

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. [DELETED.]
5. [DELETED.]
6. [DELETED.]
7. [DELETED.]
8. [DELETED.]
9. DISTRIBUTION OF HANDBILLS, ETC.
10. RATES FOR BASIC CABLE TV SERVICE.
11. LICENSING AND REGULATION OF ADULT BUSINESS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. [Deleted.]
9-102. [Deleted.]

9-101. [~~Deleted~~.] (1977 Code, § 5-101, as deleted by Ord. #3, 2000, July 2000)

9-102. [~~Deleted~~.] (1977 Code, § 5-102, as deleted by Ord. #6, 2012, Sept. 2012)

¹Municipal code references

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

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.
- 9-208. Use of streets.
- 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.
- 9-214. Owners' and landlords' responsibilities.

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. (1977 Code, § 5-201)

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. (1977 Code, § 5-202)

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.

¹Municipal code references
Privilege taxes: title 5.

(3) A brief description of the nature of the business and the goods to be sold.

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

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

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

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

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

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

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1977 Code, § 5-203)

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. (1977 Code, § 5-204)

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. (1977 Code, § 5-205)

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. (1977 Code, § 5-206)

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. (1977 Code, § 5-207)

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. (1977 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1977 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1977 Code, § 5-210)

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. (1977 Code, § 5-211)

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. (1977 Code, § 5-212)

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. (1977 Code, § 5-213)

9-214. Owners' and landlords' responsibilities. Every owner or landlord, including motel owners and operators shall, immediately upon leasing or renting his premises to a peddler or itinerant merchant, notify the chief of police that he has leased or rented his property to such peddler or merchant for use in selling or displaying his wares. (1977 Code, § 5-214)

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.
- 9-305. Soliciting from persons in vehicles.

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. (1977 Code, § 5-301)

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. Evidence of good character and reputation for honesty and integrity shall be furnished in the following manner: If the applicant be a resident of Giles County, Tennessee, then the application shall be accompanied by two certificates so stating, and if the applicant be a nonresident of Giles County, the application shall be accompanied by five (5) statements of good character and reputation for honesty and integrity by people living in the applicant's home community. Each statement shall contain the official title, if any, or the profession or occupation of the person making the statement.

(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. Evidence of this will be a certificate attesting to such fact from a city official of the city where applicant's home office is located.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1977 Code, § 5-302)

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. (1977 Code, § 5-303)

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. (1977 Code, § 5-304)

9-305. Soliciting from persons in vehicles. It is further prohibited for any solicitations to be conducted by the use of roadblocks or standing in the streets, stopping cars, or approaching cars while stopped in streets in conducting a solicitation. (1977 Code, § 5-305)

CHAPTER 4

DELETED.]

(as deleted by Ord. #10,2008, Sept. 2008)

CHAPTER 5

[DELETED]

This chapter was deleted by Ord. #6, 2012, Sept. 2012

CHAPTER 6

[DELETED]

This chapter was deleted by Ord. #6, 2012, Sept. 2012

CHAPTER 7

[DELETED]

This chapter was deleted by Ord. #6, 2012, Sept. 2012

CHAPTER 8

[DELETED.]

This chapter was deleted by Ord. #3, 2000, July 2000.

CHAPTER 9

DISTRIBUTION OF HANDBILLS, ETC.

SECTION

- 9-901. Permit required for distribution.
- 9-902. Exception for violation notices and newspapers.
- 9-903. Application for permit; appeal of refusal.
- 9-904. Term of, and fee for, permits.
- 9-905. Revocation of permits; distribution on posted property.
- 9-906. "Distribution" defined.
- 9-907. Waiver of fee for churches.

9-901. Permit required for distribution. No person or persons, firm, corporation, association or company shall distribute handbills, commercial or noncommercial advertising, samples, dodgers, circulars, booklets or other like types of advertisement, solicitations or other notices of such advertisement on the streets or sidewalks in the corporation limits or upon any public property owned or controlled by the city and/or county without first obtaining a permit from the city recorder of the City of Pulaski as hereinafter provided in this chapter. (1977 Code, § 5-901)

9-902. Exception for violation notices and newspapers. Nothing in this chapter shall prevent an enforcing officer of the city or county from attaching a violation notice on any motor vehicle nor shall this chapter prevent the distribution of newspapers provided, however, that said newspapers shall be so folded or otherwise secured as to prevent the same from separating and being subject to scattering by wind or otherwise. (1977 Code, § 5-902)

9-903. Application for permit; appeal of refusal. Any person or persons, firm, corporation, association or company desiring to obtain a permit to distribute in the city handbills, commercial or noncommercial advertising, samples, dodgers, circulars, booklets, or other types of advertisement, shall file an application in writing therefor with the city recorder, giving the name and address of the applicant, a general description of the handbills, commercial or noncommercial advertising, samples, dodgers, circulars, booklets, or other notice of such advertisement proposed to be distributed and shall agree to distribute such materials in accordance with the provisions of this chapter.

