

TITLE 9**BUSINESS, PEDDLERS, SOLICITORS, ETC.¹****CHAPTER**

1. MISCELLANEOUS.
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4. TAXICABS.
5. POOL ROOMS.
6. PINBALL MACHINES.
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CHAPTER 1**MISCELLANEOUS****SECTION**

- 9-101. "Going out of business" sales.
- 9-102. Certain business prohibited on Sunday.
- 9-103. Employment of any persons not legally in the United States.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1972 Code, § 5-102)

¹Municipal code references

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

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

9-102. Certain business prohibited on Sunday.¹ It shall be unlawful for any person, firm, corporation, or association operating a general merchandise store, hardware, jewelry, furniture or grocery store, super market, meat market, or other similar establishments in the municipality, to open such place or business on Sunday; or to sell or offer for sale, give away, or deliver any merchandise, groceries, hardware, jewelry, furniture, meat, produce, or other similar commodities or articles, on Sunday. (1972 Code, § 5-101)

9-103. Employment of any persons not legally in the United States. It shall be unlawful for any person, firm, corporation, or association operating a general merchandise store, hardware, jewelry, furniture or grocery store, super market, meat market or other similar establishments in the municipality to employ any person or persons who are not legally in the United States. (as added by Ord. #1155, Nov. 2006)

¹The constitutionality of an ordinance containing provisions identical to those in this section was upheld by the Tennessee Supreme Court in the 1957 Chattanooga case of Kirk v. Olgiati., 308 S.W. 2d 471.

The Supreme Court of the United States has also upheld Sunday Closing Laws. See McGowan v. State of Maryland, 81 S. Ct. 1101 (1961); Two Guys From Harrison-Allentown, Inc. v. McGinley, 81 S. Ct. 1135 (1961); Gallagher v. Crown Kosher Super Market of Massachusetts, Inc., 81 S. Ct. 1122 (1961); and, Braunfeld v. Brown, 81 S. Ct. 1144 (1961).

CHAPTER 2

PEDDLERS AND SOLICITORS¹

SECTION

- 9-201. Definitions.
- 9-202. Exemptions.
- 9-203. Permit required.
- 9-204. Permit procedure.
- 9-205. Restrictions on peddlers, street barkers and solicitors.
- 9-206. Restrictions on transient vendors.
- 9-207. Display of permit.
- 9-208. Suspension or revocation of permit.
- 9-209. Expiration and renewal of permit.
- 9-210. Violation and penalty.
- 9-211. [Repealed.]
- 9-212. [Repealed.]
- 9-213. [Repealed.]

9-201. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the city or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars (\$10.00). No organization shall qualify as

¹Municipal code reference
Privilege taxes: title 5.

"charitable" or "religious" organization unless the organization meets one of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under Section 501 (c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or similar "umbrella" organizations for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Coffee County for a period of two (2) years prior to the date of its application for registration under this chapter.

(d) Is a professional solicitor directly contracted to an organization which meets one of the preceding qualifications.

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Transient vendor" means 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 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.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade. (1972 Code, § 5-201, as replaced by Ord. #966, Jan. 2002)

9-202. Exemptions. The terms of this chapter shall neither apply 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 persons selling agricultural products, who, in fact themselves produced the products being sold, nor to sales inside the fenced area at the Coffee County Fairgrounds. The permit required by this chapter shall not be required for operations conducted solely on October 6, 2012. The permit required by this chapter shall not be required for operations conducted solely on October 5, 2013.

The permit required by this chapter shall not be required for operations conducted solely on October 3-4, 2014. The permit required by this chapter shall not be required for operations conducted solely on October 2-3, 2015. (1972 Code, § 5-202, as replaced by Ord. #966, Jan. 2002, and amended by Ord. #993, June 2002, Ord. #1343, Oct. 2012, Ord. #1390, Sept. 2013, Ord. #1434, Sept. 2014, and Ord. #1466, July 2015)

9-203. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter. (1972 Code, § 5-203, as amended by Ord. #808, Jan. 1998, and replaced by Ord. #966, Jan. 2002)

9-204. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the finance director by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

(c) The dates for which the applicant intends to do business or make solicitations.

(d) The names and permanent addresses of each person who will make sales or solicitations within the city.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(f) Tennessee State sales tax number, if applicable.

