TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.[1]

CHAPTER
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5. GAME ROOMS.
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CHAPTER 1

TRANSIENT DEALERS[2]

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[1]Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Junkyards: title 13.
Liquor and beer regulations: title 8.
Noise reductions: title 11.
Privilege tax: title 5.
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[2]Municipal code reference
Privilege tax: title 5.

9-113. Reapplication.
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9-101. Definitions. The following definitions are applicable to this chapter:

(1) "Merchandise" means any consumer item or goods that is or is represented to be new or not previously owned by a consumer.

(2) "Temporary premises" means any public or quasi-public place, including but not limited to a hotel, motel, storeroom, out building, tent, vacant lot, warehouse, railroad car or motor vehicle, temporarily occupied and/or used in any manner for the purpose of exhibiting and/or selling merchandise to the public. Premises are not considered 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.

(3) "Transitory dealer" means any person who brings into a temporary premises and exhibits to the public merchandise for the purpose of selling or offering to sell such merchandise to the public.

(4) "Person" means an individual, partnership or corporation.

(5) "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. (1985, Code, § 5-101, as amended by Ord. #13-03, July 2013)

9-102. Permit required. It shall be unlawful for any transient dealer or solicitor to ply his trade within the corporate limits without first obtaining a permit therefore 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. (1985 Code, § 5-102, as replaced by Ord. #13-03, July 2013)

9-103. Exemptions. Chapter shall not be applicable to:

(1) Persons selling at wholesale to retail merchants.

(2) Arts and craft fairs, and other fairs and festivals conducted primarily for amusement and entertainment.

(3) Wholesale trade shows wherein there are no sales made to retail customers, and all purchases, if any, are made by licensed retail merchants.

(4) A person operating a permanent business but occupying a temporary premises and thereon prominently displays the business name and address.

(5) Yard sales. (1985 Code, § 5-103, as replaced by Ord. #13-03, July 2013)

9-104. Application for permit. Applications for a permit must be made at least fourteen (14) days prior to exhibiting or offering for sale any merchandise. Applicants for a permit must file with the city manager a sworn written application containing the following:

(1) Name and social security number.
(2) Permanent address.
(3) Local address of applicant.
(4) Address of temporary premises.
(5) Brief description of nature of business and merchandise to be sold.
(6) Dates and times during which business will be conducted.
(7) Description of motor vehicle, state of registration and license number.
(8) Name and address of employer, if any.
(9) Criminal record, if any.
(10) 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.
(11) Names and address of those who will conduct business of applicant.
(12) Name and address of true owner of merchandise if applicant is not true owner.
(13) Statement of gross sales from business conducted in the City of Lewisburg for three (3) years immediately preceding the application and estimate of gross receipts to be received from business conducted in the City of Lewisburg for the first year subsequent to the application.
(14) If a corporation, a copy of certificate from the Secretary of State of Tennessee showing that it is qualified to do business in the State of Tennessee and the names and address of agent for service of process.
(15) A recent photograph of applicant.
(16) At the time of filing of the application, a non-refundable fee of fifty dollars ($50.00) shall be paid to the city to cover the cost of investigating the facts stated therein. (1985 Code, § 5-104, as amended by Ord. #17-07, July 2017)

9-105. 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 manager 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 manager 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

manager shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-107. The city manager shall keep a permanent record of all permits issued. (1985 Code, § 5-105)

9-106. Appeal. Any person aggrieved by the action of the city manager in the denial of a permit shall have the right to appeal to the city council. Such appeal shall be taken by filing with the city manager within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The city manager shall set a time and place for a hearing on such appeal and notice of the time and place of 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. (1985 Code, § 5-106)

9-107. Bond. Every permittee shall file with the city recorder a surety bond running to the city in the amount of five thousand dollars ($5,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the city 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 city 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 city 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. (1985 Code, § 5-107, as replaced by Ord. #17-07, July 2017)

9-108. 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 city 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. (1985 Code, § 5-108)

9-109. 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 such operation might impede or inconvenience the public use of such

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. (1985 Code, § 5-109)

9-110. Exhibition of permit. Permittees are required to exhibit their permits at the temporary premises so as to be visible to the public. (1985 Code, § 5-110)

9-111. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1985 Code, § 5-111)

9-112. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the city council 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 a transient dealer.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of a transient dealer 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 city manager may suspend a permit pending the revocation hearing. (1985 Code, § 5-112)

9-113. 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. (1985 Code, § 5-113)

9-114. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire fourteen (14) days from the date issued. An application for a renewal shall be made substantially in the same form as the 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. (1985 Code, § 5-114, as replaced by Ord. #17-07, July 2017)

CHAPTER 2

CHARITABLE SOLICITORS

SECTION
9-201. Authorization.