Any person aggrieved by the refusal of the city recorder to issue a permit may appeal to the board of mayor and aldermen by filing a written notice of appeal with said city recorder within five (5) days after receipt of actual notice of such refusal or after the mailing of such notice, which ever first occurs. After hearing the objections of such person and giving due consideration thereto the

action of the board of mayor and aldermen shall be final and conclusive. (1977 Code, § 5-903)

9-904. Term of, and fee for, permits. The permit, when issued by the city recorder shall be for a fixed period of time not exceeding six months, and upon the issuance of such permit the applicant shall pay to said city recorder a filing or administrative fee of \$2.00 for each month or shorter period thereof, for which the permit is issued. (1977 Code, § 5-904)

9-905. Revocation of permits; distribution on posted property. The board of mayor and aldermen may at any time, revoke any permit issued under the provisions of this chapter for failure to comply with the demand, request, or notice of the owner, occupant, or person in charge of any premises that no such commercial or noncommercial advertising, etc., as hereinabove outlined be distributed on such premises, and in no event shall any material be distributed on any public or private property which is posted against the same, even though a city permit has been obtained, without the express written permission of the owner of such premises. (1977 Code, § 5-905)

9-906. "Distribution" defined. "Distribution" as set out in this chapter shall mean and include the placing or posting of any advertising materials on any street, sidewalk, curb, utility pole, hydrant, tree, fence, gate, awning, pole, post or structure within the city limits of the City of Pulaski or upon any public property owned or controlled by the city and/or county. However, nothing in this section shall prohibit the owner of property from using his own property in such manner as will not violate any of the existing ordinances, including zoning ordinances, of the City of Pulaski. (1977 Code, § 5-906)

9-907. Waiver of fee for churches. The city recorder shall grant a permit without any fee therefor to any church organization, or other religious organizations, provided the mayor of the City of Pulaski shall approve the same. (1977 Code, § 5-907)

CHAPTER 10

RATES FOR BASIC CABLE TV SERVICE¹

SECTION

9-1001. Adoption of regulations.

9-1002. "Franchising authority."

9-1001. Adoption of regulations. Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority of said Act certifying the city to regulate basic cable television service² within the boundaries of the city; and for the purposes of regulating the rates charged to customers of any cable television operator franchised by the city, the regulations contained in Title 47 of the Code of Federal Regulations, Part 76, Subpart N, sections 76.900 through 76.985, are hereby adopted and incorporated by reference as a part of this code. (1977 Code, § 5-1001)

9-1002. "Franchising authority." Whenever the regulations cited in § 9-1001 refer to "franchising authority", it shall be deemed to be a reference to the Board of Mayor and Aldermen of the City of Pulaski. (1977 Code, § 5-1002)

¹See ordinances No. 13, 1966; 10, 1989; 26, 1990; 1-1994 and 11, 2007, of record in the recorder's office for the city's cable TV franchises.

²Municipal code reference
Electricity: title 19

CHAPTER 11

LICENSING AND REGULATION OF ADULT BUSINESS

SECTION

9-1101. Definitions.

9-1102. License required.

9-1103. Application for license.

9-1101. Definitions. (1) For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(a) "Adult entertainment" means the regular presentation, for the fee or incidentally to another service, of material or exhibitions 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.

(b) "Adult entertainment establishment" means any commercial establishment--including but not limited to "adult bookstore," "adult video store," "adult theater," "adult nightclub," sexual encounter center, massage parlor, rap parlor, lingerie modeling, or sauna--which for a fee or incidentally to another service, regularly presents material or exhibitions distinguished or characterized by an emphasis on matter depiction, describing, relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein. Adult entertainment establishment further means any commercial establishment to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing sexually oriented motion pictures, sexually oriented movies, sexually oriented films, adult videos, or wherein an entertainer provides sexually oriented entertainment to a member of the public, a patron or a member.

(i) "Adult bookstore" means an establishment having any of its stock and trade in books, magazines, other periodicals, or any other items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation of the patrons therein; or in conjunction therewith has facilities for the presentation of sexually oriented entertainment, including but not limited to sexually oriented films, or sexually oriented live entertainment, for observation by patrons therein.