(2) Permit fee. Each application for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of one hundred (\$100.00) dollars. There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscription.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the finance director shall issue a permit and provide a copy of the same to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the finance director, the finance director shall submit to the chief of police a copy of the application form and the permit.

(1972 Code, § 5-204, as amended by Ord. #808, Jan. 1998, replaced by Ord. #966, Jan. 2002, and amended by Ord. #988, May 2002)

9-205. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscription shall:

(1) Be permitted to set up and operate a booth or stand on or within twenty-five feet (25') of any street, sidewalk, breakdown lane, public right-of-way or in any other public area within the city.

(2) Stand or sit in or within twenty-five feet (25') of the entrance to any dwelling or place of business or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in or within twenty-five feet (25') of any vehicular traffic lanes, breakdown lanes or public right-of-way or operate a "road block" of any kind.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out; by blowing a horn; by ringing a bell; creating other noise or holding or wearing any sign that does not display the name in which the permit required by this section is issued and the permit number in characters at least one inch (1") in height, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited" or similar language carrying the same meaning is located. (1972 Code, § 5-205, as amended by Ord. #808, Jan. 1998, replaced by Ord. #966, Jan. 2002, and amended by Ord. #1453, May 2015)

9-206. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth. (1972 Code, § 5-206, as amended by Ord. #808, Jan. 1998, and replaced by Ord. #966, Jan. 2002)

9-207. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand. (1972 Code, § 5-207, as replaced by Ord. #966, Jan. 2002)

9-208. Suspension or revocation of permits. (1) Suspension by the finance director. The permit issued to any person or organization under this charter may be suspended by the finance director 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 finance director 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. (1972 Code, § 5-208, as replaced by Ord. #966, Jan. 2002)

9-209. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days. (1972 Code, § 5-209, as replaced by Ord. #966, Jan. 2002)

9-210. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation occurs shall constitute a separate offense. (1972 Code, § 5-210, as replaced by Ord. #966, Jan. 2002)

9-211. [Repealed.] This section was repealed by Ord. #966, Jan. 2002. (1972 Code, § 5-211, as amended by Ord. #808, Jan. 1998, and repealed by Ord. #966, Jan. 2002)

9-212. [Repealed.] This section was replaced by Ord. #966, Jan. 2002. (1972 Code, § 5-212, as repealed by Ord. #966, Jan. 2002)

9-213. [Repealed.] This section was replaced by Ord. #966, Jan. 2002. (1972 Code, § 5-213, as repealed by Ord. #966, Jan. 2002)

CHAPTER 3

[REPEALED]

This chapter was repealed by Ord. #966, Jan. 2002.

CHAPTER 4

TAXICABS¹

SECTION

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

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license.

"Taxicab" for the purpose of this chapter shall mean any private passenger vehicle for hire, including but not limited to a limousine, sedan or taxicab, as defined by Tennessee Code Annotated, § 7-51-1007.

An annual franchise fee of one hundred fifty dollars (\$150.00) for operators of one (1) to five (5) taxicabs; two hundred dollars (\$200.00) for operators of six (6) to ten (10) taxicabs; two hundred fifty dollars (\$250.00) for operators of eleven (11) to twenty (20) taxicabs and three hundred dollars (\$300.00) for operators of more than twenty (20+) taxicabs shall be due upon the approval of the franchise or additional franchise. No franchise fee shall be due for franchises for existing taxicabs until the first anniversary of the franchise. (1972 Code, § 5-401, as amended by Ord. #1454, May 2015)

9-402. Requirements as to application and hearing. No person shall be eligible for a taxicab franchise if he has been convicted of a felony, any

¹Municipal code reference
Privilege taxes: title 5.

theft or assaultive offense within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant; the name and address of the proposed place of business; the number of cabs the applicant desires to operate; the makes and models of said cabs and such other pertinent information as the chief of police may require. Within ten (10) days after receipt of an application, the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the governing body and make a recommendation to 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 taxicab 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. Prior to the hearing on the application, the chief of police shall conduct a Tennessee Bureau of Investigation (T.B.I.) and other criminal background search as he deems prudent, the cost of which shall be paid by the applicant in addition to the franchise fee. (1972 Code, § 5-402, as replaced by Ord. #1454, May 2015)

