

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
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**CHAPTER 1****MISCELLANEOUS****SECTION**

9-101. "Going out of business" sales.

**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. (1974 Code, § 5-102)

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<sup>1</sup>Municipal code references

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

## CHAPTER 2

### SOLICITORS AND PEDDLERS

#### SECTION

- 9-201. Definitions.
- 9-202. Permit requirements and exemptions.
- 9-203. Permit for sponsoring juvenile peddlers.
- 9-204. Permit application.
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- 9-214. Permit revocation.
- 9-215. Notice and hearing.
- 9-216. Appeals.
- 9-217. Claims of exemption.
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**9-201. Definitions.** The following words, terms, and phrases, and their derivations, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Charitable" means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal, either actual or purported.

(2) "Chief" means the chief of police.

(3) "Contributions" mean and include the words alms, money, subscription, property or any donations under the guise of a loan or money or property.

(4) "Department" means the police department.

(5) "Peddler" means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, carrying or transporting goods, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this chapter.

(6) "Peddling" includes all activities ordinarily performed by a peddler as indicated under paragraph (3) of this section.

(7) "Person" means a natural person or any firm, corporation, association, club, society or other organization.

(8) "Solicitor" means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, for the purpose taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This definition also includes any person who, without invitation, goes upon private property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other non-commercial purposes.

(9) "Solicitation" includes all activities ordinarily performed by a solicitor as indicated under paragraph (8) of this section. (Ord. #98-2, April 1998)

**9-202. Permit requirements and exemptions.** It shall be unlawful for any person eighteen (18) years of age or older to engage in peddling or solicitation activities within the City of Watertown without first obtaining a permit issued by the chief of police; provided, however, that the following are exempted from the provisions of this section:

(1) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;

(2) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;

(3) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person; or

(4) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary. (Ord. #98-2, April 1998)

**9-203. Permit for sponsoring juvenile peddlers.** (1) No person under the age of eighteen (18) shall be permitted to engage in peddling except on behalf of their school, church or charitable organization. No permit or license shall be required for minors engaging in such permitted solicitation so long as they are supervised by an adult.

(2) A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one (1) or more persons under eighteen (18) years of age.

(3) The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.

(4) The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification which identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting. (Ord. #98-2, April 1998)

**9-204. Permit application.** Every person subject to the provisions of this chapter shall file with the chief of police an application in writing on a form to be furnished by the chief, which shall provide the following information:

(1) Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;

(2) A brief description of the business or activity to be conducted;

(3) The hours and location for which the right to peddle or solicit is desired;

(4) If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;

(5) A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;

(6) Proof of possession of any license or permit which, under federal, state or local laws or regulations, or which, under any such law or regulation would exempt the applicant from the licensing requirements of this chapter; and

(7) Two (2) photographs of the applicant which shall have been taken within sixty (60) days immediately prior to the date of filing of the application. The photographs shall measure 3 inches by 4 inches and show the head and shoulders of the applicant in a clear and distinguishing manner. (Ord. #98-2, April 1998)

**9-205. Fees.** At the time the application is filed with the department, the applicant shall pay a fee to cover the cost to the city of processing the application and investigating the facts stated therein. The permit fee shall be fifty dollars (\$50.00) for each solicitor or peddler for each fourteen day period of solicitation. (See Tennessee Code Annotated, § 67-4-709 and Tennessee Code Annotated, § 67-4-719) (Ord. #98-2, April 1998)

**9-206. Bond.** All solicitors requiring cash deposits or taking orders for cash on delivery purchases (C.O.D.) or who require a contract of agreement to

finance the sale of any goods, services, or merchandise for future delivery, or for services to be performed in the future, shall furnish to the department a bond in the amount of five hundred dollars (\$500.00). (Ord. #98-2, April 1998)

**9-207. Denial of permit.** (1) Upon the review of the application by the chief of police, the chief may refuse to issue a permit to the applicant under this chapter for any of the following reasons:

(a) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customer;

(b) An investigation reveals that the applicant falsified information on the application;

(c) The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five (5) years preceding the date of application.