(ii) "Sexually oriented" means any exhibition of any motion pictures, films, videos, or live performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers which has a significant or substantial portion of such performance any actual or simulated performance of "specified sexual activities" or exhibitions and viewing of "specified anatomical areas."

(iii) "Adult theater" means an enclosed building regularly used for presenting films, motion pictures, video cassettes, slides, or other photographic reproductions or other material depicting or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.

(iv) "Adult nightclub" means a theater, concert hall, auditorium nightclub, bar, restaurant, or similar commercial establishment which regularly features live performances that are characterized by any actual or simulated performance of "specified sexual activities" or the exposure of "specified anatomical areas," as defined below.

(v) "Adult video stores" means a commercial establishment having any stock in "adult videos"--as defined below--which are rented or sold and presented for a fee or incidentally to another service; or in conjunction therewith, regularly presents on the premises sexually oriented motion pictures or sexually oriented films, "adult videos," or sexually oriented live exhibitions which are distinguished or characterized by an emphasis on matter depiction, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein.

(vi) "Adult services" means a video, CD, laser disk, or similar medium with a cover that depicts, "specified anatomical areas" or a transparent or less than opaque cover through which "specified sexual activities" or "specified anatomical areas" can be viewed.

(c) "Aggravated rape" as defined in the Tennessee Code Annotated, § 39-15-502.

(d) "Aggravated sexual battery" as defined in the Tennessee Code Annotated, § 39-15-504.

(e) "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult entertainment establishment.

(f) "Entertainer" means any persons, including independent contractors, who work in or at or render any service directly related to the operation of an adult entertainment establishment.

(g) "Indecent exposure" as defined in the Tennessee Code Annotated, § 39-15-511.

(h) "Location" means a single site for which only one use and occupancy permit would be required.

(i) "Obscenity" as defined in the Tennessee Code Annotated, § 39-17-901(10) through (14).

(j) "Operator" means any person, partnership, or corporation operating, conducting or maintaining an adult entertainment establishment.

(k) "Prostitution" as defined in the Tennessee Code Annotated, § 39-13-512.

(l) "Patronizing prostitution" as defined in the Tennessee Code Annotated, § 39-15-13-512.

(m) "Promoting prostitution" as defined in the Tennessee Code Annotated, § 39-15-13-512.

(n) "Rape" as defined in the Tennessee Code Annotated, § 39-15-503.

(o) "Rape of a child" as defined in the Tennessee Code Annotated, § 39-15-522.

(p) "Sexual battery" as defined in the Tennessee Code Annotated, § 39-15-505.

(q) "Sexual exploitation of a minor" as defined in the Tennessee Code Annotated, § 39-17-1003, § 39-17-1004, and § 39-17-1005.

(r) "Specified sexual activities" means

(i) Human genitals in a state of sexual stimulation or arousal;

(ii) Acts of human masturbation, sexual intercourse or sodomy;

(iii) Fondling or erotic touching of human genital, pubic region, buttock or female breasts.

(s) "Specified anatomical areas" means

(i) Less than completely and opaquely covered:

(A) Human genitals; pubic region,

(B) Buttocks;

(C) Female breast 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.

(t) "Statutory rape" as defined in the Tennessee Code Annotated, § 39-15-506.

(2) Establishment. An adult entertainment licensing board is hereby created and designated the City of Pulaski Adult Entertainment Licensing Board (herein "board").

(3) Membership--terms. (a) The board shall consist of five members, who shall have been residents of the City of Pulaski for not less than one year, and who shall continue to be eligible so long as they reside within the city, to be appointed by the mayor and confirmed by a majority vote of the City of Pulaski council.

(b) At least one of the five members shall be an attorney, and one of the five members shall be a health provider.

(c) Of the five members first appointed, two shall be appointed for a term of two years, and two shall be appointed for a term of three years, and one shall be appointed for a term of four years. Thereafter, each member shall be appointed for a term of four years, and shall serve until his/her successor is appointed. Any vacancy other than the expiration of terms shall be filled for the un-expired term.

(4) Election of officers--terms. The board shall organize by the election of a chair and a vice-chair, who shall serve for a period of one year or until a successor shall have been chosen.

(5) Meetings--quorum required--minutes and transcript. (a) The board shall hold two regular meetings each month at a time fixed by the board, and may hold such special meetings as may be necessary.

(b) The attendance of at least a majority of the members of the board, not including unfilled positions, shall be required to constitute quorum for the purpose of transacting business.

(c) Minutes shall be kept of the meetings in permanent form and a record shall be kept of the action of the board with respect to every application for a license and/or a permit. The concurring vote of a majority of the members present and voting shall be necessary for the granting, revoking, suspending or any other action involving licenses or permits.

