will apply to their vehicle being towed by a City of La Vergne authorized wrecker service.

(8) "Schedule of wrecker services." A list of licensed wrecker services who have applied to the chief of police to be placed on a rotating schedule for towing of unattended or abandoned vehicles or vehicles involved in accidents, custodial arrests, or where operator is unable to operate said vehicle safely. Said members of schedule must provide twenty-four (24) hour service.

(9) "Wrecker." A public motor vehicle constructed on a truck chassis with lifting devices operated by mechanical power and employed or used for the purpose of towing, transporting, conveying, or removing any and all kinds of vehicles which are unable to be or actually are not operated under their own power. (Ord. #2008-10, July 2008)

9-602. Purpose and intent of chapter. It is hereby declared to be the purpose and intent of this chapter to regulate all wreckers, towing services, and wrecker services doing business for the city. The provisions of this chapter shall not apply to a wrecker service located outside the territorial jurisdiction of the city and which occasionally passes through the city. (Ord. #2008-10, July 2008)

9-603. Wrecker franchise and privilege license requirement. It shall be unlawful for any person to engage in the wrecker business unless he has first obtained a wrecker franchise from the city and has a currently effective privilege license. (Ord. #2008-10, July 2008)

9-604. Requirements as to application and hearing. To be eligible for a wrecker franchise, the applicant's storage lot must be located within the city limits of La Vergne. No person shall be eligible for a wrecker franchise if he has a bad character or has been convicted of a felony within the last ten (10)

years. Applications for wrecker 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 wreckers the applicant desires to operate, the makes and models of said wreckers, 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 or cause to be made a thorough investigation of the applicant to determine if there is a public need for additional wrecker service and whether or not to grant the franchise for additional service, 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 wrecker franchise. (Ord. #2008-10, July 2008)

9-605. Liability insurance or bond required. No wrecker franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to three hundred thousand dollars (\$300,000) or that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12, whichever is greater. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days written notice is given by the insurer to both the insured and the recorder of the city. (Ord. #2008-10, July 2008)

9-606. Revocation or suspension of franchise. The chief of police or his designee may revoke or suspend any wrecker franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the wrecker owner or any driver. (Ord. #2008-10, July 2008)

9-607. Mechanical condition of vehicles. It shall be unlawful for any person to operate any wrecker in the city unless such wrecker is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear view mirror, all of which shall conform to the requirements of the state motor vehicle law. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide the safety of the public and the continuous satisfactory operation of the wrecker, as described in the wrecker service inspection guidelines provided by the chief of police or his designee to each franchise holder. (Ord. #2008-10, July 2008)

9-608. Equipment required. At the time of application for a license, the chief of police or his designee shall direct that the applicants be furnished in writing a list of such equipment as the chief of police deems minimum equipment, and the licensee shall carry and have available at all times and in good working order such minimum equipment until a new list is furnished the

licensee. Such list of equipment as furnished shall include but may not be limited to fire extinguishers, crowbars, shovels, brooms, axes, flags, and reflecters. (Ord. #2008-10, July 2008)

9-609. Inspection of vehicles. All wreckers shall be inspected at least annually by the chief of police or his designee, to insure that they comply with the requirements of this chapter with respect to mechanical condition, equipment, etc. Inspection, of a tow vehicle, by the Tennessee Highway Patrol may be accepted to meet this requirement after the chief of police or designee reviews the inspection report and confirms the report's findings. (Ord. #2008-10, July 2008)

9-610. License and permit for drivers. No person shall drive a wrecker unless he is in possession of the appropriate state drivers license and a current city permit. No wrecker may be operated as part of the city rotation schedule without a current rate card visibly displayed inside the cab of the wrecker. (Ord. #2008-10, July 2008)

9-611. Rotating schedule. A rotating schedule will be prepared on a calendar year basis by the chief of police, or his designee showing a weekly rotation of each service. This schedule will be amended as services are approved or omitted from the list of scheduled services. An updated copy of the rotation schedule will be presented to each scheduled wrecker service before it becomes effective. (Ord. #2008-10, July 2008)

9-612. Use of scheduled service. Scheduled services will be used exclusively on all abandoned and all unattended vehicles which in the opinion of a duly authorized police officer are in violation of the municipal code. (Ord. #2008-10, July 2008)

9-613. Use of owner-requested services. The choice of the owner or operator will be honored if, in the opinion of the police officer in charge, the owner or operator is competent to make a responsible decision. If, in the opinion of the officer in charge, the owner or operator is unable to make a responsible decision, the scheduled service will be requested. In all cases, however, if in the opinion of the officer in charge, there is sufficient danger due to road hazard or other just cause, the officer in charge may insist on the scheduled service.

9-614. Acceptable response time. Up to three (3) local public service telephone numbers will be made available to the chief of police or his designee for each service. Upon a request for a wrecker, each of these numbers, in order given, will be attempted by the police dispatcher. The dispatcher will allow five (5) rings at each number before going on to the next number. If contact is not made on all three (3) numbers, the next scheduled service will be attempted.

The time of actual contact will be logged on the official radio log of the La Vergne Police Department. Wrecker service response time will be twenty (20) minutes on workdays from 7:30 A.M. until 5:00 P.M., and thirty (30) minutes during off-duty times such as nights, weekends, and holidays. After the designated response time has passed, if the wrecker has not arrived on the scene, the next scheduled service may be summoned. In this event, the original service summoned will not be allowed to make the tow and will receive no compensation for the call. Five (5) missed calls in any one (1) calendar month is justification for elimination from the schedule for a period of six (6) months. The time of contact on the original call that is to be logged on the police log will be used on scheduled calls to determine the rate to be charged. A wrecker service cannot claim a service call fee when notified by the La Vergne Police Department to cancel due to the wrecker service not responding within the response time described within this chapter. (Ord. #2008-10, July 2008)

9-615. Revocation or suspension of driver's permit. The chief of police, or his designee may revoke or suspend any wrecker driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-610. (Ord. #2008-10, July 2008)

9-616. Wreckers not to be used for illegal purposes. No wrecker shall be used for or in the commission of any illegal act, business, or purpose. (Ord. #2008-10, July 2008)

9-617. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any wrecker driver, while on duty, to be under the influence of or to drink any intoxicating beverage or beer; to use profane or obscene language; unnecessarily to blow the automobile horn; or otherwise unreasonable to disturb the peace, quite, and tranquility of the city in any way. (Ord. #2008-10, July 2008)

9-618. Schedule of rates and billing procedures. By the 10th day of each month the wrecker services on the rotation schedule shall submit an invoice to the chief of police for all of the vehicles, that the police department is responsible for, that was towed during the previous month. The invoice shall contain at least the following information:

- (1) Date of tow;
- (2) Location the vehicle was towed from;
- (3) Vehicle make and model; and
- (4) The vehicle identification number.

Towing, transporting, and storage rates shall not exceed the fees, as set forth in the fee schedule adopted with the annual budget, unless written

authorization is agreed to by the wrecker service and owner or operator of the vehicle. (Ord. #2008-10, July 2008, as replaced by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

9-619. Street cleaning. Wrecker personnel shall be required to remove all debris from the city right-of-way before leaving the scene. (Ord. #2008-10, July 2008)

9-620. Storage of towed vehicles. Vehicles towed for violation of city ordinances requiring storage will be taken to the franchise holder's lot unless otherwise requested by the ranking police officer on the scene. Vehicles and contents on franchise holder's lots are the total responsibility of the franchise holder. This responsibility will begin upon the signing of a "tow-in" form prescribed by the chief of police. A tow slip shall be completed by La Vergne Police personnel for all vehicles towed at the direction of the La Vergne Police Department, especially those that are abandoned, involved in an arrest, have special instructions, or are taken to a La Vergne Police Department Impound Lot. (Ord. #2008-10, July 2008)

9-621. Retrieving of towed vehicles. Persons retrieving towed vehicles must first have release of vehicle from the La Vergne Police Department, if a hold or special instructions have been applied to a towed vehicle. All wrecker services on twenty-four (24) hour rotating schedule must allow vehicles to be retrieved on a twenty-four (24) hour basis. Any vehicle retrieved by the owner after the normal business hours of the wrecker service may be subject to a gate fee, as set forth in the fee schedule adopted with the annual budget. The wrecker service shall release towed vehicles to the owner after the owner has shown proof of ownership by presenting vehicle ownership documents and a state issued identification card or driver license. (Ord. #2008-10, July 2008, as replaced by Ord. #2021-35, Feb. 2021 *Ch4_10-06-22*)

CHAPTER 7**YARD SALES****SECTION**

9-701. Definition.

