

## TITLE 9

### BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>

#### CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. YARD SALES.
3. CABLE TELEVISION.
4. MASSAGE PARLORS.
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#### CHAPTER 1

### PEDDLERS, SOLICITORS, ETC.<sup>2</sup>

#### SECTION

- 9-101. Definitions.
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- 9-110. Number of permits per month.
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**9-101. 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 of the town, who has no permanent regular place of business

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<sup>1</sup>Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

<sup>2</sup>Municipal code reference

Trespass by peddlers, etc.: § 11-801(5).

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 town 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 a "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" organization for charitable or religious organizations.

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

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the town, 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"<sup>1</sup> 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 or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the town and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade. (1992 Code, § 9-101)

**9-102. Exemptions.** The terms of this chapter shall not 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. (1992 Code, § 9-102)

**9-103. 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 town unless the same has obtained a permit from the town in accordance with the provisions of this chapter. (1992 Code, § 9-103)

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<sup>1</sup>State law references

Tennessee Code Annotated, § 62-30-101, et seq. contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from Tennessee Code Annotated, § 62-30-101(3). Note also that Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of \$50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).

**9-104. Permit procedure.** (1) Application form. A sworn application containing the following information shall be completed and filed with the recorder 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 town.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitation, 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 applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars (\$20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder 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 recorder, the recorder shall submit to the chief of police a copy of the application form and the permit. (1992 Code, § 9-104)

**9-105. Restrictions on peddlers, street barkers and solicitors.** No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the town.

(2) Stand or sit in or near 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 vehicular traffic lanes, 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, or creating other

noise, 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 town.

(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. (1992 Code, § 9-105)

**9-106. 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, canceled 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. (1992 Code, § 9-106)

**9-107 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. (1992 Code, § 9-107)

**9-108. Suspension or revocation of permit.** (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the recorder for any of the following causes:

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

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1992 Code, § 9-108)

**9-109. 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 town. 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. (1992 Code, § 9-109)

**9-110. Number of permits per month.** Permits for charitable or religious solicitations within the town's corporate limits shall be issued on a first to apply basis, to be conducted on the particular day of the month by the requesting charitable or religious organization. All charitable or religious solicitation permits issued shall allow no more than four solicitors from the permittee to be within the streets at any one time and all solicitations shall take place at the intersection of \_\_\_\_\_ (street) and \_\_\_\_\_ (street) within the town corporate limits. Any violation of this section will be subjected to a fine of not less than fifty dollars (\$50.00) per incident. (1992 Code, § 9-111)

**9-111. Violation and penalty.** In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provision of this municipal code of ordinances. (1992 Code, § 9-110)

## CHAPTER 2

### YARD SALES

#### SECTION

- 9-201. Definitions.
- 9-202. Property permitted to be sold.
- 9-203. Display of sale property.
- 9-204. Advertising signs.
- 9-205. Persons exempted from chapter.
- 9-206. Penalty.

**9-201. Definitions.** For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance<sup>1</sup>, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold.

(2) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (1992 Code, § 9-201)

**9-202. Property permitted to be sold.** It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property. (1992 Code, § 9-202)

**9-203. Display of sale property.** Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public right-of-way. A vehicle offered

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<sup>1</sup>Municipal code reference  
Zoning ordinance: title 14, chapter 2.

for sale may be displayed on a permanently constructed driveway within such front or side yard. (1992 Code, § 9-203)

**9-204. Advertising signs.** (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

(a) Two signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the garage sale is being conducted.

(b) Directional signs. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises on which the garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed.

(2) Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

(3) Removal of signs. Signs must be removed each day at the close of the garage sale activities. (1992 Code, § 9-204)

**9-205. Persons exempted from chapter.** The provisions of this chapter shall not apply to or affect the following:

(1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the Town of Surgoinsville, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances. (1992 Code, § 9-205)

**9-206. Penalty.** Any person found guilty of violating the terms of this chapter shall be punished according to the general penalty provisions of this municipal code of ordinances. (1992 Code, § 9-206)



**CHAPTER 3****CABLE TELEVISION****SECTION**

9-301. To be furnished under franchise.