(d) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;

(e) There is no proof as to the authority of the applicant to serve as an agent to the principal; or

(f) The applicant has been denied a permit under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the chief that the reasons for such earlier denial no longer exist.

(2) The chief's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address. (Ord. #98-2, April 1998)

**9-208. Permit expiration.** All permits issued under the provisions of this chapter shall expire one (1) year from the date of issuance, unless an earlier expiration date is noted on the permit. (Ord. #98-2, April 1998)

**9-209. Identification badges.** At the same time the permit is issued, the chief shall issue to each permittee a badge, which shall be worn by the permittee in such a way as to be conspicuous at all times while the permittee is soliciting or peddling in the city. (Ord. #98-2, April 1998)

**9-210. Permit exhibition.** Every person required to obtain a permit under the provisions of this chapter shall exhibit the permit when requested to

do so by any prospective customer or department employee. (Ord. #98-2, April 1998)

**9-211. Transfer prohibited.** It shall be unlawful for any person other than the permittee to use or wear any permit or badge issued under the provisions of this chapter. (Ord. #98-2, April 1998)

**9-212. Entry upon signed premises unlawful.** It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler or solicitor, to enter upon any residential premises in the city where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import. (Ord. #98-2, April 1998)

**9-213. Hours of solicitation.** No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 9:00 P.M. and 9:00 A.M. (Ord. #98-2, April 1998)

**9-214. Permit revocation.** Any permit issued under this chapter may be revoked or suspended by the chief of police, after notice and hearing, for any of the following reasons:

- (1) Fraud, misrepresentation or false statement contained in the application for a permit;
- (2) Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities.
- (3) Conducting peddling or solicitation activities contrary to the provisions contained in the permit;
- (4) Conviction for any crime involving moral turpitude; or
- (5) Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public. (Ord. #98-2, April 1998)

**9-215. Notice and hearing.** Notice of a hearing for revocation of a permit issued under this chapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee. (Ord. #98-2, April 1998)

**9-216. Appeals.** (1) Any person aggrieved by the action or decision of the chief of police to deny, suspend or revoke a permit applied for under the provisions of this chapter shall have the right to appeal such action or decision

to the city council within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.

(2) An appeal shall be taken by filing with the chief a written statement setting forth the grounds for the appeal.

(3) The chief shall transmit the written statement to the city council within ten (10) days of its receipt and the city council shall set a time and place for a hearing on the appeal.

(4) A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.

(5) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.

(6) The decision of the city council on the appeal shall be final and binding on all parties concerned. (Ord. #98-2, April 1998)

**9-217. Claims of exemption.** Any person claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a permit fee, shall cite to the chief of police the statute or other legal authority under which exemption is claimed and shall present to the chief proof of qualification for such exemption. (Ord. #98-2, April 1998)

**9-218. Violations and penalty.** (1) Violation of any of the provisions of this chapter shall be treated as an infraction and shall, upon conviction, be punishable by a fine of up to \$50.00.

(2) In addition to criminal enforcement, the city or any individual may pursue any available civil remedies deemed appropriate and necessary. (Ord. #98-2, April 1998)

## CHAPTER 3

### AGGRESSIVE SOLICITATION

#### SECTION

9-301. Definitions.

9-302. Prohibited acts.

9-303. Penalties.

9-304. Construction and severability.

**9-301. Definitions.** For purposes of this chapter:

(1) "Solicit" means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

(2) "Aggressive manner" means and includes:

(a) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

(b) Following the person being solicited, if that conduct is:

(i) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(c) Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation:

(i) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(d) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Soliciting within a traffic lane of a street or highway;

(e) Intentionally or recklessly using obscene or abusive language or gestures:



(i) Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) Words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or

(f) Approaching the person being solicited in a manner that:

(i) Is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

(3) "Automated teller machine" means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(4) "Automated teller machine facility" means the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

(5) "Bank" means the property upon which any company which loans money or accepts deposits of money does business.

(6) "Check cashing business" means any person duly licensed by the superintendent of banks to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the banking laws.