9-403. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of two hundred fifty thousand dollars (\$250,000.00) for bodily injury or death to any one (1) person, five hundred thousand dollars (\$500,000.00) for bodily injuries or death to more than one (1) person which are sustained in the same accident, and two hundred fifty thousand dollars (\$250,000.00) for property damage resulting from any one (1) accident, or alternatively combined single limit coverage of five hundred thousand dollars (\$500,000.00). 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 finance director of the municipality. Proof of compliance with this section shall be filed with the finance director. The safety committee shall approve an appropriate form for completion by franchises documenting compliance with this section. (1972 Code, § 5-403, as amended by Ord. #808, Jan. 1998, Ord. #1305, Aug. 2011, and Ord. #1454, May 2015)

9-404. Revocation or suspension of franchise. The governing body, after a public hearing, may revoke or suspend any taxicab franchise for

misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1972 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any taxicab to operate in the municipality unless it is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1972 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1972 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. An inspection fee of twenty-five dollars (\$25.00) per taxicab shall be collected for each semi-annual inspection.

The safety committee shall approve a form detailing the inspection, which shall require inclusion of the vehicle's Vehicle Identification Number (VIN). Upon completion of successful inspection, the chief of police shall issue a certificate memorializing the successful completion of the inspection, which shall likewise contain the VIN of the vehicle inspected. This certificate shall be displayed in the vehicle when carrying passengers. (1972 Code, § 5-407, as amended by Ord. #1454, May 2015, and Ord. #1476, Dec. 2015)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of the required Tennessee driver's license for operation of a taxicab which allows the driver to transport passengers for hire, and a taxicab driver's permit issued by the city. (1972 Code, § 5-408, as amended by Ord. #1305, Aug. 2011, and Ord. #1454, May 2015)

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

(1) Makes written application to the chief of police on a form approved by the safety committee.

(2) Is at least eighteen (18) years of age and holds the appropriate Tennessee driver's license to be permitted to operate a taxicab.

(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.

The results of this examination shall be reviewed by the chief of police or his designee. The franchisee shall maintain the record of this examination and findings for so long as the individual is employed by the franchisee and for eighteen (18) months thereafter. The franchisee shall produce this information at any time upon demand of the chief of police or his designee.

(4) Is clean in dress and person and not addicted to the use of intoxicating liquor or drugs.

(5) Has not been convicted of a felony, driving under the influence of an intoxicant or drug, any theft or assaultive offense or of frequent traffic offenses.

(6) Is familiar with the state and local traffic laws.

(7) The chief of police shall conduct a T.B.I. background and other appropriate background checks of each applicant prior to issuing the permit required by this section. The cost of any such background check shall be advanced by the applicant. (1972 Code, § 5-409, as amended by Ord. #1305, Aug. 2011, Ord. #1454, May 2015, and Ord. #1475, Dec. 2015)

9-410. Revocation or suspension of driver's permit. The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for traffic violations failing to continue to meet the requirements of § 9-409 or any violation of this chapter. (1972 Code, § 5-410, as amended by Ord. #1454, May 2015)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1972 Code, § 5-411)

9-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging

passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1972 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1972 Code, § 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1972 Code, § 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1972 Code, § 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1972 Code, § 5-416)

CHAPTER 5

POOL ROOMS¹

SECTION

- 9-501. Permit required.
- 8-502. Application requirements.
- 9-503. Disposition of applications.
- 9-504. Investigation of applications.
- 9-505. False statement in application.
- 9-506. Issuance or refusal of permit.
- 9-507. Term of permit.
- 9-508. Hours of operation restricted.
- 9-509. Minors to be kept out; exception.
- 9-510. Miscellaneous other prohibitions.
- 9-511. Enforcement.
- 9-512. Appeals.

