

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. Farmers market.
- 9-102. Purchase and sales of food or produce from temporary enclosures prohibited.

9-101. Farmers market. Farmers are authorized to sell such farm produce on the fair grounds that has been grown or produced on their own farms. (Ords. of June 4, 1940; Apr. 4, 1944; Dec. 7, 1948 and July 5, 1955, modified)

9-102. Purchases and sales of food or produce from temporary enclosures prohibited. It shall be unlawful for any person or persons to operate or cause to be operated in the City of Lexington, any retail or wholesale business engaged in the purchase and/or sale of food or produce, either for human or animal consumption, from any temporary, movable or mobile enclosure. (Ord. of Sept. 6, 1956)

¹Municipal code references

Building and wiring regulations: title 12.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
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- 9-209. Exhibition of permit.
- 9-210. Policemen to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.

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

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

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

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

¹Municipal code reference
Privilege taxes: title 5.

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

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

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

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

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

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

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

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

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

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the governing body. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

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

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

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

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen.

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced.

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

- (a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the

business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing.

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

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

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

9-301. Permit required.

9-302. Prerequisites for a permit.

9-303. Denial of a permit.

9-304. Exhibition of permit.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the 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.

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

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

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

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

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

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant.

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

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited.

CHAPTER 4

SOLICITATION ROADBLOCKS

SECTION

9-401. Solicitation roadblocks prohibited.

9-402. Definitions.

9-403. Violations.

9-404. [Deleted.]

9-405. [Deleted.]

9-401. Solicitation roadblocks prohibited. Solicitation roadblocks are prohibited on the streets of the City of Lexington. (Ord. #970005, Nov. 1997, as replaced by Ord. #200206, June 2002)

9-402. Definitions. The following terms shall apply in the interpretation and application of this chapter:

(1) "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.

(2) "Street," "road," "highway," and "public way and place" shall include the paved or unpaved surface of any such street, road, highway or public place, the entire width of the public right-of-way extending laterally therefrom, dividers, medians, and abutting or adjoining sidewalks or other pedestrian pathways generally open to the public for pedestrian traffic. (Ord. #970005, Nov. 1997, as replaced by Ord. #200206, June 2002)

9-403. Violations. Any person violating this chapter shall be subject to punishment under the general penalty provision of the City of Lexington Municipal Code of Ordinances. (Ord. #970005, Nov. 1997, as replaced by Ord. #200206, June 2002)

9-404. [Deleted.] This section was deleted by Ord. #200206, June 2002. (Ord. #970005, Nov. 1997, as deleted by Ord. #200206, June 2002)

9-405. [Deleted.] This section was deleted by Ord. #200206, June 2002. (Ord. #970005, Nov. 1997, as deleted by Ord. #200206, June 2002)

CHAPTER 5

TAXICABS¹

SECTION

- 9-501. Taxicab franchise and privilege license required.
- 9-502. Requirements as to application and hearing.
- 9-503. Liability insurance required.
- 9-504. Revocation or suspension of franchise.
- 9-505. Mechanical condition of vehicles.
- 9-506. Cleanliness of vehicles.
- 9-507. Inspection of vehicles.
- 9-508. License and permit required for drivers.
- 9-509. Qualifications for driver's permit.
- 9-510. Revocation or suspension of driver's permit.
- 9-511. Drivers not to solicit business.
- 9-512. Parking restricted.
- 9-513. Drivers to use direct routes.
- 9-514. Taxicabs not to be used for illegal purposes.
- 9-515. Miscellaneous prohibited conduct by drivers.
- 9-516. Transportation of more than one passenger at the same time.
- 9-517. Fares.

9-501. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license.

9-502. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab

¹Municipal code reference
Privilege taxes: title 5.

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

9-503. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of twenty-five thousand dollars (\$25,000.00) for bodily injury or death to any one person, fifty thousand dollars (\$50,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and five thousand dollars (\$5,000.00) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality.