(7) "Public area" means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them. (Ord. #98-3, May 1998)

**9-302. Prohibited acts.** It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

(1) In an aggressive manner in a public area;

(2) In any public transportation vehicle, or bus or subway station or stop;

(3) Within fifteen (15) feet of any entrance or exit of any bank or check cashing businesses or within fifteen (15) feet of any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

(4) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or

(5) From any operator of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows, or for blocking, occupying, or reserving a public parking space, or directing the occupant to a public parking space; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle. (Ord. #98-3, May 1998)

**9-303. Penalties.** (1) A violation of this chapter may be punished by a fine not to exceed fifty dollars (\$50).

(2) In lieu of, or in addition to the penalty provided in this section, a person in violation of this chapter may be required to perform community service work as described by the court.

(3) Any arrest or conviction under this chapter shall be disclosed to government social service agencies that request that the applicable public official be notified of such events. (Ord. #98-3, May 1998)

**9-304. Construction and severability.** (1) Severability is intended throughout and within the provisions of the chapter. If any section, sentence, clause, or phrase of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this chapter.

(2) This chapter is not intended to prescribe any demand for payment for services rendered or goods delivered.

(3) This chapter is not intended to create a result through enforcement that is absurd, impossible or unreasonable. This chapter should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of Tennessee or the Constitution of the United States of America. (Ord. #98-3, May 1998)

## CHAPTER 4

### CHARITABLE SOLICITORS

#### SECTION

- 9-401. Permit required.
- 9-402. Prerequisites for a permit.
- 9-403. Denial of a permit.
- 9-404. Exhibition of permit.

**9-401. 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. (1974 Code, § 5-301)

**9-402. Prerequisites for a permit.** The recorder shall, upon application, issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1974 Code, § 5-302)

**9-403. Denial of a permit.** Any applicant for a permit to make charitable or religious solicitations may appeal to the city council if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1974 Code, § 5-303)

**9-404. 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. (1974 Code, § 5-304)

## CHAPTER 5

### TAXICABS<sup>1</sup>

#### SECTION

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

**9-501. Taxicab franchise and privilege license required.** It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1974 Code, § 5-401)

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

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.

service; present the application to the city council; and make a recommendation to either grant or refuse a franchise to the applicant. The city council 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 city council shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. The 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. (1974 Code, § 5-402)

**9-503. Liability insurance required.** No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1974 Code, § 5-403)

**9-504. Revocation or suspension of franchise.** The city council, 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. (1974 Code, § 5-404)

**9-505. Mechanical condition of vehicles.** It shall be unlawful for any person to operate any taxicab in the municipality unless it is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear view 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. (1974 Code, § 5-405)

**9-506. Cleanliness of vehicles.** All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1974 Code, § 5-406)

**9-507. Inspection of vehicles.** All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1974 Code, § 5-407)

**9-508. License and permit required for drivers.** No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1974 Code, § 5-408)

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

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1974 Code, § 5-409)

**9-510. Revocation or suspension of driver's permit.** The city council, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1974 Code, § 5-410)

**9-511. Drivers not to solicit business.** All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the City of Watertown for the purpose of obtaining patronage for their cabs. (1974 Code, § 5-411)

**9-512. Parking restricted.** It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging

passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1974 Code, § 5-412)

**9-513. Drivers to use direct routes.** Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1974 Code, § 5-413)

**9-514. Taxicabs not to be used for illegal purposes.** No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1974 Code, § 5-414)

**9-515. Miscellaneous prohibited conduct by drivers.** It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise unreasonably disturb the peace, quiet, and tranquility of the municipality in any way. (1974 Code, § 5-415)

**9-516. Transportation of more than one passenger at the same time.** No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1974 Code, § 5-416)

**9-517. Fares.** All taxicab service shall be furnished under such rate schedules as the city council may from time to time adopt by appropriate ordinance or resolution. (1974 Code, § 5-417)

## CHAPTER 6

### POOL ROOMS<sup>1</sup>

#### SECTION

9-601. Prohibited in residential areas.