9-501. Permit required. No person shall engage in the operation of a pool room or billiard parlor without applying for and receiving a permit from the city and thereafter operating such place of business in accordance with the provisions of this chapter. (1972 Code, § 5-501)

9-502. Application requirements. Applications for pool room or billiard parlor permits shall be made in writing and under oath to the chief of police and shall establish the following:

- (1) Name and location of the pool room or billiard parlor.
- (2) Names and addresses of owners and proposed operators and employees and that they are all of good character and reputation.
- (3) That no owner, operator or employee has been convicted of a felony or of a gambling violation within the past five (5) years.
- (4) The number of pool or billiard tables to be operated.
- (5) That proper sanitary facilities shall be provided.
- (6) That there is a front window not less than five (5) feet in height and not more than three (3) feet above the sidewalk which offers a clear view of the interior of the premises. (1972 Code, § 5-502)

9-503. Disposition of applications. Applications for pool room or billiard parlor permits shall be kept on file by the chief of police and shall be open to inspection by the public at all reasonable times. (1972 Code, § 5-503)

¹Municipal code reference
Privilege taxes: title 5.

9-504. Investigation of applications. Upon receipt of an application the chief of police shall investigate or cause to be investigated all the owners, proposed operators and employees, and the premises to ascertain whether they meet the requirements of this chapter. (1972 Code, § 5-504)

9-505. False statement in application. Any applicant making a false statement in his application shall forfeit his right to a permit and shall not be eligible for another permit for at least one (1) year from the date such false statement is discovered. (1972 Code, § 5-505)

9-506. Issuance or refusal of permit. When the police investigation reveals that the applicant has met all the requirements of this chapter he shall recommend in writing that the permit be issued. The finance director shall thereupon issue the permit upon the applicant's paying an investigation fee of two dollars (\$2.00).

When the police investigation reveals that the applicant has failed to meet all the requirements of this chapter or has made a false statement in his application the police chief shall deny the permit and state his reasons therefor in writing. (1972 Code, § 5-506, as amended by Ord. #808, Jan. 1998)

9-507. Term of permit. When a permit for a pool room or billiard parlor has been issued it shall remain in full force and effect until revoked. However, no such permit shall be transferrable to any other person or location. (1972 Code, § 5-507)

9-508. Hours of operation restricted. No place where pool tables or billiard tables are kept for public use or hire shall be opened or operated at any time on Sunday or between the hours of 11:00 P.M. and 5:00 A.M. on other days. (1972 Code, § 5-508)

9-509. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of twenty-one (21) years to play on said tables at any game of billiards, 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 billiard and pool tables in private residences. (1972 Code, § 5-509)

9-510. Miscellaneous other prohibitions. It shall be unlawful for any person engaged in any business regulated by this chapter to sell, distribute, or allow to be consumed on the premises any alcoholic beverages; to fail to provide and maintain proper sanitary facilities; to interfere in any way with the view into the premises through the required front window; to allow any drunkenness, obscenity, profanity, loud noises, boisterous conduct, or any other unlawful conduct on the premises. (1972 Code, § 5-510, modified)

9-511. Enforcement. It shall be the duty of the chief of police to see that all pool rooms and billiard parlors are patrolled and regularly inspected to insure compliance with the provisions of this chapter. When any violation is observed he shall charge the operator with such violation and shall revoke the permit of such operator. (1972 Code, § 5-511)

9-512. Appeals. Any person, firm, corporation, or association aggrieved by any action of the chief of police with respect to granting, refusing, or revoking any permit for a pool room or billiard parlor shall have the right to appeal to the board of mayor and aldermen within ten (10) days from the date of the chief's decision or action. The appeal shall be filed in writing with the finance director or mayor, shall set forth the reasons therefor, and may be delivered in person or by mail. (1972 Code, § 5-512, as amended by Ord. #808, Jan. 1998)

CHAPTER 6

PINBALL MACHINES

SECTION

9-601. Definitions.

9-602. Minors not to be allowed to play.

9-603. Sign prohibiting minors to be placed on each device.

9-604. Business allowing violations to constitute a nuisance.

9-605. Permit and fee.

9-601. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms shall have the meanings indicated herein:

(1) "Person." Shall mean any person, firm, or corporation owning and/or operating a place of business within the City of Manchester.

(2) "Mechanical amusement device." Shall mean any machine which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment, or amusement which registers a score dependent upon the skill of the player, and which includes but is not limited to the following devices: pinball machines, pool table machines, car or dog race machines, shuffleboard machines, horse race machines, claw machines, bowling machines and marble games.

(3) "License." Shall mean any license issued by the City of Manchester.

(4) "Permit." Shall mean any permit issued by the City of Manchester.