9-702. Advertisement signs.

9-703. Removal of signs.

9-701. Definition. Any offering for sale to the general public of goods from a place not normally engaging in such business shall be considered a yard sale. Continuing sale from the same location shall be considered a business and require that the provisions of title 5, chapter 2 of this code be followed. (1994 Code, § 9-801)

9-702. Advertisement signs. Advertisement signs shall be placed only in locations not blocking the view of traffic and shall follow all state and local laws governing their placement. (1994 Code, § 9-802)

9-703. Removal of signs. All advertisement signs shall be removed from public rights-of-way as regulated by article 4, section 4.070, paragraph H of the City of La Vergne Zoning Ordinance. Failure to do so shall result in the general penalty clause for this code of ordinances being imposed. (1994 Code, § 9-803, modified)

CHAPTER 8

SEXUALLY ORIENTED BUSINESS

SECTION

- 9-801. Purpose and findings.
- 9-802. Commercial sexual activity prohibited.
- 9-803. Location of adult business.
- 9-804. Peep shows.
- 9-805. Sexually oriented establishment restrictions.
- 9-806. Employee or entertainer restrictions.
- 9-807. Violations.
- 9-808. Sexually oriented business providing specified services.
- 9-809. Hours of operation.
- 9-810. Order of closure.
- 9-811. Compliance with other laws.
- 9-812. Scierer required to prove violation or employer liability.
- 9-813. Severability.

9-801. Purpose and findings. (1) Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

(2) Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in reports made available to the council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 111 S. Ct. 2456 (1991), *Triplitt Grille, Inc. v. City of Akron*, 40 F. 3d 129 (6th Cir. 1994), and *Northend Cinema, Inc. v. Seattle*, 585 P.2d 1153 (Wash. 1978), and on other studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Los Angeles, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Chattanooga, Tennessee; Memphis, Tennessee; and Beaumont, Texas; and also on findings found in the Report of Attorney General's Working

Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the council finds:

(a) Sexually oriented businesses in the listed cities have lent themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these types of establishments responsible for the activities that occur on the premises in the City of La Vergne, Tennessee.

(b) Certain employees of sexually oriented businesses defined in this chapter as adult theatres and cabarets engage in higher incident of certain types of sexually oriented behavior at these businesses than employees of other establishments.

(c) Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as defined under this chapter as adult book stores, adult novelty shops, adult video stores, adult motion picture theatres, or adult arcades.

(d) Offering and providing such space, encourages such activities, which create unhealthy conditions.

(e) Persons frequent certain adult theatres, adult arcades, adult cabarets, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

(f) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

(g) As of December 31, 2002, there have been 9,924 reported cases of persons with HIV/AIDS living in the State of Tennessee.

(h) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990.

(i) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

(j) The surgeon general of the United States in his report of October 22, 1986 has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood or blood components, and from an infected mother to her newborn.

(k) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(l) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy,

and, in part, because of the unregulated nature of the activities and the failure of the owners and operators of the facilities to self-regulate those activities and maintain those facilities.

(m) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.

(n) In Memphis/Shelby County, Tennessee, deputies and police officers investigating exotic dance clubs found numerous obscenity violations, physical contact between fully nude dancers and patrons including fondling of dancers and full sexual intercourse, a variety of other sexual contact including fellatio, solicitation offered (sex for hire), undercover narcotics buys, different acts of violence, runaway juveniles and allegations of white slavery. Another officer testified that 90-95% of the dancers use drugs (cocaine, crack, methamphetamine), that clubs do not report crimes because they do not want police involved, and that he saw three girls performing five sex acts in 15 minutes. Further, the Manager of Infectious Disease at Shelby County Health Department testified that in one topless club, out of 9 females arrested, 8 tested positive for VD and that there is a very close relationship between prostitution and these clubs.

(o) Out of 26 females arrested at BOTTOMS UP, a topless bar in Memphis, 14 had a medical record at the Shelby County STD Clinic.

(p) According to Chattanooga City Police investigating exotic dance clubs since 1993, there has been a considerable amount of bodily contact between patrons and dancers, dancers sometimes: sit in patron's lap; place their breast against the patron's face; while physical contact is maintained gyrate in such a manner as to simulate sexual intercourse; breathe heavily into a patron's groin area; bite at, gnaw at, as well as fondle, the genitals of male patrons; pulled patrons into their vaginal areas; allowed patrons to spoon feed themselves with whipped cream that had been spread on the breasts, vaginal, and anal areas of the dancer; and have had patrons placed a peeled banana between their legs while female "dancers" have eaten the banana. (DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1977).

(q) The Federal Court for Eastern District of Tennessee at Chattanooga found that Chattanooga's adult cabarets displayed tactile, body contact, sexual experiences tantamount to prostitution as defined in Tennessee Code Annotated, § 39-13-512(5). (DLS, Inc. v. City of Chattanooga, 894 F. Supp. 1140 (E.D. Tenn. 1995).

(r) The findings noted in paragraphs 1 through 17 raise substantial government concerns.

(s) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial government concerns.

(t) Requiring that sexually oriented business employees:

i. Avoid full nudity by maintaining minimal coverage over their genitals (and the nipple/areola portion of the female breast), *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000);

ii. Appear semi-nude only upon a stage at least six feet from patrons, *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1977); and not receive tips directly from patrons, *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986); will help prevent certain types of illicit and unhealthy sexual conduct on the premises of sexually oriented businesses which leads to the transmission of sexually oriented diseases.

(u) The general welfare, health, and safety of the citizens of the City of La Vergne will be promoted by the enactment of this chapter. (1994 Code, § 9-901)

9-802. Commercial sexual activity prohibited. (1) It shall be unlawful for any person to procure, to offer or to engage in any act of anilingus, bestiality, cunnilingus, coprophilia, fellation, flagellation, frottage, masturbation, sexual intercourse, sodomy or urolangnia for any financial consideration or reward.

(2) As used in this section, the following words shall have the meanings ascribed in this subsection:

(a) "Anilingus" means erotic stimulation achieved by contact between mouth or tongue and the anus.

(b) "Bestiality" means sexual relations between a human being and a lower animal.

(c) "Coprophilia" means use of feces for sexual excitement.

(d) "Cunnilingus" means stimulation of the vulva or clitoris with the lips.

(e) "Fellation" means the practice of obtaining sexual gratification by oral stimulation of the penis.

(f) "Flagellation" means an act or instance of obtaining sexual gratification by beating, flogging or scourging another, or being the recipient of such action.

(g) "Frottage" means masturbation by rubbing another person.

(h) "Masturbation" means erotic stimulation involving the genital organs, commonly resulting in orgasm and achieved by manual or other bodily manipulation.

(i) "Sexual intercourse" means carnal copulation of male and female implying actual intercourse of the organs of the latter.

(j) "Sodomy" means penetration of the male organ into the anus of another person.

(k) "Urolangnia" means sexual excitement associated with the urine or urination. (1994 Code, § 9-902)

9-803. Location of adult business. (1) For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them in this subsection:

(a) "Adult bookstore" means an establishment having as a substantial or significant portion of its stock in trade, books, films, video cassettes, DVDs, magazines, computer software, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas.

(b) "Adult cabaret" means an establishment which regularly features as a principle use of its business employees, as defined below, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks.

(c) "Adult entertainment" means any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has as a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities of exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed.

(d) "Adult mini motion picture theatre" means an enclosed building with a capacity for less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by patrons therein;

(e) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by patrons therein:

(f) "Sexually-oriented businesses," or "sexually-oriented establishments," includes "adult-bookstores," "adult cabarets," "adult mini-motion picture theaters," "adult motion picture theaters," "escort," "escort service," "sexual encounter center," "massage parlor," "rap parlor," "sauna," or "adult motel."

(g) "Employee" means a person who performs any service on the premises of an adult-oriented establishment on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

(h) "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee, escort or an independent contractor;

(i) "Escort" means a person who, for monetary consideration in the form of a fee, commission, salary or tip, dates, socializes, visits, consorts with, accompanies, or offers to date, socialize, visit, consort or accompany to social affairs, entertainment or places of amusement or within any place of public resort or within any private quarters of a place of public resort.