(d) No transcript of the proceedings had before the board shall be in any form other than narrative, unless the board shall have been requested to provide for an exact copy of the testimony by an interested party at least twenty-four hours prior to a board meeting. The cost of an exact copy shall be borne by the person requesting the same.

(6) Powers and duties. (a) The board shall have jurisdiction over the licensing, regulating and controlling of all adult entertainment establishments as provided herein, located in the City of Pulaski.

(b) The board may promulgate such bylaws, rules and regulations not inconsistent with state law, the City of Pulaski charter, or any ordinance, as it deems appropriate for the conducting of its business.

(c) The board has the authority to subpoena witnesses to testify before the board.

(7) Inspectors--authority. The board is empowered to employ suitable person(s) as inspectors which inspectors shall not hold any service status. The

board shall prescribe the duties of such inspectors so as to enforce the applicable provisions of this title.

(8) Procedures for hearings. This section shall apply to all hearings by the board including but not limited to hearings for revocation, suspension, or denial of a license/permit.

(a) Upon receiving written request for a hearing, the board shall send the party requesting the hearing a notice stating the time and place of the hearing and the right to be represented by counsel.

(b) At the hearing, the party requesting the hearing shall appear on him/her own behalf or be represented by counsel. All witnesses shall be sworn. The chair shall allow the party requesting the hearing to present witnesses on his/her own behalf and to cross-examine all witnesses testifying against him/her.

(c) All decisions of the board shall be in writing, setting forth the findings of the board, and shall be signed by the chair or vice-chair. Any decisions of the board to deny a renewal, suspend, or revoke a license/permit shall not take effect earlier than ten (10) days after the date the decision was rendered to allow the effected party adequate time to seek judicial review.

(d) Minutes shall be kept of all proceedings before the board in permanent form and a record shall be kept of all actions of the board with respect to all hearings.

(e) A record (which may consist of a tape or similar electronic recording) shall be made of all oral proceedings. The record must be maintained by the board for a period of ninety days. Such record or any part thereof shall be transcribed at the request of any party at such party's expense.

(f) Any party desiring a court reporter to be present at the hearing must arrange for the court reporter to be present. (Ord. #7, 1999, June 1999)

9-1102. License required. (1) Except as provided in subsection (6) below, from and after the effective date of this chapter, no adult entertainment establishment shall be operated or maintained within the City of Pulaski without first obtaining a license to operate issued by the board.

(2) Any person, partnership, or corporation which desires to operate more than one (1) adult entertainment establishment must have a license for each establishment.

(3) Only one license may be issued for each adult entertainment establishment location.

(4) No license or interest in a license may be transferred to any person, partnership or corporation.

(5) It shall be unlawful for any entertainer or operator to work in or about, or to perform any service directly related to the operation of any

unlicensed adult entertainment establishment. It shall be unlawful for any employee to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult entertainment establishment while adult entertaining is being presented.

(6) All existing adult entertainment establishments at the time of the passage of this chapter must submit an application for a license within one hundred twenty (120) days of the effective date of this chapter. If a license is not applied for within said one hundred-twenty-day period, then such existing adult entertainment establishment shall cease operations. (Ord. #7, 1999, June 1999)

9-1103. Application for license. (1) Application. (a) Any person, partnership, corporation or any other entity desiring to secure a license shall make application to the board. The applicant to the board. The applicant shall file the original application with six copies. The original application shall be dated by the board and held in the files of the board. A copy of the application shall be distributed promptly by the board to: the police department, the department of codes administration, the health department, the fire department, and to the applicant.

(b) Application forms shall be available at the office of the board.

(c) The application form shall include all the information indicated in subsection (e)(i) through (ii) hereof.

(d) The following persons must obtain a license: any partner of a partnership who will participate in the day to day operation of the business, any officer or director of a corporate applicant, and any stockholder holding a majority controlling percentage of the stock of a corporate applicant and who will participate in the day to day operation of the business.

(e) The applicant shall furnish the following information under oath:

(i) Name and address, including all aliases (business address is sufficient);

(ii) Proof that the individual is at least eighteen (18) years of age;

(iii) All residential addresses of the applicant for the past three (3) years (for the purpose of facilitating the police investigation into the applicants criminal background);

(iv) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application (for the purpose of facilitating the police investigation into the applicants criminal background).

(v) Whether the applicant previously operated in this or any other county, city or state under an adult entertainment establishment license or similar business license. Whether the

applicant has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;

(vi) All violations, convictions, or any pleas of nolo contendere to any crime of rape, aggravated rape, aggravated sexual assault, statutory rape, rape of a child, sexual exploitation of a minor, indecent exposure, prostitution, patronizing prostitution, promoting prostitution, obscenity or other similar crimes of a sexual nature, or any crime involving moral turpitude.