(5) "Coin operated gaming device." Shall mean any machine which, upon the insertion of a coin, slug, token, plate, or disc, may be operated by the public generally for use as a game, entertainment or amusement, and which either directly returns cash to the player, or which registers replays on the machine if the player is successful, whether or not those replays can be exchanged for cash or not. (1972 Code, § 5-601)

9-602. Minors not to be allowed to play. It shall be unlawful for any person having a mechanical amusement device in his place of business to permit any individual under the age of eighteen (18) years and not accompanied by his parent or legal guardian to operate or play such mechanical amusement device. It shall be the responsibility of such person to ascertain whether or not individuals desiring to operate or play such devices are of sufficient age. (1972 Code, § 5-602)

9-603. Sign prohibiting minors to be placed on each device. Every person owning and/or operating a place of business within the City of

Manchester shall cause to be placed upon each mechanical amusement device located within his place of business a metal sign, six (6) inches by eight (8) inches in dimension, which sign shall be plainly visible to any person using the device, and which shall read as follows "City ordinances prohibit persons under the age of 18 years to play or use this machine unless accompanied by a parent or legal guardian." (1972 Code, § 5-603)

9-604. Business allowing violations to constitute a nuisance. Any place of business containing a mechanical amusement device and allowing violations of this chapter to occur shall be and constitute a public nuisance. Such place of business may be ordered to show cause within ten (10) days why its privilege of doing business should not be revoked by the board of mayor and aldermen. (1972 Code, § 5-604)

9-605. Permit and fee. Before any coin operated gaming device may be permitted to be placed or located in any business establishment in the City of Manchester, Tennessee, the owner or manager of said business establishment must apply to the City of Manchester, Tennessee, for a permit and must pay to the City of Manchester, Tennessee, the sum of \$50.00 per machine as a fee for the issuance of said permit, this fee to be paid annually.

The applicant shall file the original and one copy of the application for the permit with the chief of police of the City of Manchester, Tennessee. After the application is approved, the application shall be marked approved by the chief of police and the applicant shall deliver the said permit and copy to the finance director where the appropriate fee shall be paid. After paying the fee, the finance director shall stamp the original and copy of the application: FEE PAID FOR YEAR _____. The applicant shall then retain the original and the copy shall be retained by the finance director.

Each application shall contain the name and address of the location where the coin operated gaming device is to be operated; the nature of any business or calling being conducted at said location, together with the name of the owner and manager of said business, and if a corporation, the name and address of the president of the corporation; and the number of mechanical amusement devices to be placed by the permit holder at that location.

All coin operated gaming devices presently located in business establishments in the City of Manchester, Tennessee, shall be identified by the chief of police and the owner and manager notified upon the passage of Ord. #431 and the appropriate application shall be made by said persons within thirty (30) days of the final passage of Ord. #431. (1972 Code, § 5-605, as amended by Ord. #808, Jan. 1998)

CHAPTER 7

CABLE TELEVISION

SECTION

9-701. To be furnished under franchise.

9-701. To be furnished under franchise. Cable television service shall be furnished to the City of Manchester and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Manchester 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

¹For complete details relating to the cable television franchise agreement see Ord. #1252 dated December 2009 in the office of the finance director.

CHAPTER 8

MOBILE FOOD UNITS

SECTION

- 9-801. Definitions.
- 9-802. Mobile food units.
- 9-803. Permit requirements.
- 9-804. Operational requirements.
- 9-805. Compliance with health regulations.

9-801. Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Commissary" means any State of Tennessee licensed stationary food establishment that serves mobile food dispensers, mobile food facilities, vending machines or other food dispensing operations where (a) food, containers or supplies are stored; (b) food is prepared or prepackaged for sale or service at other locations; (c) utensils are cleaned or (d) liquid and solid wastes are disposed of or potable water is obtained.

(2) "Mobile food unit" means any motorized vehicle that includes a self-contained kitchen in which food is prepared or processed and from which food is sold or dispensed to the ultimate customer. Mobile food units must be mobile and on wheels at all times during operation.

(3) "Operator" means any person holding a mobile food unit permit or any person who is engaged in the selling or offering for sale of food, beverages and fruit or like consumable products from a mobile food unit. (as added by Ord. #1546, Jan. 2018)

9-802. Mobile food units. Mobile food units shall meet all applicable requirements of this article in addition to the requirements as follow:

(1) No person shall engage in the business of a mobile food unit within the City of Manchester without first having obtained all required business licenses, a mobile food unit permit as required by this chapter of the Manchester Municipal Code and any permits, licenses and/or certifications required by Coffee County, the Coffee County Department of Health and/or the State of Tennessee.