9-602. Hours of operation regulated.

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

9-604. Gambling, etc., not to be allowed.

**9-601. Prohibited in residential areas.** It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1974 Code, § 5-501)

**9-602. Hours of operation regulated.** It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 12:00 A.M. and 6:00 A.M. on other days. (1974 Code, § 5-502, modified)

**9-603. Minors to be kept out; exception.** It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1974 Code, § 5-503)

**9-604. 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. (1974 Code, § 5-504)

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.



**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 Watertown and its inhabitants under franchise as the city council shall grant. The rights, powers, duties and obligations of the City of Watertown 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.<sup>1</sup>

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<sup>1</sup>Complete details relating to the cable television franchise agreement are in the office of the city recorder.

## CHAPTER 8

### ADULT ORIENTED ESTABLISHMENTS

#### SECTION

- 9-801. Definitions.
- 9-802. Compliance with state laws.
- 9-803. Prohibited conduct.
- 9-804. Distance requirements.
- 9-805. Prohibited use of premises.
- 9-806. Building construction.
- 9-807. Booths and cubicals.
- 9-808. Violation and penalty.
- 9-809. Real property.

**9-801. Definitions.** For the purposes of this chapter, the following definitions shall be used:

(1) "Adult bookstore" means an establishment having as a substantial or significant portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals 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, and/or, have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein;

(2) "Adult cabaret" means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers;

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

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

(5) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to

"specified sexual activities" or "specified anatomical areas" as described below, for observation by patrons therein;

(6) "Adult-oriented establishments" includes, but is not limited to, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture establishment," "escort service," or "adult cabarets" and further means any premises 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 adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An "adult-oriented establishment" further includes any premises that is physically arranged and used for adult entertainment; or any activity or business which has "adult entertainment" for charge or profit;

(7) "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-oriented establishment;

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

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

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

(11) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

(12) "Open office" means an office at the escort service from which the escort business is transacted and which is open to patrons or prospective patrons during all hours during which escorts are working, which is managed or operated by an employee, officer, director or owner of the escort service having authority to bind the service to escort and patron contracts and adjust patron and consumer complaints;

(13) "Operator" means any person, partnership, limited partnership, limited liability company or corporation operating, conducting or maintaining an adult-oriented establishment;

(14) "Person" means an individual, partnership, limited partnership, limited liability company, firm, corporation or association;

- (15) "Specified anatomical areas" means:
- (a) Less than completely and opaquely covered:
    - (i) Human genitals;
    - (ii) Pubic region;
    - (iii) Buttocks; and
    - (iv) Female breasts below a point immediately above the top of the areola; and
  - (b) Human male genitals in a discernibly turgid state, even if completely opaquely covered; and
- (16) "Specific sexual activities" means:
- (a) Human genitals in a state of sexual stimulation or arousal;
  - (b) Acts of human masturbation, sexual intercourse or sodomy;
- or
- (c) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts. (Ord. #97-4, May 1997)

**9-802. Compliance with state laws.** (1) All persons operating an adult-oriented establishment within the city limits of Watertown, Tennessee shall obey and follow all state statutes, including but not limited to all statutes concerning nudity and shall also comply with any licensing requirements which may be required under state, county or city law.

(2) All persons, operators or owners of an adult-oriented establishment, as defined herein, or by applicable state law, shall comply to the requirements of Tennessee Code Annotated, §§ 39-17-901 through 39-17-908, § 39-17-911, § 39-17-914, and §§ 39-17-918 through 39-17-920 or be subject to prosecution under said state law.

(3) All persons, operators or owners of an adult-oriented establishment, as defined herein, or by applicable state law, shall comply with the requirements of Tennessee Code Annotated, § 39-13-511 or be subject to prosecution under the provisions of said statute. (Ord. #97-4, May 1997)

**9-803. Prohibited conduct.** (1) It shall be unlawful for any person maintaining, owning or operating an adult cabaret or an adult-oriented establishment located within the City of Watertown, Tennessee:

- (a) To permit any dancer to fondle or caress any patron or to permit any patron to fondle or caress any dancer; or
  - (b) To permit dancing at any location which shall encourage the patrons to fondle or caress a dancer; or
  - (c) To permit any dancer to solicit any pay or gratuity from any patron; or
  - (d) To permit any dancer to perform off of the permanent stage;
- or
- (e) To permit any patron to be seated or to stand closer than four (4) feet to the edge of the permanent stage.