9-504. Revocation or suspension of franchise. The governing body, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver.

9-505. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the city unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab.

9-506. 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.

9-507. 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.

9-508. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police.

9-509. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

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

9-510. Revocation or suspension of driver's permit. The governing body, 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 § 9-509.

9-511. 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.

9-512. 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 unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished.

9-513. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route.

9-514. 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.

9-515. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way.

9-516. 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.

9-517. Fares. Taxicab fares shall be regulated by resolution as the need may arise. Provided, however, that no extra charge shall be made for baggage or parcels.

CHAPTER 6

POOL ROOMS¹

SECTION

9-601. Prohibited in residential areas.

9-602. Hours of operation regulated.

9-603. Minors to be kept out; exception.

9-601. 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.

9-602. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days.

9-603. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences.

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 7

CABLE TELEVISION

SECTION

- 9-701. Board authorized to establish and operate.
- 9-702. Appropriation of lands.
- 9-703. Construction and operation.
- 9-704. Control and management of service.
- 9-705. Authority to borrow money and issue bonds.

9-701. Board authorized to establish and operate. The board of mayor and aldermen of the City of Lexington are authorized to establish and operate a cable telecommunication service within the confines of the City of Lexington, and Henderson County, Tennessee, and to do and perform every act necessary and incidental thereto. (Ord. of April 14, 1989)

9-702. Appropriation of lands. The board of mayor and aldermen of the City of Lexington are empowered to take and appropriate such lands and grounds, either within or without the limits of the City of Lexington, as they may deem advisable, for the location and operation of the cable telecommunication service. (Ord. of April 14, 1989)

9-703. Construction and operation. The entire work, supervision and control of the purchase, construction, operation, and maintenance of said cable telecommunication service shall be vested in the board of mayor and aldermen of the City of Lexington. It shall be lawful for the board of mayor and aldermen to employ such subordinate officers employees, agents, etc., as may be necessary to transact the business and do the work of constructing and operating said cable telecommunication service, and to delegate to such subordinate officers, employees, agents, etc., such authority and power as may be consistent with good business management. Subordinate officers, employees, agents, etc., shall not have authority to make any contracts binding upon the City of Lexington unless they are expressly authorized so to do by a resolution duly passed by the board of mayor and aldermen of the City of Lexington. The compensation to be paid to all such subordinate officers, employees, agents, etc., must be fixed by resolution which authorizes their appointment, and all such salaries or expenses shall be paid out of the funds or revenues herein provided for. (Ord. of April 14, 1989)

9-704. Control and management of service. The board of mayor and aldermen of the City of Lexington shall have full power and authority by ordinance to make and enforce all reasonable rules and regulations from time to time for the control and management of said cable telecommunication service,

and to set rates for the use of the cable telecommunication service. The city shall have the right to enter upon the premises where cable telecommunication service is used or desired for the purpose of inspecting, repairing, installing, regulating, or terminating the use of said cable telecommunication service. The city shall have the right to terminate said service on the account of the nonpayment of rates. The city shall have the full power and authority to collect and enforce collections of all monies due for the use of said cable telecommunication service or otherwise arising out of the operation of said system. (Ord. of April 14, 1989)

9-705. Authority to borrow money and issue bonds. The board of mayor and aldermen of the City of Lexington shall have full power and authority to borrow monies or to issue bonds necessary for the construction and operation of said cable telecommunication service. (Ord. of April 14, 1989)

CHAPTER 8

ADULT ORIENTED BUSINESS ORDINANCE

SECTION

- 9-801. Board established.
- 9-802. License required.
- 9-803. Permit required.
- 9-804. Criminal conviction record check.
- 9-805. Inspections.
- 9-806. Injunctions.
- 9-807. Revocation, suspension or annulment of licenses/permits.
- 9-808. Hearings on disciplinary actions--judicial review--prohibition on operation of business.
- 9-809. Termination and renewal of licenses/permits.
- 9-810. Hours open for inspection.
- 9-811. Duties and responsibilities of operators, entertainers and employees.
- 9-812. Hours of operation.
- 9-813. Physical design of premises.
- 9-814. Location restrictions.
- 9-815. Exterior portion regulations.
- 9-816. Signage.
- 9-817. Sale, use, or consumption of alcoholic beverages prohibited.