**9-301. To be furnished under franchise.** Cable television shall be furnished to the Town of Surgoinsville and its inhabitants under franchise agreements granted by the board of mayor and aldermen of the Town of Surgoinsville, Tennessee.<sup>1</sup> (1992 Code, § 9-301)

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<sup>1</sup>Cable television franchise agreements are on file in the office of the town recorder.

**CHAPTER 4****MASSAGE PARLORS****SECTION**

- 9-401. Definitions.
- 9-402. Application; fee; investigation; issuance of permit.
- 9-403. Massager permit.
- 9-404. Inspection.
- 9-405. Suspension of permit.
- 9-406. Revocation of permit.
- 9-407. Daily register.
- 9-408. Regulations.
- 9-409. Display of permit.
- 9-410. Unlawful acts.
- 9-411. Expiration of permit.
- 9-412. Inapplicability to doctors, etc.
- 9-413. Permit not transferrable.
- 9-414. Violations.

**9-401. Definitions.** As used in this chapter, unless the context otherwise requires:

(1) "Massage" means the administration by any person of any method of exerting or applying pressure, friction, moisture, heat or cold to the human body and/or the rubbing, stroking, kneading, pounding, tapping, washing or otherwise manipulating a part of the whole of the human body or the muscles or joints thereof, by any physical or mechanical means for any form of consideration.

(2) "Massage parlor" means any establishment having a fixed place of business where the administering of massages is the principal or main business purpose of activity that is conducted on the premises. This definition shall not be construed to include a hospital, nursing home, medical clinic or other office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath.

(3) "Massager" means any person who administers a massage to another person at a massage parlor.

(4) "Permittee" means the individual, partnership, association, joint stock company, corporation or combination of individuals of whatever form or character, which is the legal holder of a massage parlor permit as provided by this ordinance.

(5) "Employee" means any and all persons, other than massagers, who render any service to patrons of massage parlors. (1992 Code, § 9-401)

**9-402. Application; fee; investigation; issuance of permit.** Any person desiring a massage parlor permit to establish, maintain or operate a massage parlor in the town shall make application of the chief of police on an application form provided by the Town of Surgoinsville, which application form shall contain the name and address of the place where the applicant proposes to operate, maintain or establish a massage parlor in the town. Each massage parlor permit application shall be accompanied by an investigation fee of five hundred dollars (\$500.00).

The application shall state thereon that "it is unlawful for any person to make a false statement on this application. The making of a false statement shall constitute grounds for denial of an application or revocation of a permit."

The application shall include a business, occupation or employment history of the applicant for the five (5) years immediately preceding the date of the application. It shall also include a detailed statement of any and all convictions, pleas of nolo contendere or forfeitures suffered by the applicant (if the applicant is a partnership or association, any partner or member thereof; or if the applicant is a corporation, any officer, director or manager thereof or any shareholder thereof) on any charges of prostitution, assignation, pandering, obscenity, lewdness, crimes against nature or any provision of this ordinance or any provision of a similar law or ordinance in any other jurisdiction.

The chief of police shall arrange to have the fingerprints of each applicant taken, which fingerprints shall constitute a part of the application. There shall be filed with the application at least two (2) portrait photographs of the applicant taken within sixty (60) days immediately prior to the date of application, which photographs shall be not less than two (2) inches by two (2) inches and shall show the head and shoulders of the applicant in a clear and distinguishable manner.

Upon receipt of the application and investigation fee, the chief of police shall make or cause to be made an investigation of the applicant which shall include:

- (1) The criminal record of the applicant.
- (2) Communication with the employers, business associates, or fellow employees of the applicant during the five (5) years preceding the investigation.
- (3) Determination of whether the premises proposed to be utilized by the applicant comply with the provisions of this chapter and all other zoning ordinances and all other building, fire, plumbing and electrical codes.
- (4) Any and all other matters which the chief of police deems to be material to a reasonable consideration of the applicant.

The chief of police shall file his investigative report, with all supporting material and documentation, with the mayor and board of aldermen not later than twenty-one (21) days following the date of application; however, the chief of police may file an amended report at any time additional material information concerning the applicant comes to his attention.