(2) No person who maintains, owns or operates an adult-oriented establishment shall permit specified sexual activities to occur on the premises, nor shall permit any viewing of specified anatomical areas to occur on the premises. (Ord. #97-4, May 1997)

**9-804. Distance requirements.** No adult-oriented establishment shall be operated or maintained within one thousand (1,000') feet of a residentially zoned district, the property line of a lot devoted to residential use, a church, a state licensed daycare facility, public library, or private/public education facility which serves persons ages 17 years or younger, and elementary school, a high school, funeral parlor/home, a public park, a place of assembly of fifty people or more, or another adult-oriented establishment as defined herein. To determine the distance requirements under this section, said distance limitation shall be measured in a straight line from and to the nearest lot lines of the premises for the adult-oriented establishment and the lot lines of the above defined areas. (Ord. #97-4, May 1997)

**9-805. Prohibited use of premises.** No commercial building, structure, premises or subdivision, or part thereof, or facilities therein, shall be so constructed, used, or operated for the purposes of high-risk sexual conduct as defined by "specified sexual activities"; and no commercial building, structure, premises or subdivision, or part thereof, or facilities therein, shall be designed for or used to promote high-risk sexual conduct which could be conducive to the spread of Acquired Immune Deficiency Syndrome (AIDS), and any commercial building or structure which is constructed or used for such activities shall be in violation of this chapter. (Ord. #97-4, May 1997)

**9-806. Building construction.** To promote the health, safety and welfare of all persons in the City of Watertown, no person shall occupy any commercial building, structure, or premises, or portion or part thereof which fails to comply with the following requirements:

(a) For the prevention of the spread of sexually-transmitted disease, no partitions between subdivision of a room, portion or part of a building, structure or premises may have an aperture which is designed or otherwise constructed to encourage sexual activities or contact between persons on either side of the partition.

(b) No booths, stalls, or partition portions of a room, or individual rooms, used for the viewing of motion pictures or other forms of entertainment, shall have doors, curtains or portal partitions, but all such booths, stalls, partition portions of a room, or individual room so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of adult-oriented

entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered adult-oriented entertainment.

(c) No commercial building, structure or premises shall be so constructed that private rooms or accommodations can be offered to patrons of that business operated therein if:

(i) The building structure or premises is in violation of this chapter; and

(ii) The building, structure or premises is not a validly operating hotel, motel, apartment complex or condominium. (Ord. #97-4, May 1997)

**9-807. Booths and cubicals.** During the operation of an adult-oriented establishment, where booths or cubicals are employed, only one individual shall occupy a booth, room or cubical at any one time. No occupant of a booth, room or cubical shall engage in any type of specified sexual activity or any sexual activity which may cause any bodily discharge or litter while in the booth. The owner and operator of the adult-oriented establishment shall maintain the premises in a clean and sanitary manner at all times. (Ord. #97-4, May 1997)

**9-808. Violation and penalty.** Any person violating this chapter shall commit an offense against the City of Watertown, Tennessee, and upon conviction shall be fined under appropriate state law, or shall be fined for a conviction within the City Court of Watertown, Tennessee, with a fine of up to fifty dollars (\$50.00) per day per violation. This chapter does not apply to any theatrical production which is performed in a theater by a professional or amateur theatrical or musical company and which has serious artistic merit, or to any other actions which are construed to have serious artistic merit. (Ord. #97-4, May 1997)

**9-809. Real property.** Any real property found to be in violation of the requirements stated in this chapter may also be subject to an order of closure, and/or cease and desist, by chancery court action seeking injunctive relief to enforce the provisions of this law. (Ord. #97-4, May 1997)