(i) A "service oriented escort" is an escort which:

(A) Operates from an open office;

(B) Does not employ or use an escort runner; and

(C) Does not advertise that sexual conduct will be provided to the patron or work for an escort bureau which so advertises; and

(D) Does not offer or provide sexual conduct.

(ii) A "sexually oriented escort" is an escort which:

(A) Employs as an employee, agent, or independent contractor an escort bureau runner; or

(B) Works for, as an agent, employee, contractor, or is referred to a patron by a sexually oriented escort bureau; or

(C) Advertises, that sexual conduct will be provided, or works for, as an employee, agent or independent contractor or is referred to a patron by an escort bureau which so advertises; or

(D) Solicits, offers to provide or does provide acts of sexual conduct to an escort patron, or accepts an offer or solicitation to provide acts of sexual conduct for a fee in addition to the fee charged by the escort bureau; or

(E) Works as an escort without having a current valid permit issued under this chapter, in his or her possession at all times while working as an escort; or

(F) Accepts a fee from a patron who has not first been delivered a contract.

(j) "Escort service" means a person as defined herein, who, for a fee, commission, profit, payment or other monetary consideration, furnishes or offers to furnish escorts or provides or offers to introduce patrons to escorts.

(i) A "service oriented escort bureau" is an escort bureau which:

- (A) Maintains an open office at an established place of business; and
 - (B) Employs or provides only escorts which possess valid permits issued under this chapter; and
 - (C) Does not use an escort bureau runner; and
 - (D) Does not advertise that sexual conduct will be provided to a patron.
- (ii) A "sexually oriented escort bureau" is an escort bureau which:
- (A) Does not maintain an open office; or
 - (B) Employs as an employee, agent or independent contractor, uses an escort bureau runner; or
 - (C) Advertises that sexual conduct will be provided, or that escorts which provide such sexual conduct will be provided, referred, or introduced to a patron; or
 - (D) Solicits, offers to provide or does provide acts of sexual conduct to an escort patron; or
 - (E) Employs, contracts with or provides or refers escorts who do not possess valid permits issued under this chapter; or
 - (F) Does not deliver contracts to every patron or customer; or
 - (G) Employs, contracts with a sexually oriented escort or refers or provides to a patron, a sexually oriented escort.
- (k) "Open office" means an office at the escort service from which the escort business is transacted and which is open to patrons or prospective patrons during all hours during which escorts are working, which is managed or operated by an employee, officer, director or owner of the escort service having authority to bind the service to escort and patron contracts and adjust patron and consumer complaints;
- (l) "Operator" means any person, partnership, or corporation operating, conducting or maintaining an adult-oriented establishment;
- (m) "Person" means an individual, partnership, limited partnership, firm, corporation or association;
- (n) "Specified anatomical areas" means:
- (i) Less than completely and opaquely covered:
 - (A) Human genitals;
 - (B) Pubic region;
 - (C) Buttocks; and
 - (D) Female breasts below a point immediately above the top of the areola; and
 - (ii) Human male genitals in a discernibly turgid state, even if completely opaquely covered.
- (o) "Specified sexual activities" means:

- (i) Human genitals in a state of sexual stimulation or arousal;
- (ii) Acts of human masturbation, sexual intercourse or sodomy; or
- (iii) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

(p) "Specified criminal acts" means sexual crimes against children, sexual abuse, rape, indecent exposure, distribution of obscenity, distribution of obscenity or harmful materials to minors, prostitution, pandering, or tax violations.

(q) "Sexual stimulation" means to excite or arouse the prurient interest or to offer or solicit acts of "sexual conduct" as defined in this chapter.

(r) "Sexual gratification" means "sexual conduct" as defined in this chapter.

(s) "Sexual conduct" means the engaging in or the commission of act of sexual intercourse, oral-genital contact, sodomy, or masturbation.

(t) "Specified services" means massage services, and acting as an "escort" as defined in this chapter.

(u) "Sexual encounter center" means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (i) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (ii) Physical contact between male and female persons and/or persons of the same sex when one or more of the persons exposes to view of the persons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material.

(v) "Massage parlor" means an establishment or place primarily in the business of providing massage or tanning services where one or more of the employees exposes to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material.

(w) "Rap parlor" means an establishment or place primarily in the business of providing nonprofessional conversation or similar service for adults.

(x) "Sauna" means an establishment or place primarily in the business of providing:

- (i) A steam bath; or

(ii) Massage services.

(y) "Adult motel" means a hotel, motel, or similar commercial establishment that:

(i) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, video reproductions, slides, or other reproductions offered in photographic, electronic, magnetic, digital, or other imaging medium or other visual representations that are distinguished or characterized by an emphasis on matters that depict or describe "specified sexual activities" or "specified anatomical areas" and has a sign visible from the public right-of-way which advertises the availability of adult, nude, sex, or "XXX" movies, videos, films, or other similar reproductions; or

(ii) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(iii) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

(2) It shall be unlawful to establish, operate or maintain any adult business, that is adult bookstore, adult motion picture theatre, adult mini motion picture theatre or adult cabaret, within the city, if the proposed location is within one thousand (1,000) feet of:

(a) A residentially zoned district;

(b) Any area which is devoted in part or exclusively to recreational activity;

(c) Any school, park, church, mortuary or hospital;

(d) Any adult business as defined by this section; or

(e) Any other regulated use, including but not limited to establishments authorized to sell any alcoholic beverages for on- or off-premises consumption.

(3) No sexually oriented business may begin to operate except within the confines of an I-2 (HEAVY INDUSTRIAL) zoning district as defined under the zoning laws of the city.

Nothing contained in this section shall be construed to authorize the establishment or operation of any adult business which is otherwise prohibited or made unlawful by any other law or ordinance. (1994 Code, § 9-903)

9-804. Peep shows. 1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.

a. It shall be the duty of the operator, and of any employees present on the premises, to ensure that not more than one person is present in a viewing room at any time. No person shall enter a viewing room that is occupied by another person.

b. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no openings of any kind exist between viewing rooms. No person shall make an attempt to make an opening of any kind between viewing rooms.

c. The light level in such establishments shall not be less than ten (10) candles at floor level.

d. It shall be the duty of the operator to ensure that premises are clean and sanitary. Such duty shall be fulfilled if the operator complies with the following procedures:

i. The operator shall maintain a regular cleaning schedule of at least two cleanings per day, documented by appropriate logs.

ii. The operator shall provide an employee to check all areas for garbage, trash, body fluids and excrement and to remove and clean all areas with a disinfectant. All solid waste generated by the business shall be collected from the premises for disposal at a lawful solid waste disposal facility at least twice each week. Prior to collection, solid waste shall be stored in a manner which prevents access by animals or members of the public and which will not facilitate the creation of a health nuisance.

iii. Thorough cleaning of the entire interior of any room providing patron privacy shall be done using a disinfectant. Cleaning shall include floors, walls, doors, seating, monitors, video cameras, and windows and other surfaces.

e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. A manager's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this paragraph must be by direct line of sight from the manager's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls,

merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises. (1994 Code, § 9-904)

9-805. Sexually oriented establishment restrictions. It shall be unlawful for any person maintaining, owning or operating a sexually-oriented establishment located within the City of La Vergne, Tennessee:

(1) To permit any employee or entertainer to fondle or caress any patron or to permit any patron to fondle or caress any entertainer or employee; or

(2) To permit any entertainer while exposing any specified anatomical area, as defined herein, to knowingly or intentionally touch a customer or the clothing of a customer; or

(3) To permit any entertainer while exposing any specified anatomical areas, as defined herein, to knowingly or intentionally be or remain in any location other than on a stage at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest customer; or

(4) To permit any employee or entertainer to solicit any pay or gratuity from any patron while performing; or

(5) (a) To permit any employee or entertainer, while on the premises of the adult-oriented establishment to:

(i) Engage in sexual intercourse;

(ii) Engage in deviant sexual conduct;

(iii) Appear in a state of nudity;

(iv) Fondle the genitals of himself or another person.