9-201. Authorization. The city council may from time to time by resolution fix guidelines and/or regulations for charitable solicitors. (1985 Code, § 5-201)

CHAPTER 3

ROADBLOCKS, ETC. ON STREETS[1]

SECTION

9-301. Definitions.
9-302. Persons authorized to establish a road block.
9-303. Restricted activities.
9-304. Liability.
9-305. Violation and penalty.

9-301. Definitions. As used in this chapter:

(1) "National recognized organization" must be a 501(C)3 entity pursuant to the federal tax code, and includes charities, fraternal organizations, civic clubs, etc. which have a national recognition, authorized by the laws of the United States, chartered by federal law and have a local presence in Lewisburg.

(2) "Person" means any person or group acting individually or in concert.

(3) "Roadblock" means any activity by one or more persons which obstructs or slows traffic and includes, but not limited to, a person standing on a street in such a position or moving to a position that when a vehicle stops for a traffic signal, such person can talk to the driver or any passenger for the purpose of selling or promoting the sale of anything or soliciting a contribution or gift of any kind.

(4) "Sign" means any type of display, sign, placard, signal or other device which advertises any activity and is not an official traffic control device or directional sign.

(5) "Square" means the portion of West Commerce, Church Street and First and Second Avenues North adjacent to the Marshall County Courthouse, commonly known as the "Square."

(6) "Street" means any highway, street, alley or public right-of-way, except the Square. (Ord. #98-05, Nov. 1998, as amended by Ord. #09-08, Aug. 2009)

9-302. Persons authorized to establish a roadblock. (1) Persons representing a national recognized organization may establish a roadblock on the Square for the purpose of selling or promoting the sale of anything or soliciting a contribution or gift for the national recognized organization, provided:

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[1]State law reference
Tennessee Code Annotated, § 39-17-307.

(a) Persons participating in the roadblock are eighteen (18) years or older;

(b) Person in charge of roadblock applies for a permit from the Lewisburg Police Department at least ten (10) days before the establishment of a roadblock; person in charge must maintain a copy of permit and produce the same upon request during the roadblock. Person in charge will be furnished with a copy of this ordinance and must read and sign the same prior to issuance of a permit.

(c) Persons participating in the roadblock remove all signs or other displays upon completion of the roadblock;

(d) Person in charge of roadblock, or his designee, shall be present throughout the time of the roadblock.

(e) Collectors at roadblock shall be limited to two (2) people per roadway or four (4) people per intersection.

(f) Organizations may utilize roadblocks two (2) times per year.

(g) Roadblocks shall not exceed five (5) hours from start to finish.

(2) No person, except one with a permit representing a national recognized organization, law enforcement officer, fireman or one with authority to control traffic and the use of a street, shall establish a roadblock on any street. (Ord. #98-05, Nov. 1998, modified, as amended by Ord. #09-08, Aug. 2009)

9-303. Restricted activities. (1) No person without a permit shall be on a street:

(a) To solicit gifts or contributions or cause the solicitation of gifts or contributions;

(b) To sell, offer to sell or cause the selling or offering to sell any goods, whether the sale of such goods occurs on a street or off a street;

(c) To promote or advertise any activity; and

(d) To place a sign on a street to advertise or promote any activity.