9-801. Board established. There is hereby established the Lexington Adult Oriented Business Board to be composed of the board of mayor and aldermen. The mayor shall be the chairman of the board. (as added by Ord. #200006, Dec. 2000)

9-802. License required. No adult oriented establishment shall be operated or maintained within the City of Lexington without first making application to and obtaining a license to operate issued by the Lexington Adult Oriented Business Board. The application shall be made on such form as the board shall prescribe and/or furnish in the recorder's office of the Lexington City Hall, and pursuant to Tennessee Code Annotated, § 7-51-1105, and shall be accompanied by a non-refundable application fee of five hundred dollars (\$500.00). Said fee shall be in the form of a cashier's check payable to the City of Lexington. Each applicant must meet the qualifications as set forth in Tennessee Code Annotated, § 7-51-1106. A licensee shall not transfer his/her license to another, nor shall a licensee operate an adult oriented business under the authority of a license at any place other than the address designated in the application. (as added by Ord. #200006, Dec. 2000)

9-803. Permit required. No person shall be an entertainer, employee, or escort in an adult-oriented establishment without first making application to and obtaining a permit issued by the Lexington Adult Oriented Business Board. The application shall be made on such form as the board shall prescribe and/or furnish in the recorder's office of the Lexington City Hall, and pursuant to Tennessee Code Annotated, § 7-51-1116, and shall be accompanied by a non-refundable application fee of one hundred dollars (\$100.00). Said fee shall be in the form of a cashier's check payable to the City of Lexington. Each applicant must meet the qualifications as set forth in Tennessee Code Annotated, § 7-51-1117. (as added by Ord. #200006, Dec. 2000)

9-804. Criminal conviction record check. Conducting a criminal conviction record check of an applicant for an adult oriented business license or an adult oriented business permit is for law enforcement purposes; therefore, all applicants will provide fingerprints for use in the investigation pursuant to Tennessee Code Annotated, § 7-51-1122. The cost of fingerprinting shall be paid by the applicant in addition to the application fee. (as added by Ord. #200006, Dec. 2000)

9-805. Inspections. In order to effectuate the provisions of this ordinance, the board and/or its authorized representative is empowered to conduct investigations of persons engaged in the operation of any adult-oriented establishment and inspect the license of the operators and establishment for compliance as set forth in Tennessee Code Annotated, § 7-51-1107. (as added by Ord. #200006, Dec. 2000)

9-806. Injunctions. The board has the power and authority to enter into any court of the State of Tennessee having proper jurisdiction to seek an injunction against any person or adult-oriented establishment not in compliance with the provisions of this ordinance and is further empowered to enter into any such court to enforce the provisions of this ordinance in order to ensure compliance with such provisions. Tennessee Code Annotated, § 7-51-1118. (as added by Ord. #200006, Dec. 2000)

9-807. Revocation, suspension or annulment of licenses/permits. The board shall revoke, suspend or annul a license under the conditions and for causes set forth in Tennessee Code Annotated, § 7-51-1109. (as added by Ord. #200006, Dec. 2000)

9-808. Hearings on disciplinary actions--judicial review--prohibition on operation of business. Whenever an application for a

- (1) License,
- (2) Permit,
- (3) License renewal or

(4) Permit renewal
is denied, the board shall act in accordance with Tennessee Code Annotated, § 7-51-1110. The board shall have the burden of showing that a denial of an application under this section is not arbitrary or capricious. (as added by Ord. #200006, Dec. 2000)

9-809. Termination and renewal of licenses/permits. Every license issued under this ordinance will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Application for renewal must be filed not later than sixty (60) days before the license expires pursuant to Tennessee Code Annotated, § 7-51-1111 and shall be accompanied by a non-refundable application fee of one hundred dollars (\$100.00).