(b) For the purpose of this section. "NUDITY" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state; or

(6) To permit any intoxicating liquor, cereal malt beverage, narcotic or controlled substance to be sold or consumed on the premises of the adult-oriented establishment. (1994 Code, § 9-905)

9-806. Employee or entertainer restrictions. It shall be unlawful for any employee or entertainer at an adult-oriented establishment located within the City of La Vergne, Tennessee:

(1) To fondle or caress any patron or to permit any patron to fondle or caress any entertainer or employee; or

(2) To knowingly or intentionally touch a customer or the clothing of a customer while exposing any specified anatomical areas as defined herein; or

(3) To knowingly or intentionally be or remain in any location other than on a stage at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest customer while exposing any specified anatomical areas as defined herein; or

- (4) To solicit any pay or gratuity from any patron while performing; or
- (5) (a) To, while on the premises of an adult-oriented establishment:
 - (i) Engage in sexual intercourse;
 - (ii) Engage in deviant sexual conduct;
 - (iii) Appear in a state of nudity;
 - (iv) Fondle the genitals of himself or another person.
- (b) For the purpose of this section. "Nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. (1994 Code, § 9-906)

9-807. Violations. Any person violating this chapter shall commit an offense against the City of La Vergne, Tennessee, and upon conviction shall be fined under appropriate state law, or shall be fined for a conviction within the City Court of La Vergne, Tennessee, with a fine as set forth in the fee schedule adopted with the annual budget, for each violation. (1994 Code, § 9-907, as replaced by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

9-808. Sexually oriented businesses providing specified services. Sexually oriented businesses that provide "specified services" for customers or patrons shall:

- (1) Provide patrons with written contracts and receipts that show:
 - (a) "Specified service" provided;
 - (b) Cost of "specified service;"
 - (c) Date and time of service provided;
 - (d) Signature of customer or patron and signature or initials of permit holder providing the "specified service;"
 - (e) Method of payment for service.
- (2) Keep copies of contracts and receipts on file for two years.
- (3) Keep copies on file of all published advertisements. (1994 Code, § 9-908)

9-809. Hours of operation. (1) No sexually-oriented business shall be open before eight o'clock A.M. (8:00 A.M.), Monday through Saturday; and no such establishment shall remain open after twelve o'clock (12:00) midnight, Monday through Saturday. No adult oriented establishment shall be open for business on any Sunday or a legal holiday as designated in Tennessee Code Annotated, § 15-1-101.

(2) Sexually oriented businesses and sexually oriented business employees shall permit officers or agents of the city to inspect, from time to time on an occasional basis, the portions of the sexually oriented business premises where patrons are permitted, for the purpose of ensuring compliance with the

specific regulations of this chapter, during those times when the sexually oriented business is occupied by patrons or is open for business. This section shall be narrowly construed by the city to authorize reasonable inspections of the licensed premises pursuant to this chapter, but not to authorize an excessive pattern of inspections. (1994 Code, § 9-909)

9-810. Order of closure. Upon a second or subsequent violation of any part of this chapter, any real property found to be in violation of the requirements stated in this chapter will also be subject to an order of closure, and/or cease and desist, by chancery court action seeking injunctive relief to enforce the provisions of this law, provided, that such second or subsequent violation occurs after a conviction has been obtained for the previous such violation. (1994 Code, § 9-910)

9-811. Compliance with other laws. All persons operating a sexually oriented business within the city limits of La Vergne, Tennessee shall obey and follow all state statutes, including but not limited to all statutes concerning nudity and shall also comply with any licensing requirements which may be required under state or county law. (1994 Code, § 9-911)

9-812. Scienter required to prove violation or employer liability. This chapter does not impose strict liability. If the culpable mental state for an offense herein is not specified, then a knowing or intentional act is required to establish the offense. Additionally, notwithstanding anything to the contrary, for the purposes of this chapter, an act by an employee shall be imputed to a sexually oriented business operator for the purpose of establishing a violation of this chapter only if an operator allowed, either knowingly or intentionally, a violation of this chapter to occur. It shall be a defense to liability that the operator was powerless to prevent the violation. (1994 Code, § 9-912)

9-813. Severability. Should any court of competent jurisdiction declare any section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause, or provision of this chapter. (1994 Code, § 9-913)

CHAPTER 9

MOBILE FOOD VENDORS

SECTION

- 9-901. Definitions.
- 9-902. Generally.
- 9-903. Locations and hours of operation.
- 9-904. Operating requirements.
- 9-905. Mobile food service permits.
- 9-906. Food truck rallies.

9-901. Definitions. Whenever used in this chapter unless the context requires otherwise:

(1) "Canteen trucks" are vehicles that operate to provide food services to employees at a location where access to other good service is impractical (e.g., a construction site); from which the operator vends fruits, vegetables, pre-cooked foods such as hot dogs, pre-packaged foods, and pre-packaged drinks that require no preparation or assembly of foods or beverages except for the heating of pre-cooked foods; which operate at a single location for a period not longer than two (2) hours; and which do not advertise in any form to the general public except by virtue of signage on the vehicle. Canteen trucks that operate other than as defined herein are food trucks and must comply with all food truck regulations.

(2) "Food trucks" are vehicles from which the operator cooks, prepares, or assembles food items (including products sold by canteen trucks and ice cream trucks) with the intent to sell such items to the general public and which may market their products to the public via advertising, including social media.

(3) "Food truck rallies" are coordinated and advertised gatherings on city property of two (2) or more food trucks in one location on a certain date with the intent to serve the public.

(4) "Ice cream trucks" are vehicles from which the operator vends only pre-packaged frozen dairy or frozen water-based food products, soft serve, or hand-dipped frozen dairy products or frozen water-based food products, and pre-packaged beverages.

(5) "Location" means any single property parcel and all other parcels that is contiguous or cumulatively contiguous to that owned or controlled by a single or affiliated entities.

(6) "Mobile food service permit" means a permit issued by the city for the operation of food trucks, special events, city co-sponsored events, or an approved food truck rally.

(7) "Mobile food service vehicle" means a food truck, a canteen truck, or an ice cream truck and includes any other portable unit that is or can be

attached to a motorized vehicle and that is intended for use or in service to the operations of the mobile food service vehicle.

(8) "Operate" means to promote or sell food, beverages, and other permitted items from the mobile food service vehicle and includes all tenses of the work.

(9) "Operator" means any person owning, operating, or permitted to operate a food truck and collectively refers to all such persons.

(10) "Vehicle," as used in this chapter, means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (as added by Ord. #2019-22, July 2019 **Ch3_9-3-19**)

9-902. Generally. (1) It is a violation to operate a mobile food service vehicle at any location except in compliance with the requirements of this chapter.

(2) Mobile food service vehicle operators must comply with all state and local business tax regulations. (as added by Ord. #2019-22, July 2019 **Ch3_9-3-19**)

9-903. Locations and hours of operation. (1) Food trucks.

(a) Public property. Food trucks may operate on city property, including City parks, only at the times and locations as allowed by the City.

(b) Private property. Food trucks may operate on private property where there is a commercial, office, educational, or industrial use subject to the following conditions:

(i) Permission. Food trucks selling to the public from private property shall have the written permission of the property owner, which shall be made available to the city immediately upon request.

(ii) Unimproved properties. Regardless of an agreement with the owner of the property, a food truck may not operate on an unimproved parcel or portion of an unimproved parcel unless that parcel is paved, has paved ingress and egress, and has on the parcel a principal structure with an operating restroom.

(iii) Maximum number of food trucks. No more than one (1) mobile food truck may operate at any location.

(iv) Existing parking spaces. Mobile food trucks may not require the use of more than twenty-five percent (25%) of existing parking spaces located on the property for which it has an agreement to operate.

(c) Prohibited locations. Food trucks must follow all existing codes and ordinances and shall be prohibited at the following private property locations:

(i) Within two hundred feet (200') of a building in which a full-service restaurant or fast-food restaurant is located and operating, unless approval is obtained in writing from the owner of the business.

(ii) Within twenty feet (20') of any structure built of combustible construction and within ten feet (10') of any structure built of non-combustible construction.

(iii) Within twenty feet (20') of any fire hydrant, fire escape, bus stop, any intersection curb radius return (the point of intersection of the street curb line and the curb radius), any doorway or driveway or other main entrance of any building, and of any emergency or fire exits.

(iv) Within five hundred feet (500') of a school property line during regular school hours.

(v) Within one thousand three hundred twenty feet (1,320') one-fourth (1/4) mile of another mobile food vendor.

(d) Restroom facility. Food trucks operating at any location must have a written agreement, available upon request by the city, that permits employees to have access to a flushable restroom no more than four hundred fifty feet (450') of the vending location during all hours of operation.

(2) Canteen trucks. (a) Locations. (i) Private property. Canteen trucks may operate on private property to cater to on-site employees of a clearly delineated single location for a limited period of time not greater than two (2) hours.