Upon receipt of the report of the chief of police, the mayor and board of aldermen shall docket the application on the agenda of the next regular meeting of the board of mayor and aldermen, at which time a hearing shall be conducted on the application. The board of mayor and aldermen, after a consideration of the application and investigative report, after an open examination of the applicant, after opportunity has been given for the introduction of additional information by any interested party and after a full and complete consideration of all relevant facts and circumstances, shall authorize the issuance of a massage parlor permit at the premises designated in the application within one week following the hearing, unless it finds that the application contains false information, the applicant has not complied with all applicable laws and ordinances, the applicant has been convicted, pleaded nolo contendere or suffered a forfeiture on a charge of prostitution, assignation, pandering, obscenity, lewdness, crime against nature or any provision of this ordinance or any provision of a similar law or ordinance in any other jurisdiction. Notice of the time and place of the hearing before the board of mayor and aldermen shall be posted in a conspicuous place upon the premises specified in the application at least five (5) days prior thereto and the applicant shall maintain the said notice until after the hearing.

The board of mayor and aldermen may not authorize the issuance of a permit to an applicant whose proposed premises for the establishment, maintenance, or operation of a massage parlor is within one thousand (1,000) feet, measured from property line to property line, of any church, school, hospital, funeral parlor, library, museum, playground or any other public or private building or premises likely to be utilized by persons under the age of eighteen (18) years. (1992 Code, § 9-402)

**9-403. Massager permit.** Any persons desiring a permit to act as a massager in a massage parlor in the town shall make application to the chief of police on an application form provided by the Town of Surgoinsville, which application form shall contain spaces for the applicant's name, address, telephone number, all previous addresses within the year immediately preceding the date of the application, date of birth, place of birth, height, weight, massage training and current employment. Each massager permit application shall be accompanied by an investigation fee of twenty-five dollars (\$25.00).

The application shall state thereon that "it is unlawful for any person to make a false statement on this application. The making of a false statement shall constitute grounds for a denial of an application or revocation of a permit."

The application shall also include a detailed statement of any and all convictions, pleas of nolo contendere, or forfeitures suffered by the applicant on any charge of prostitution assignation, pandering, obscenity, lewdness, crimes against nature or any provision of this ordinance or any provision of a similar law or ordinance in any other jurisdiction.

The chief of police shall arrange to have the fingerprints of each applicant taken, which fingerprints shall constitute a part of the application. There shall be filed with the application at least two (2) portrait photographs of the applicant taken within sixty (60) days immediately prior to the date of application, which photographs shall be not less than two (2) inches by two (2) inches and shall show the head and shoulders of the applicant in a clear and distinguishable manner.

All persons who desire to act as a massager at a massage parlor in the Town of Surgoinsville shall attach to their applications a certification from a licensed physician in the State of Tennessee that the applicant has submitted to a physical examination for contagious or communicable diseases and that the applicant is either free from any contagious or communicable diseases or is incapable of communicating any such diseases to others. The physical examination shall include a recognized blood test for syphilis, a culture for gonorrhea and a chest x-ray which shall be made and interpreted by a trained radiologist.

Upon receipt of the application and investigation fee, the chief of police shall make or cause to be made an investigation of the applicant, which shall include:

- (1) The criminal record of the applicant.
- (2) Communication with the employers, business associates or fellow employees of the applicant during the five (5) years preceding the investigation.
- (3) Referral of the medical examination submitted with the application to the medical department of the Town of Surgoinsville for review and comment or to any retained, qualified clinic.
- (4) Any and all other matters which the chief of police deems to be material to a reasonable consideration of the applicant.

The chief of police shall file his investigative report, with all supporting material and documentation, with the mayor and board of aldermen not later than twenty-one (21) days following the date of the application; however, the chief of police may file an amended report at any time additional material information concerning the applicant comes to his attention.

Upon receipt of the report of the chief of police, the mayor and board of aldermen shall docket the application on the agenda of the next regular meeting of the board of mayor and aldermen, after a consideration of the application and investigative report, after an open examination of the applicant, after opportunity has been given full and complete consideration of all relevant facts and circumstances, shall authorize the issuance of a massagers permit within one week following the hearing, unless it finds that the application is deficient, the application contains false information, the applicant has not complied with all applicable laws and ordinances, the applicant has been convicted, pleaded nolo contendere or suffered a forfeiture on a charge of prostitution, assignation, pandering, obscenity, lewdness, crime against nature of any provision of this ordinance or any provision of a similar ordinance in any other jurisdiction.