Every permit issued under this ordinance will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before an entertainer, employee, or escort for an adult oriented business may work in the following year. Application for renewal must be filed not later than thirty (30) days before the license expires pursuant to Tennessee Code Annotated, § 7-51-1111 and shall be accompanied by a non-refundable application fee of fifteen dollars (\$15.00).

Notwithstanding anything herein to the contrary, any application for renewal of a license or a permit shall be handled, investigated, and approved or denied within the same time periods as those established in this part for the original applications. In the event a renewal application is denied, the applicant shall have all rights of appeal to the board set forth in Tennessee Code Annotated, § 7-51-1110. (as added by Ord. #200006, Dec. 2000)

9-810. Hours open for inspection. The public portion of all adult-oriented establishments shall be open to inspection at all reasonable times by the applicable law enforcement department or such other persons as the board may designate. (as added by Ord. #200006, Dec. 2000)

9-811. Duties and responsibilities of operators, entertainers and employees. The duties and responsibilities of operators, entertainers and employees of adult oriented businesses are set forth in Tennessee Code Annotated, § 7-51-1113 with prohibited activities set forth in Tennessee Code Annotated, § 7-51-1114. All operators, entertainers and employees of adult oriented businesses found in violation of this part or any part of this ordinance shall be penalized according to Tennessee Code Annotated, § 7-51-1119. (as added by Ord. #200006, Dec. 2000)

9-812. Hours of operation. No adult oriented establishment shall be open to do business 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. Any violation of this section will be penalized according to Tennessee Code Annotated, § 7-51-1404. (as added by Ord. #200006, Dec. 2000)

9-813. Physical design of premises. No person shall own, operate, manage, rent, lease or exercise control over any commercial building, structure, premises or portion or part thereof, which is an adult oriented establishment and is not in compliance with Tennessee Code Annotated, § 7-51-1403. Any violation of this section will be penalized according to Tennessee Code Annotated, § 7-51-1404. (as added by Ord. #200006, Dec. 2000)

9-814. Location restrictions. Adult oriented business shall be permitted in any district zoned for business provided that it may not be operated within one thousand (1,000) feet of a

- (1) Church, synagogue or regular place of religious worship,
- (2) A public or private elementary or secondary school,
- (3) A boundary of any residential district,
- (4) A public park,
- (5) A licensed day-care center,
- (6) An entertainment business that is oriented primarily toward children or family entertainment, or
- (7) Another adult oriented business.

For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structure or objects, from the nearest portion of one property line to the nearest portion of the other property line. (as added by Ord. #200006, Dec. 2000)

9-815. Exterior portion regulations. It shall be unlawful for an owner or operator of an adult oriented business to

- (1) Allow the merchandise or activities of the establishment to be visible from a point outside the establishment,
- (2) Allow the exterior portion of the business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance, or
- (3) Allow exterior portions of the establishment to be painted any color other than a single achromatic color except if the establishment is a part of a commercial multi-unit center and the exterior portions of each individual unit are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center. Nothing in this article shall be construed to require the

painting of an otherwise unpainted exterior portion. A violation of this section shall constitute a misdemeanor. (as added by Ord. #200006, Dec. 2000)

9-816. Signage. All signs must conform to the regulations set forth in the City of Lexington Zoning Ordinance and shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise. Each letter forming a word shall be a solid color and be the same print type, size and color. The background behind such lettering on the display surface of the sign shall be of a uniform and solid color. (as added by Ord. #200006, Dec. 2000)

9-817. Sale, use, or consumption of alcoholic beverages prohibited. The sale, use, or consumption of alcoholic beverages on the premises of an adult oriented business is prohibited. Any violation of this section shall constitute a misdemeanor. (as added by Ord. #200006, Dec. 2000)