(ii) Food truck rallies. A canteen truck may operate at a food truck rally only after complying with all requirements applicable to a food truck.

(b) Hours of operation. Canteen trucks may operate after 5:00 A.M. and before 6:00 P.M. in all areas.

(3) Ice cream trucks. (a) Locations. (i) Right-of-way. An ice cream truck may not operate from the right-of-way at any one location for more than fifteen (15) minutes without relocating to another location not less than one-quarter mile from the previous location.

(ii) Private property. An ice cream truck may operate on private property with written permission of the property owner, which will be immediately available to the city upon request. An ice cream truck may not require use of more than twenty-five percent (25%) of existing parking spaces. No ice cream truck may operate on the same or adjoining private property more than two (2) days per week.

(b) Hours of operation. Ice cream trucks may operate after 11:00 A.M. and before sunset. (as added by Ord. #2019-22, July 2019 *Ch3_9-3-19*)

9-904. Operating requirements. (1) Vehicle requirements.

(a) Design and construction. Mobile food service vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not safe and is not compatible with the purpose for which the vehicle has been designed and constructed.

(b) Licensing. Mobile food service vehicles must be licensed in accordance with the rules and regulations of any local, state, and federal agency having jurisdiction over motor vehicles and all products sold therein must be properly licensed, permitted, and allowed by local, state, and, federal laws or regulations.

(2) Right-of-way. Mobile food service vehicles may not operate, stop, stand, or park in any area of the right-of-way that is intended for use by vehicular travel or that in any way impedes the use of the right-of-way or that present an unsafe condition for patrons, pedestrians, or other vehicles.

(3) Business access. No mobile food service vehicle may operate in a location that impedes the ingress to, egress from, or signage of another business or otherwise causes undue interference with access to other businesses or emergency areas, paths, or facilities.

(4) Distance between units. A mobile food service vehicle may not operate within ten feet (10') of any other mobile food service vehicle.

(5) Types of cooking apparatuses. Open flame cooking (other than with a gas range specifically constructed and designed within the food truck) either within or outside a mobile food service vehicle is prohibited; except where such activity is specifically permitted by the fire department. Canteen trucks may have installed within the vehicle a heating apparatus that is used only for serving heated pre-cooked foods provided such apparatus is permitted by state and local regulations. Ice cream trucks can have no heating apparatus installed within the vehicle for the purpose of food service.

(6) Noise. Amplified music or other sounds from any mobile food service vehicles may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.

(7) Fixed establishment. If the operator has a fixed, non-mobile establishment or any other place that is used for the storage of supplies, the preparation of food to be sold or served at or by mobile food service vehicle, or the cleaning and servicing of the mobile food service vehicle, such a location within the city cannot be located in any residential zoning district; unless such location complies with all applicable zoning regulations, building code requirements, and requirements of the La Vergne Water and Sewer Department.

(8) Utilities. All mobile food service vehicles shall comply with the version of the electrical code currently adopted by the city. Any electrical power, water, or sewage required for the mobile food service vehicle shall be self-contained and shall not use utilities drawn from other sources.

(9) Fire extinguishers required. All mobile food service vehicles must be equipped with a 2-A:10-B:C fire extinguisher that is certified annually by a licensed company. Additionally, any mobile food service vehicle that produce grease laden vapors (e.g., those units with deep fat fryers or flat top griddles) must be equipped with a K-Class fire extinguisher that is certified annually by a licensed company. A ventilation system and automatic fire extinguishing system may be required.

(10) Support methods. No mobile food service vehicle may use stakes, rods, or any method of support that must be drilled, driven, or otherwise fixed, into or onto asphalt, pavement, curbs, sidewalks, or buildings.

(11) Spills. To prevent discharges into the storm drain system and streams, each unit shall comply with all stormwater regulations of the city. In addition, each unit shall have a spill response plan and kit on board to contain and remediate any discharge from the unit. In the event of a spill, operators are required to call the La Vergne Fire Department to assist with the clean-up of spills and to determine the need for a more extensive response.

(a) Spill plan. Food trucks must post, on the interior of the vehicle, instructions for containing spills; at a minimum such plan should include

(i) Description of and typical quantities materials that may be spilled;

(ii) Procedures for containing potentially spilled materials including proper disposal of spilled materials;

(iii) Procedures for storage, use, handling and transfer of materials to reduce potential for spilling; and

(iv) Emergency notification requirements;

(b) Spill kit. Food trucks must have a response kit on the vehicle including

(i) Minimum five (5) gallon storage and clean-up container capacity with lid;

(ii) Minimum of ten (10) absorbent pads and two (2) absorbent socks or equivalent;

(iii) Disposable bag adequate to hold contents of spill kit and spilled materials; and

(iv) One (1) pair of disposable gloves.

(12) Waste collection. The area of a mobile food service vehicle operation must be kept neat and orderly at all times. Operation of a mobile food service vehicle in an area is deemed acceptance by the operator of the responsibility for cleanliness of the reasonable area surrounding the operations (not less than twenty feet (20') from all parts of the vehicle) regardless of the occurrence or source of any waste in the area. The operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the mobile food service vehicle during the period of operation at a location. All trash within the area of operations regardless of the source must

be removed and all garbage, trash, and trash receptacles must be removed when full and prior to departure of a mobile food service vehicle from a location.

(13) Signage. Mobile food service vehicles are limited to signs mounted to the exterior of the mobile food establishment and one sandwich board sign with dimensions no larger than six (6) square feet. All signs mounted on the unit shall be secured and mounted flat against the unit and shall not project more than six inches (6") from the exterior of the unit. Sandwich board signs shall not obstruct or impede pedestrian or vehicular traffic. All signage must at all times conform to community standards of decency.

(14) Beer and alcohol sales. Food trucks may not sell beer or alcoholic beverages, except as may be specifically allowed by state law. Canteen trucks and ice cream trucks are prohibited from selling beer or alcoholic beverages.

(15) Insurance requirements. Mobile food service vehicles shall obtain, at a minimum, any motor vehicle insurance required by any local, state, or federal laws and regulations.

(a) Food trucks operating on city property are required at all times to maintain a minimum of one million dollars (\$1,000,000.00) of liability insurance coverage naming the City of La Vergne as an additional insured. In the event the required coverage is not properly maintained, the operator's mobile food service permit will be immediately revoked. The failure of the operator to notify the city of any change in coverage will preclude the operator from obtaining a permit for a period of six (6) months from the date the city learns of the failure to provide the required notification of change.

(b) Canteen trucks and ice cream trucks shall not operate on city property, except upon obtaining written permission from the city, and may be required to obtain insurance consistent with the type of operation permitted. (as added by Ord. #2019-22, July 2019 *Ch3_9-3-19*)

9-905. Mobile food service permits. (1) Applicable. No mobile food service vehicle may operate within the city without a mobile food service permit issued by the city. A mobile food service permit authorizes the holder only to engage in the vending of products from a mobile food service vehicle in compliance with city code and as specified on the permit. The mobile food service permit must be prominently displayed when the mobile food service vehicle is in operation.

(2) Application. The applicant of a mobile food service vehicle shall apply for a mobile food service permit by payment of an application fee, as set forth in the fee schedule adopted with the annual budget, and submit the following:

(a) Complete an application form provided by the city, which shall include the following information:

- (i) Name and address of the owner of the vehicle;
- (ii) Name and address of the operator of the vehicle;

(iii) Three color photographs of the exterior (front, side, and back) and interior food service portion of the vehicle in the final condition and with any and all markings under which it will operate;

(iv) A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the mobile food service vehicle;

(v) A copy of the state or county health department license or permit applicable to mobile food providers;

(vi) A copy of the fire marshal's inspection report;

(vii) A copy of any alcoholic beverage licenses, if applicable;

(viii) A copy of the operator's Tennessee business license issued by the city or the operator's home-based county; and

(ix) A copy of insurance coverage.

(b) Permittee has an on-going duty to provide the city with notice of any change to any of the information required by the city to obtain a mobile food service permit, including current photographs of the mobile food service vehicle in the event of any change in the appearance of or signage on the vehicle.

(c) This section does not apply to contractual arrangements between a mobile food service vehicle operator and an individual, group, or the city for catering at a specific location that is not open to or serving the public.