(vii) All citations issued and sustained by a court within the past two years for violations of any provisions of the City of Pulaski Municipal Code applicable to adult entertainment establishments.

(viii) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant, (for the purpose of facilitating the police investigation into the applicants criminal background).

(ix) The address of the adult entertainment establishment to be operated by the applicant.

(x) If the applicant is a corporation the application shall specify the name of the corporation the date and state of incorporation the name and address of the registered agent and the name and address of all officers and directors of the corporation, and any stockholder holding a majority controlling percentage of the stock of a corporate applicant and who will be involved in the day to day operation of the business.

(xi) If the applicant is a partnership, joint venture, or any other type of business the application shall specify the name and address of all persons who will be involved in the day to day operation of the business.

(xii) A statement by the applicant that he/she is familiar with the provisions of this chapter and is in compliance with them.

(f) If the applicant intends to have both, stalls, cubicles, or rooms on the premises for the purpose of viewing sexually oriented movies, sexually oriented films, or adult videos, or sexually oriented live exhibitions, then along with the application, the applicant shall provide the board with his/her application a diagram, drawn to scale, of the premises including but not limited to the location and layout of all booths, stalls, cubicles, or rooms and the location of the clerk/managers stand or counter. Though the diagram shall be drawn to scale, it does not have to be professionally prepared.

(2) Inspections. (a) The police department, building inspector and fire department, shall, upon receipt of a copy of the application, inspect the

premises to insure that the establishment complies with the City of Pulaski code including the applicable zoning ordinances, fire code, statutes, ordinances and regulation and health code statutes, ordinances and regulations.

(b) The police department, building inspector, and fire department, shall complete their respective inspections and shall communicate the results of their respective inspections to the board in writing within thirty (30) days of receipt of the application. The writing shall end with one of the following statements:

The location at _____
complies with the relevant and applicable code sections and
applicable rules and regulations of the board.

The location at _____ does
not comply with the relevant and applicant code sections or
does not comply with the relevant and applicable rules and
regulations of the board. It is in violation of the following
provisions: Section numbers of code violations.

(c) If the building/structure has a valid use and occupancy permit, the applicant shall provide the board with a copy of the valid use and occupancy permit which shall be made part of the file.

(3) Board action on inspection results. (a) Within twenty (20) days of receiving the results of the investigation conducted by the police department, codes department, fire department, and health department the board will meet and determine if the applicant is in compliance with the applicable statutes, ordinances, and regulations. If the board determines that the applicant is in compliance with the applicable statutes, ordinances, and regulations, including but not limited to the zoning code, and the applicant has not committed any of the crimes listed herein, is at least eighteen years of age, and has not given any false or misleading information on the application or omitted any material facts from the application then the board shall grant the license.

(b) Any applicant convicted of or who pleaded nolo contendere to any crime of rape, aggravated rape, aggravated sexual assault, statutory rape, rape of a child, sexual exploitation of a minor, indecent exposure, prostitution, patronizing prostitution, promoting prostitution, obscenity, or other similar crime of a sexual nature, or any crime involving moral turpitude in any jurisdiction shall be ineligible to receive a permit for the time period described below. Such denial and the reason for the denial shall be mailed to the applicant within ten (10) days of receiving the results of the investigation. The applicant may re-apply to the board once the time period has expired.

(i) If the conviction or plea was for a misdemeanor violation then the applicant shall be ineligible to receive a permit for two (2) years from the date of the conviction, plea, or release from confinement imposed for the conviction whichever is later.

(ii) If the conviction or plea was a felony violation then the applicant shall be ineligible to receive a permit for five (5) years from the date of the conviction, plea, or release from confinement imposed for the conviction whichever is later.

(iii) The time is computed from the date of the application to the date of the conviction, plea, or release from confinement based on the conviction.

(c) If it is determined by the board, using the application and investigation information, that the applicant has violated the provision of the zoning code applicable to adult entertainment within the past two years, then the applicant is ineligible for a license for one (1) year from the date the citation was sustained. A violation of the zoning code shall be evidenced by a citation which has been sustained by the Municipal Court for the City of Pulaski.

(d) If in the course of the investigation it is discovered any false or misleading statement or information was given on the application, or material facts were omitted from the applicant, the board shall deny the application. Moreover, the applicant shall be ineligible to receive a permit for one (1) year from the date of the application which contained the misleading statements or omissions unless the omission or misleading statement referred to the age of the applicant. (Ord. #7, 1999, June 1999)