All massagers who possess valid permits for administering massages in a massage parlor in the Town of Surgoinville shall undergo a physical examination, including the aforementioned tests for contagious and communicable diseases, at least once every six (6) months following the issuance of their massager permits. When the chief of police or his duly authorized representative has cause to believe that the massager is capable of communicating any contagious diseases to others, he may at any time require an immediate physical examination of any such person.

In no event, and under no circumstances, shall a permit be issued to any party unless and until such party shall have satisfactorily completed a course or courses accredited by, approved and recognized by, the American Massage and Therapy Association or a similar accredited association, said courses shall pertain to anatomy, physiology, hygiene, first aid exercise, therapy massage techniques and other related aspects of the arts and sciences of massage or physical therapy. (1992 Code, § 9-403)

**9-404. Inspection.** The chief of police or his duly authorized representative is hereby authorized to enter, examine and survey any premises in the town for which a massager parlor permit has been issued pursuant to this chapter during business hours to enforce the provisions of this chapter. (1992 Code, § 9-404)

**9-405. Suspension of permit.** If the chief of police finds that the massage parlor, for which the massage parlor permit was issued, does not conform to this chapter or the permittee has refused the chief of police or his duly authorized representative the right to enter the premises to enforce the provisions of this chapter, the chief of police may temporarily suspend the massage parlor permit, pending a hearing before the board of mayor and aldermen. A copy of the temporary suspension shall be sent to the mayor and board of aldermen for docketing on the next regular agenda of board of mayor and aldermen and sent to the permittee at his place of business by certified mail, which shall set forth the reason for said suspension. No person shall operate a massage parlor when subject to an order of suspension. The board of mayor and aldermen may, after an open hearing, reinstate a suspended massage parlor permit when no fact or condition exists which would otherwise warrant the refusal to grant a massage parlor permit under the terms of this chapter. (1992 Code, § 9-405)

**9-406. Revocation of permit.** Any massage parlor permit granted under this chapter shall be revoked by the board of mayor and aldermen after notice and hearing if the permittee or massager has been convicted, pleaded nolo contendere or suffered a forfeiture on any charge of prostitution, assignation, pandering, obscenity, lewdness, crimes against nature or any provision of this chapter or any provision of a similar law or chapter in any other jurisdiction.

The notice required by this section shall be sent by certified mail to the permittee or massager at his last know address at least five (5) days prior to the date set for the hearing before the board of mayor and aldermen.

If any massager or other employee of any permittee violates any provisions of this chapter, it shall be presumed that such violation was with the knowledge and consent of the permittee; if any permittee fails to overcome the said presumption, the massage parlor permit issued to him shall be subject to permanent revocation in the manner set out in this section. (1992 Code, § 9-406)

**9-407. Daily register.** Every permittee shall maintain a daily register, showing the names and addresses of all patrons, along with the name of the massagers assigned and the fee charged. The daily register shall be kept in a permanent, well-bound book; it shall be kept on file for at least one (1) year. (1992 Code, § 9-407)

**9-408. Regulations.** No massage parlor shall be operated, established or maintained in the town that does not comply with the following minimum standards:

(1) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after each use on each patron.

(2) Closed cabinets shall be provided and used for the storage of clean line, towels and other materials used in connection with administering massages. All soiled lines, towels and other materials shall be kept in properly covered containers and cabinets, which containers or cabinets shall be kept separate from the clean storage area.

(3) All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected.

(4) Oils, creams, lotions or other preparations used in administering massages shall be kept in clean closed containers or cabinets.

(5) Adequate bathing, dressing, locker and toilet facilities shall be provided for the patrons to be served at any given time. Separate bathing, dressing locker, toilet and massage room facilities shall be provided for male and female patrons.

(6) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

- (7) The premises shall be equipped with a service sink for custodial services.
- (8) Eating in the massage work areas shall not be permitted.
- (9) Animals, except for seeing-eye dogs, shall not be permitted in the massage work areas. (1992 Code, § 9-408)

**9-409. Display of permit.** Every permittee to whom a massage parlor permit shall have been granted shall display said massage parlor permit in a conspicuous place in the massage parlor or establishment so that it may be readily seen by persons entering the premises.