(2) A mobile food unit permit, as authorized by the State of Tennessee and the Manchester Municipal Code, will not be issued to a person unless the following conditions are met:

(a) The vehicle must be specially designed or modified for use solely as a mobile food unit and be in compliance with all applicable

health regulations contained herein and those enacted by Coffee County and the State of Tennessee.

(b) The driver of the vehicle must have a current Tennessee driver's license, current automobile (vehicle) insurance and current general liability insurance in amounts no less than one million dollars (\$1,000,000.00) each, and current vehicle registration as required by Tennessee law. This provision may be enforced by law enforcement authorities, the codes and health director or his designee. Proof of registration and valid insurance policies for both coverages shall be provided to the codes and health director at the time of application and shall be kept in the mobile unit at all times. It shall be produced on demand of any law enforcement officer or the codes and health director or his designee. The codes and health director shall have the authority to order any unit closed which does not meet this requirement.

(c) All current permits must be posted in a conspicuous manner, in compliance with Tennessee Code Annotated, § 68-14-305.

(3) The provisions of the foregoing sections, excepting compliance with state requirements and a City of Manchester business license, shall not apply to operation of mobile food units at events which are submitted to and approved as part of the special events permit procedure, provided the presence of "mobile food units" is submitted and approved as part of the special events permit application.

(4) Operation of mobile food units on property under the supervision of the recreation commission, including operation as part of a special events permit, must comply with the requirements of this section and is subject to such further conditions as it may specify, as set forth in operational requirements § 9-804(2)(f). (as added by Ord. #1546, Jan. 2018)

9-803. Permit requirements. (1) The title of this permit shall be the "Mobile Food Unit Permit."

(2) No person shall sell or offer for sale any food, beverage, fruit or like consumable product from any mobile food unit unless:

(a) Such person obtains a mobile food unit permit from the city finance director in accordance with the provisions of this chapter;

(b) Such sales are made from a mobile food unit under the control of a mobile food unit operator;

(c) The mobile food unit operator:

(i) Has obtained written permission from the owner or lessee of the premises on which the mobile food unit is located to operate a mobile food unit from the property or

(ii) The mobile food unit is operated on public property strictly in accordance with this chapter.

(3) Any person desiring a mobile food unit permit shall make written application to the codes and health director stating:

(a) Name, home address, business address and telephone number of the applicant and the name, address and telephone number of the owner of the mobile food unit, if other than the applicant, to be used in the operator's business;

(b) A description of the type of food, beverage, fruit or like consumable product to be sold; and

(c) The VIN#, a brief description including make and model and at least two (2) photographs of the mobile food unit.

(4) Before any permit is issued by the finance director under this chapter, the applicant must submit satisfactory evidence that he has complied with the state business tax act and all state statutes and regulations controlling health and dispensing of food. Nothing herein shall excuse any applicant/operator from complying with all applicable state statutes and city ordinances controlling health standards and requirements and the operation of businesses.

(5) Upon compliance with the provisions of this section, as determined by the codes and health director and the finance director; the finance director shall issue to the applicant a mobile food unit permit authorizing the operator to do business upon payment of a permit fee of fifty dollars (\$50.00), provided the applicant complies with the other provisions of this article. The permit fee shall be used to help defray the cost of administering and enforcing the provisions of this article.

(6) A permit issued under this article shall be valid for one (1) year from the date of issuance and shall be renewed on an annual basis (concurrent with the renewal and issuance of business licenses) upon proper application and payment of the permit fee. Each permit shall be valid for only one (1) mobile food unit. Each operator and/or applicant shall file an additional application and pay an additional permit fee for each additional mobile food unit.

(7) All permits issued under this article shall be displayed inside the mobile food unit at all times during the operation of the mobile food unit. The permit shall be displayed in such a manner that it can be viewed from the outside.

(8) The mobile food unit permit number shall be prominently displayed on the outside of the mobile food unit.