(3) Issuance. A mobile food service permit shall be issued upon full completion and review of the application required by this section. No mobile food service permit will be issued to:

(a) An operator that operated within the prior six (6) months notwithstanding a mobile food service permit that is suspended or has been revoked; or

(b) An operator, or any person affiliated with the operator for purposes of operating a mobile food vehicle that is the subject of a suspended mobile food service permit or has held a mobile food service permit revoked with the prior twelve (12) months.

(4) Expiration. A mobile food service permit expires on the date twelve (12) months after issuance and may be renewed provided that all city requirements are met and the license has not been suspended or revoked.

(5) Transferability. A mobile food service permit may not be transferred except as part of the sale of an interest in a business holding the license or a sale of substantially all of the assets of a business holding the license.

(6) Enforcement. (a) If an operator is found to be operating within the city and without a mobile food service permit, the operator will be cited. The operator will pay a fine as set forth in the fee schedule adopted with

the annual budget to offset the city's costs of compliance measures, inspections, and correction of any circumstance resulting from operator's failure to comply with this article.

(b) Warnings. A city enforcement officer may provide one (1) warning to any operator for a violation of this section except that a citation shall be issued as set forth in the section.

(c) Citation. A city enforcement officer must issue a citation to the mobile food service operator for the following:

(i) A second violation of this section is found to have occurred after a warning has been issued within the previous six (6) months; or

(ii) Any violation that constitutes ground for revocation of a mobile food service permit.

(d) Suspension. A mobile food service permit shall be suspended until reinstatement upon issuance of a citation for the following reasons:

(i) A second violation of this section is found to have occurred after a warning has been issued within the previous six (6) months;

(ii) The required vehicle license, health permit, or business tax license for the operator or the mobile food service vehicle has expired or been suspended, revoked, or otherwise terminated;

(iii) The operator fails to obtain or maintain the insurance coverages required by this section.

(e) Revocation. The city shall revoke a mobile food service permit after two (2) suspensions within a twelve (12) month period. The mobile food service permit may be revoked if the operator operates in an unlawful manner or such a manner as to constitute a breach of the peace, interferes with the normal use of the right-of-way, or otherwise constitutes a menace to the health, safety, or general welfare of the public.

(f) Reinstatement. (i) Suspension. An operator may reinstate a suspended mobile food service permit by payment of a fee as set forth in the fee schedule adopted with the annual budget, to offset the city's costs of compliance measures, necessary inspections, and the correction of any circumstance that lead to the suspension.

(ii) Revocation. The city may allow an operator to reapply for a mobile food service permit after three (3) months from the date of revocation if the operator corrects all circumstances that lead to the violations and the operator pays a fee, as set forth in the fee schedule adopted with the annual budget, to offset the city's costs of compliance measures, necessary inspections, and the correction of any circumstance that lead to the suspension.

(7) Notice. Upon denial, suspension or revocation of a mobile food service permit, the city shall give notice to the operator in writing. There shall be no refund of any other fee paid to the city.

(8) Appeal. Citation may be appealed to the city administrator, whose decision, which will be based upon a written summation of the facts submitted by the city enforcement officer and the permit holder, is final. (as added by Ord. #2019-22, July 2019 *Ch3_9-3-19*, and amended by Ord. #2021-11, May 2021, *Ch4_10-06-22*, and Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

9-906. Food truck rallies. All food truck rallies on city property will require each vendor to pay any required booth rental fees to the parks and recreation department. A parks vendor permit is not required if the food truck has received a mobile food service permit. All food truck rallies will be coordinated by the parks and recreation department. (as added by Ord. #2019-22, July 2019 *Ch3_9-3-19*)

CHAPTER 10

DOOR-TO-DOOR SOLICITATION

SECTION

- 9-1001. Purpose.
- 9-1002. Definitions.
- 9-1003. Exemptions.
- 9-1004. All solicitation prohibited by posting of "No Solicitation" or "No Trespassing" sign or city no-solicitation sticker.
- 9-1005. No-solicitation list.
- 9-1006. Permit and identification badge required for all commercial solicitors.
- 9-1007. Application for permit.
- 9-1008. Investigation of applicant; issuance of permit and identification badge(s).
- 9-1009. Duration of permit; renewal.
- 9-1010. Persons prohibited.
- 9-1011. Denial of permit.
- 9-1012. Revocation or suspension of identification badge.
- 9-1013. Nonrenewal or revocation of permit.
- 9-1014. Emergency summary suspension of identification badge or permit.
- 9-1015. Appeals for denial or revocation of permit; hearings.
- 9-1016. Duty to display identification badge and to exhibit permit.
- 9-1017. Limitations on all solicitation.
- 9-1018. Limitations on commercial solicitation.
- 9-1019. False or deceptive representations prohibited.
- 9-1020. Records.
- 9-1021. Administrative regulations.
- 9-1022. Enforcement.
- 9-1023. Penalty.

9-1001. Purpose. The purpose of this chapter is as follows: (1) To provide for the health, safety and welfare of the citizens of the City of La Vergne;

(2) To balance the First Amendment rights of residential commercial solicitors with the privacy, safety, health and welfare of the residents within the City of La Vergne;

(3) To require all commercial solicitors to conduct any door-to-door residential solicitation within the city pursuant to a permit and identification badge issued by the city administrator;

(4) To prohibit commercial solicitations at residences where the owner or occupant has prohibited solicitation in a manner consistent with the provisions of this chapter. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1002. Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a differing meaning.

(1) Applicant. Any person or entity who has submitted an application for a permit.

(2) Charitable organization. A group which is or holds itself out to be a benevolent, patriotic, philanthropic, political, social service, welfare, eleemosynary, civic, or fraternal organization who sells goods, wares, merchandise, or services, or solicits or obtains contributions soliciting from the public, for charitable purposes.

(3) Charitable purpose. Any purpose which is benevolent, patriotic, political, philanthropic, social service, welfare, eleemosynary, civic, environmental, or fraternal.

(4) City administrator. The City Administrator of the City of La Vergne, or the city administrator's designee.

(5) City no-solicitation sticker. A blue circular sticker, supplied by the City of La Vergne, bearing the words "No Solicitation" which any resident may affix to his or her entryway for the purpose of informing the general public and prospective solicitors that all door-to-door solicitation at such addresses is prohibited.

(6) Commercial solicitor. Any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door commercial solicitation. For purposes of this chapter, the term commercial solicitor shall include individuals commonly referred to as "peddlers" and "solicitors".

(7) Door-to-door commercial solicitation. Attempting to make personal contact with a resident at his or her residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

(a) Attempting to sell, for present or future delivery, any goods, wares or merchandise, other than newspaper or magazine subscriptions, or any services to be performed immediately or in the future, whether or not the person has, carries or exposes a sample of such goods, wares or merchandise, and whether or not he or she is collecting advance payments for such sales; or

(b) Personally delivering to the resident a handbill or flyer advertising a commercial event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a future time.

(8) Door-to-door noncommercial solicitation. Attempting to make personal contact with a resident at his or her residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

(a) Seeking or asking for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501 (c)(3);

(b) Soliciting the sale of goods, wares or merchandise for present or future delivery, or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c)(3);

(c) Personally delivering to the resident a handbill or flyer advertising a future, not-for-profit event, activity, good or service;

(d) Proselytizing on behalf of a religious organization;

(e) Soliciting support for a political candidate or organization, or ballot measure or ideology; or

(f) Soliciting the sale of newspaper or magazine subscriptions.

(9) Employer. Any person, company, corporation, business, partnership, organization or any other entity on behalf of whom a person is acting.

(10) Noncommercial solicitor. Any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door noncommercial solicitation. For purposes of this chapter, the term noncommercial solicitor shall include individuals commonly referred to as "canvassers" or individuals who solicit for a charitable, religious, political, or philanthropic purpose, even if, incidental to such purpose, the individual accepts the donation of money for or against such cause.

(11) No-solicitation list. A list of the addresses of city residents who have requested that their residences be placed on a list maintained and published by the city for the purpose of informing the general public and prospective solicitors that all door-to-door commercial solicitation at such addresses is prohibited.

(12) Permit. A document issued by the city administrator authorizing a commercial solicitor to engage in door-to-door commercial solicitation.

(13) Permit holder. Any person to whom a permit has been issued under the provisions of this chapter.

(14) Person. A natural person or business entity, such as, without limitation, a corporation, association, firm, joint venture, estate, trust, business trust, syndicate, fiduciary, partnership or any group or combination thereof.