Every person to whom a massager permit shall have been granted shall, while in a massage parlor, openly display the said permit by pinning or clasping it to his or her outer garments, so that it may be readily seen by patrons and other interested persons.

No permit shall be altered or defaced in any manner by any permittee or massager. (1992 Code, § 9-409)

**9-410. Unlawful acts.** (1) It shall be unlawful for any person in a massage parlor to place his or her hand or hands upon or to touch with any part of his or her body, or to fondle in any manner, or to massage, a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, public area, buttocks, anus or perineum of any person on the vulva or breast of a female.

(2) It shall be unlawful for any person in a massage parlor to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person in the massage parlor to expose the sexual or genital parts, or any portion thereof, of any other person.

(3) It shall be unlawful for any person, while in the presence of any other person in a massage parlor to fail to conceal with a fully opaque covering the sexual or genital parts of his or her body.

(4) It shall be unlawful for any person owning, operating or managing a massage parlor knowingly to cause, allow or permit in or about such massage parlor, any agent, employee or any other person under his control or supervision to perform such acts prohibited in this chapter or to perform massages without license and violation of this provision shall be grounds for revocation of the massage parlor permit.

(5) Massagers issued a permit under this chapter may not administer massages at any place other than at a massage parlor which has also been issued a permit hereunder.

(6) Every person owning, operating or managing a massage parlor shall post a copy of this chapter in a conspicuous place in the massage parlor so that it may be readily seen by persons entering the premises.



(7) It shall be unlawful for any massage parlor to remain open or provide services at any time between the hours of 10:00 P.M. and 10:00 A.M. or at any time on Sundays.

(8) The administering of massage shall not be conducted in private rooms or areas, but shall be conducted in separate general areas for males and females. (1992 Code, § 9-410)

**9-411. Expiration of permit.** Each massage parlor permit shall expire one year from the date of issue and that each massager permit shall also expire one year from the date of issue. (1992 Code, § 9-411)

**9-412. Inapplicability to doctors, etc.** The provisions of this chapter shall not apply to duly licensed physicians, surgeons, physical therapists, chiropractors, osteopaths or registered nurses while engaged in the personal performance of the duties of their respective professions. (1992 Code, § 9-412)

**9-413. Permit not transferrable.** No permit issued hereunder shall be transferrable. (1992 Code, § 9-413)

**9-414. Violations.** Any person violating any of the provisions of this chapter shall, upon conviction thereof, be fined fifty dollars (\$50.00) for each violation, and each day of violation of any provisions of this chapter shall constitute a separate violation. (1992 Code, § 9-414)

## CHAPTER 5

### POOL ROOMS

#### SECTION

- 9-501. Prohibited in residential areas.
- 9-502. Hours of operation regulated.
- 9-503. Minors to be kept out; exception.
- 9-504. Gambling, etc., not to be allowed.

**9-501. Prohibited in residential areas.** It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty per cent (50%) or more of the land is used or zoned for residential purposes. (1992 Code, § 9-501)

**9-502. Hours of operations regulated.** It shall be unlawful for persons to operate pool tables, billiard tables, or games of amusement at any time except between the hours of 6:00 A.M. and 12:00 P.M. on week days and Saturday and between the hours of 1:00 P.M. and 6:00 P.M. on Sunday. (1992 Code, § 9-502)

**9-503. Minors to be kept out; exception.** It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1992 Code, § 9-503)

**9-504. Gambling, etc., not to be allowed.** It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire, to permit any gambling or other unlawful or immoral conduct on such premises. (1992 Code, § 9-504)

**CHAPTER 6**

**TELECOMMUNICATIONS SIGNALS**

**SECTION**

9-601. To be furnished under franchise.

**9-601. To be furnished under franchise.** Telecommunications signals shall be furnished to the Town of Surgoinsville and its inhabitants under franchise agreements granted by the board of mayor and aldermen of the Town of Surgoinsville, Tennessee.<sup>1</sup> (1992 Code, § 9-601)

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<sup>1</sup>Telecommunications franchise agreements are on file in the office of the town recorder.