(9) The operator shall have posted the current price per unit of measure for each type of item sold. (as added by Ord. #1546, Jan. 2018)

9-804. Operational requirements. (1) The vehicle may only operate in locations where the operation of mobile food units are permitted under this chapter. Violations will be enforced by city police officers and/or the health and codes department.

(2) Mobile food units are prohibited from operating upon city streets, sidewalks, park areas or other public property within the Manchester city limits, except as follows:

(a) In the downtown business district in the parking spaces of the 100 block of North Irwin, West Fort, North Spring and West Main Streets and parking spaces on those streets that immediately adjoin the Coffee County Courthouse property (parking spaces which are located in the center and around the outside perimeter of the square).

(b) No part of a mobile food unit may be located within one hundred feet (100') of a public entrance to a fixed location licensed food service establishment when such establishment is open for business.

(c) The mobile food unit along with the required refuse containers and area for patrons may not occupy more than two (2) marked parking spaces. Operation in areas other than parking spaces is prohibited.

(d) The mobile food unit may not be connected to any privately owned power source, water source or sewage receptacle either temporarily or permanently. The unit must be self-contained.

(e) The unit must remain in operation and open for business at all times when located in the downtown business district. Upon cessation of business, the unit must be immediately removed.

(f) In areas under the jurisdiction of the parks and recreation commission, at such times and places and for such duration as it may designate. The Parks and recreation commission shall set an appropriate "booth" or space rental fee for each event or activity at which it approves. The parks and recreation commission cannot limit or grant a franchise to any particular licensed operator; but, may limit the total number of operators at any event to not less than three (3). It must grant access on an equal basis to any operator. All operators must meet all requirements of this chapter.

(3) Mobile food units are prohibited from operating on private property, except with prior written permission from the owner or lessee on which the mobile food unit is located. This written permission must be kept in the mobile food unit at all times and presented to the codes and health director, his designee or any police officer on demand.

(4) Mobile food units on private property may operate in all zoning districts.

(5) Other than as permitted in subsection (1), mobile food units must not be parked within ten feet (10') of a city right-of-way.

(6) No mobile food unit shall be equipped with any external electronic sound-amplifying device. No operator shall shout, make any noise or use any device for the purpose of attracting attention to the mobile food unit or the items it offers for sale.

(7) Mobile food units shall be limited to the sale of food, non-alcoholic drinks and promotional merchandise specifically and permanently marked with promotional messages or images promoting the mobile food unit operator's mobile food business, such as cups, cup holders or insulators, caps, shirts, bumper stickers and calendars. The sale of other merchandise or services is not permitted.

(8) Cooking must not be conducted while the vehicle is in motion.

(9) When not in use and open for business, as allowed by this chapter, a mobile food unit shall be en route to or parked at its commissary or other location approved by the codes and health department that does not violate an applicable city ordinance.

(10) Signs which are permanently affixed to the mobile food unit shall extend no more than six inches (6") from the vehicle. All signs shall be attached to or painted on the mobile food unit. Electronic signs are prohibited, as are signs that flash; cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles or odor or are animated or produce any rotation, motion or movement. Signs may be indirectly illuminated, but no sign shall utilize any exposed incandescent lamp with wattage of more than forty (40) watts.

(11) The operator must provide for the sanitary collection of all refuse, litter and garbage within twenty-five feet (25') of the mobile food unit which is generated by the mobile food unit operation or the patrons using that service and shall remove all such waste materials from the location before the vehicle departs. This includes a responsibility to physically inspect the general area for such items prior to the vehicle's departure.

(12) The operation of the mobile food unit is limited to the interior of the unit. There shall be no outside seating implements in the form of benches, tables, chairs or other furniture which may be used for eating or sitting.

(13) The mayor or his designated representative is hereby authorized to make and promulgate rules and regulations for the purpose of carrying out the administration and enforcement of the rights and duties of vendors and the public. (as added by Ord. #1546, Jan. 2018)

9-805. Compliance with health regulations. (1) Operators of mobile food units shall comply with all regulations and laws governing mobile food service establishments and food service establishments adopted by the department of public health for Coffee County, the City of Manchester and/or enacted by the State of Tennessee.

(2) Operators of mobile food units shall obtain all necessary health certificates and permits.

(3) Operators of mobile food units shall comply with the requirements for the examination of employees as required by state law. (as added by Ord. #1546, Jan. 2018)