(15) Residence. A private residence in the City of La Vergne, including but not limited to, condominium units and apartments, including the yards, grounds or hallways thereof. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1003. Exemptions. The terms of this chapter shall not apply to: (1) Bona fide merchants who deliver goods in the regular course of business;

(2) Sellers responding to a prior invitation by the owner or occupant of a residence; or

(3) Federal or city census takers, canvassers or solicitors canvassing or soliciting or taking surveys pursuant to any federal census or any federal,

state or local law for official public purposes shall be exempt from the requirements of this chapter; provided, however, that federal or city census takers, canvassers and solicitors who are exempt from the requirements of this chapter must, nonetheless, have proper identification cards while going door to door and advise the La Vergne Police Department prior to canvassing, soliciting or surveying within the city. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1004. All solicitation prohibited by posting of "No Solicitation" or "No Trespassing" sign or city no-solicitation sticker. (1) No solicitor, whether commercial or noncommercial, shall enter or remain upon any private premises in the city where:

(a) A "No Solicitation" or "No Trespassing" sign is clearly posted or placed at or near the entrance(s) to such premises or, in the case of a multi-family dwelling, at or near the entrance(s) to such individual dwelling; or

(b) A city no-solicitation sticker, supplied by the City of La Vergne, is placed upon or affixed to the entryway or door of such premises or individual dwelling.

(2) This provision shall apply to all solicitation, including, without limitation, all activities that are religious, charitable or political in nature and all solicitation of newspaper or magazine subscriptions. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1005. No-solicitation list. (1) The city may establish a no-solicitation list allowing any owner or lawful occupant of any residence within the city to prohibit commercial solicitation at said residence by registering the address with the city. Such registration shall take effect as soon as it is noted on the city's no-solicitation list.

(2) If the city establishes a no-solicitation list, the city shall maintain and publish on the city's website and have available at the office of the city administrator such no-solicitation list consisting of all addresses that have been registered thereon.

(a) Such list shall be made available without charge to any person requesting same. No person shall be required to provide identification as a condition of obtaining a copy of such list.

(b) The city will make the necessary arrangements to periodically update the no-solicitation list.

(c) Each address appearing on the no-solicitation list will remain on the list until removed by the occupant.

(3) Each permit holder shall be responsible for obtaining and reviewing a copy of the no-solicitation list immediately upon issuance of a permit under this chapter and at such intervals thereafter as may be reasonably

necessary to ensure compliance with the requirements of division (4) of this section.

(4) As of the effective date of the registration of a residential address under division (3) of this section, door-to-door commercial solicitation at such address shall be prohibited until such time, if at all, that the address has been deleted from the no-solicitation list.

(5) Neither the city nor any of its officers, employees, agents or authorized volunteers shall be liable to any person for any injuries, damages or liabilities of any kind arising from or relating to any errors or omissions that may occur in compiling or maintaining the no-solicitation list. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1006. Permit and identification badge required for all commercial solicitors. (1) No person shall engage in door-to-door commercial solicitation within the city without first obtaining a permit and identification badge from the city administrator and paying all applicable fees as provided in this chapter.

(2) It shall be the sole responsibility of the permit holder to:

(a) Provide a copy of the permit to each person authorized to engage in solicitation under the permit;

(b) Ensure that each person authorized to solicit under the permit complies with the terms and conditions of the permit and with the provisions of this chapter;

(c) Notify the city administrator in writing of any persons to be added to or deleted from the list of authorized solicitors or any changes in employment; and

(d) Submit to the city administrator, for each person to be added to such list, the information required under § 9-1007(1)(d), together with payment of the identification badge fee required under § 9-1007. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1007. Application for permit. (1) Each person applying for a door-to-door commercial solicitation permit shall file with the city administrator an affidavit on a form supplied by the city administrator stating the following information, as applicable:

(a) The full name, business address, business telephone number, email address, and website of the applicant;

(b) Information regarding the business as required by the city administrator, including, without limitation, its federal tax identification number, its legal status and proof of registration with, or a certificate of good standing from, the Tennessee Secretary of State, and, if different from its business address, the address at which it may be provided notice under this chapter;

(c) A complete list of all persons to be authorized to solicit under the permit and all supervising staff;

(d) For each person authorized to solicit under a permit and all supervising staff, the following information:

(i) Full name, address, telephone number, email address, date of birth and social security number;

(ii) A description of the individual including height, weight, color of eyes and color of hair;

(iii) The number and state of issuance of the individual's driver's license, state identification card, passport, or other government-issued identification card;

(iv) The motor vehicle make, model, year, color, and state license plate number of any vehicle which will be used by such person;

(v) A statement certifying that the person is not prohibited from commercial solicitation under § 9-1011 of this chapter as determined by a criminal background check or any other information reasonably available to the employer concerning the criminal record of such individual; and

(vi) Any other identifying information as may be required by the city administrator to ensure or verify compliance with this chapter.

(e) A statement certifying that the business has not engaged in unlawful solicitation in the last three (3) cities or towns, if that many, where the applicant carried on business immediately preceding the date of the application and, if available, records from such cities or towns demonstrating the same.

(f) A brief explanation of the nature of the solicitation activity that requires a permit under this chapter, including the type of the goods, wares, merchandise, and/or services to be offered to the consumer;

(g) The length of time for which the right to do business in the city is desired;

(h) If the applicant is a foreign corporation or an employee of such corporation, the name, address and telephone number of an agent for process residing in the state;

(i) Proof that the applicant has obtained a valid business tax license issued by the city; and

(j) Any other information determined to be relevant by the city administrator.

(2) At the time of application, each applicant shall pay a non-refundable fee as set forth in the fee schedule adopted with the annual budget, to sufficiently defray the costs incurred by the city in processing the application, plus an additional fee as set forth in the fee schedule adopted with the annual budget, per person to defray the costs of preparing and issuing an

identification badge for each person to be authorized to solicit under the permit, including the applicant. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*, and amended by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

9-1008. Investigation of applicant; issuance of permit and identification badge(s). (1) Upon receipt of a complete application and all applicable fees, the city administrator shall immediately refer the application to the chief of police who shall investigate the applicant and return the application along with a report of such investigation to the city administrator.

(2) All applicants shall undergo a criminal background check as part of the determination of permit eligibility.

(3) The city administrator shall, following the receipt of a complete application for a permit under this chapter, issue such permit, together with identification badges for all persons authorized to engage in door-to-door commercial solicitation under the permit, unless the city administrator determines that the permit application is denied under the criteria stated in § 9-1012 of this chapter.

(4) All permits shall be issued in the name of the applicant. A permit may be issued to an individual or an employer. Upon issuance of each permit, the city administrator shall create and maintain a list of all persons authorized to engage in door-to-door commercial solicitation under the permit.

(5) The identification badges shall contain a photograph of the solicitor, bear the words "Permitted Solicitor," include the names of the solicitor and the employer the solicitor represents, the name of the permit holder (if different), the permit number, and the expiration date of the permit.

(6) Subsequent to the issuance of any permit, and upon receipt of the information and fee required under § 9-1007, the city administrator shall issue an identification badge to any new or additional person to be authorized to solicit under the permit as long as such person is not prohibited under § 9-1011. The city administrator shall also issue a replacement identification badge to any solicitor who, by affidavit, notifies the clerk that his or her identification badge has been lost or stolen, and who pays an additional identification badge fee as established under § 9-1007.

(7) If an employer applies for and is granted a permit under this chapter, the employer shall be entitled to obtain identification badges from the city administrator for each employee or agent authorized to solicit under the permit as long as such person is not prohibited under § 9-1011.

(8) No permit or identification badge issued pursuant to this chapter shall be transferred to any person. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1009. Duration of permit; renewal. (1) Each permit shall be valid for one (1) year, effective from the date of issuance.

(2) Any permittee wishing to renew a permit issued under this chapter must apply for the renewal of the permit no less than thirty (30) days prior to the expiration of its term.

(3) At the time of the renewal application, each applicant shall pay a non-refundable fee, as set forth in the fee schedule adopted with the annual budget, to sufficiently defray the costs incurred by the city in processing the application, plus an additional fee, as set forth in the fee schedule adopted with the annual budget, to defray the costs of preparing and issuing an identification badge for each person to be authorized to solicit under the permit, including the applicant.

(4) If a permittee fails to apply for such renewal within said thirty (30) day period of time, the permit will expire. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*, and amended by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

9-1010. Persons prohibited. A person shall not be eligible for issuance of a permit or identification badge under this chapter if:

(1) Such person has been convicted, pled guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of ten (10) years prior to the date of application of a felony or Class 1 misdemeanor under the laws of the State of Tennessee or an equivalent offense under any federal, state, county or municipal law; or

(2) A permit or an identification badge previously issued to such person under this chapter has been revoked by the city administrator under § 9-1013 or § 9-1014 of this chapter. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1011. Denial of permit. (1) The city administrator shall deny an application for a permit or any renewal of a permit under this chapter if the city administrator determines that the applicant has:

(a) Made any material misrepresentation or false statement in the application for the permit, including, without limitation, representations made as to the criminal history of any person to be authorized to solicit under the permit;

(b) Failed to obtain a business tax license as required by law; or

(c) Been convicted of a felony or Class 1 misdemeanor under the laws of the State of Tennessee or an equivalent offense under any federal, state, county or municipal law.

(2) Upon such a determination, the city administrator shall notify the applicant that his or her application is disapproved and that no permit will be issued. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1012. Revocation or suspension of identification badge. (1) The city administrator may, after written notice of no less than seven (7) calendar

days, suspend or revoke the identification badge of any solicitor that has engaged in any unlawful solicitation.

(2) The grounds for such suspension or revocation may include, but shall not be limited to the following:

(a) Failure to solicit in a manner that is in compliance with the permit and the provisions of this chapter;

(b) Soliciting in such a manner as to constitute a menace to the health, safety or general welfare of the public; or

(c) Conviction of a felony or Class 1 misdemeanor under the laws of the State of Tennessee or an equivalent offense under any federal, state, county or municipal law.

(3) In the event the alleged conduct that is the basis for the suspension or revocation of the identification badge is the subject of a pending criminal citation, the city administrator may either defer his or her decision regarding suspension or revocation until such citation has been resolved or immediately proceed with the foregoing administrative action prior to the resolution of such citation.

(4) The permit holder shall cause the suspended or revoked identification badge to be delivered to the city administrator within five (5) business days from notification. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1013. Nonrenewal or revocation of permit. (1) The city administrator shall, after written notice of no less than seven (7) calendar days, revoke and shall not renew any permit issued pursuant to this chapter if the city administrator determines that any of the following have occurred:

(a) Fraud, misrepresentation or false statement in the application for the permit or any renewal application, including, without limitation, representations made as to the criminal history of any person to be authorized to solicit under the permit;

(b) Failure to obtain a business tax license as required by law;

(c) Failure to supervise solicitation conducted under the permit so as to reasonably ensure that such solicitation is in compliance with the terms of the permit and with the provisions of this chapter; or

(d) Authorizing, condoning or knowingly tolerating any unlawful solicitation or any solicitation conducted in such a manner as to constitute a menace to the health, safety or general welfare of the public.

(2) In the event the alleged conduct that is the basis for the revocation or nonrenewal of the permit is the subject of a pending criminal citation, the city administrator may either defer his or her decision regarding revocation or non-renewal until such citation has been resolved or immediately proceed with the foregoing administrative action prior to the resolution of such citation.

(3) The permit holder shall cause the suspended or revoked permit along with all identification badges of persons authorized to solicit under the

permit, to be delivered to the city administrator within five (5) business days from notification. (as added by Ord. #2020-17, Nov. 2020 **Ch4_10-06-22**)

9-1014. Emergency summary suspension of identification badge or permit. (1) If reasonable grounds exist to believe that a permittee and/or badge holder has engaged in illegal activity such that the public health, safety or welfare imperatively requires emergency action, the city administrator may summarily suspend the permit and/or badge pending the notice set forth in § 9-1013 or § 9-1014 as applicable.

(2) The temporary suspension of a permit or badge shall be for a period not to exceed twenty (20) days. (as added by Ord. #2020-17, Nov. 2020 **Ch4_10-06-22**)

9-1015. Appeals for denial or revocation of permit; hearings.

(1) Upon the denial, suspension, or revocation of a commercial solicitation permit by the city administrator, the applicant or permit holder shall be entitled to a hearing before the board of mayor and aldermen in accordance with the following:

(a) A request for a hearing shall be in writing, setting forth fully the grounds for the appeal, and filed with the city administrator within twenty (20) days of the city administrator's decision to deny an initial application or renewal, or to suspend or revoke a permit.

(b) The city administrator shall notify the applicant or permit holder by United States mail of the hearing date.

(c) The hearing date shall fall within twenty-five (25) days from the date the city administrator receives the request, unless the applicant requests a later date and the city administrator grants the request.

(d) The applicant or permit holder is considered notified upon publication of the hearing date by the city administrator.

(e) At the hearing, the applicant or permit holder may present evidence as to why his/her initial application or renewal should not be denied, or why his/her permit should not be suspended or revoked.

(f) The city administrator has the authority to subpoena witnesses to testify at such hearings.

(g) Within five (5) days of the hearing, the board of mayor and aldermen shall state in writing the reason for the board's decision that will either affirm or reject the denial of an initial application, renewal, suspension, or the revocation of a permit and mail it by United States mail to the address of the applicant as listed on the application.

(2) Any denial after a hearing of an initial application for a permit may be appealed by writ of certiorari to the Circuit or Chancery Courts of Rutherford County within sixty (60) days from the date of the hearing. (as added by Ord. #2020-17, Nov. 2020 **Ch4_10-06-22**)

9-1016. Duty to display identification badge and to exhibit permit. (1) Any commercial solicitor engaging in door-to-door commercial solicitation under a permit issued pursuant to this chapter shall conspicuously display his or her identification badge on the front of his/her person at all times so to be reasonably visible to any person who might be approached by said person while engaged in the act of commercial soliciting.

(2) Whenever requested by any police officer or by any customer or prospective customer, any commercial solicitor engaged in door-to-door commercial solicitation under a permit issued pursuant to this chapter shall exhibit his or her permit and identification badge.

(3) Whenever requested by any police officer or by any customer or prospective customer, any commercial solicitor engaged in door-to-door commercial solicitation under a permit issued pursuant to this chapter shall present some form of business card or, if the solicitor does not utilize business cards in the course of his or her business, some form of informational document, containing information on the solicitor including, at a minimum, the solicitor's name, the name of the company, organization, or entity that the solicitor represents or is employed by, the business address, telephone number, and, as applicable, email address and website. Further, if requested at such time as the above request, the solicitor must provide his or her permit number, the name of an individual at the company, organization or entity that the solicitor represents that is responsible for the supervision or management of the solicitor, and such supervisor's telephone number.

(4) A permit holder shall, without undue delay, report any lost or stolen identification badge to the city administrator. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1017. Limitations on all solicitation. (1) No solicitor, whether commercial or noncommercial, shall:

(a) Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property; or

(b) Remove any "No Solicitation" or "No Trespassing" sign or city no-solicitation sticker that gives notice to such solicitor that the resident or occupant does not invite visitors.

(2) It shall be unlawful for any solicitor, whether commercial or noncommercial, to remain upon any private premises and refuse to leave such premises after having been notified by the owner or occupant of such premises or his or her agent to leave the same and not return to such premises. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1018. Limitations on commercial solicitation. (1) No commercial solicitor shall solicit for a purpose other than that set out in the application upon which the permit was issued.

(2) No commercial solicitor shall conduct any door-to-door solicitations except between the hours of 9:00 A.M. and one-half (1/2) hour before sunset, it being the intent that door-to-door commercial solicitations occur during daylight hours and at times when citizens feel secure in their homes to receive unexpected visitors. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1019. False or deceptive representations prohibited. No person shall attempt to obtain, by telephone or otherwise, an invitation to visit any private residence for the purpose of soliciting the purchase or sale of goods, services or any other thing of value, by knowingly making a false or deceptive representation or statement. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1020. Records. The city administrator shall maintain records showing each permit issued and the alleged violations of this chapter. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1021. Administrative regulations. The city administrator is authorized to promulgate rules and regulations as are necessary to effectuate the implementation, administration and enforcement of this chapter. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1022. Enforcement. The provisions of this chapter shall be enforced by any police officer, code enforcement official or other duly authorized official of the City of La Vergne. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*)

9-1023. Penalty. Any person, firm, partnership, corporation or other legal entity violating this chapter of the city shall be fined as set forth in the fee schedule adopted with the annual budget, or the maximum amount permitted by state law, whichever is greater, for each offense. Each day a violation occurs shall constitute a separate offense. (as added by Ord. #2020-17, Nov. 2020 *Ch4_10-06-22*, and replaced by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)