(2) No person shall disobey an order to move or remove a sign issued by a person who is a law enforcement officer, firefighter, public works employee, or person with authority to control traffic on a street or to maintain public safety on a street. (Ord. #98-05, Nov. 1998, modified)

9-304. Liability. Any person violating any provision of this chapter shall be liable for any accident or other occurrence arising from the illegal use of a street and no liability shall attach to the city, its officials and any member of the Lewisburg Police Department. (Ord. #98-05, Nov. 1998)

9-305. Violation and penalty. Any person violating this chapter shall be subject to a penalty not to exceed five hundred dollars ($500.00) and each day of violation constitutes a separate and distinct violation, subject to a penalty not in excess of five hundred dollars ($500.00) plus court costs. (Ord. #98-05, Nov. 1998)

CHAPTER 4

TAXICABS[1]

SECTION
9-401. Definition.
9-402. Business license.
9-403. Taxicab license.
9-404. Character of applicant.
9-405. Fee.
9-406. Tag or sticker.
9-407. Vehicles.
9-408. Drivers.
9-409. Use of alcohol and drugs prohibited.
9-410. Insurance.
9-411. Traffic rules.
9-412. Unlawful use.
9-413. Passengers.
9-414. Violation.

9-401. Definition. The term "taxicab" as used in this chapter shall mean and include every motor vehicle designed and/or constructed to accommodate and transport passengers, not more than five (5) in number, exclusive of driver, and fitted with taximeters and/or using or having some other device, method or system to indicate and determine the passenger fare charged for distance travel or which as defined in Tennessee Code Annotated, § 65-15-103(10), or as hereinafter amended. (1985 Code, § 5-301)

9-402. Business license. It shall be unlawful to engage in the taxicab business in the City of Lewisburg without first having secured a business license for such business. (1985 Code, § 5-302)

9-403. Taxicab license. Every person engaged in the taxicab business in the City of Lewisburg first obtain a taxicab license from the City of Lewisburg. Applications for such license shall be made in writing to the City of Lewisburg and shall state the name and address of the applicant, the place of business and the number of cabs to be operated. If the applicant is a corporation, the names and addresses of the president and secretary shall be given. Applications shall be on such form as the City of Lewisburg may prescribe. (1985 Code, § 5-303)

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[1]Municipal code reference
Privilege taxes: title 5.

9-404. Character of applicant. No taxicab license shall be issued to or held by any person who is not of good character or who has been convicted of a felony within the last 5 years immediately preceding; nor shall such license be issued to or held by any corporation if any officer thereof would be ineligible for a license under the foregoing conditions (1985 Code, § 5-304)

9-405. Fee. The annual fee payable in advance, for such license, shall be $10.00 plus $10.00 for each taxicab operated. Whenever the number of taxicabs so operated increases during the license year, the licensee shall notify the clerk of such change and shall pay $5.00 per additional cab. If the number of cabs so operated decreases during the license year, the licensee shall not be entitled to a refund. This fee shall be for the purpose of reimbursing the city for administrative cost in administering this chapter. (1985 Code, § 5-305)

9-406. Tag or sticker. The City of Lewisburg shall issue a tag, sticker, placard or other document which shall be displayed in a prominent place in or on each taxicab while it is in use, and may be transferred to any taxicab put into service to replace one withdrawn from service. The licensee shall notify the City of Lewisburg of the vehicle VIN number and state license number of each taxicab operated and of the corresponding city license number. (1985 Code, § 5-306)

9-407. Vehicles. (1) No taxicab shall operate unless it bears a proper Tennessee license plate and additional fees required by Tennessee Code Annotated, § 55-4-112 have been paid;

(2) No taxicab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror, and windshield wipers in good condition and have painted on it its seating capacity as required, by Tennessee Code Annotated, § 55-4-112(c). It shall be the duty of the chief of police to inspect every taxicab so often as may be necessary to see to the enforcement of the provisions of this section.

(3) Each taxicab, while being operated, shall have such insignia, logo, lettering, or marking to identify it as a taxicab from a distance of 50 feet. If more than one (1) cab is operated by a licensee, each cab shall be designated by a different number. (1985 Code, § 5-307)

9-408. Drivers. No person shall drive a taxicab or be hired or permitted to unless he is duly licensed by Tennessee law to carry passengers for hire and have in his possession no less than a Class D driver's license with a "for hire endorsement" displayed thereon, issued by the Department of Safety of the State of Tennessee. (1985 Code, § 5-308)

9-409. Use of alcohol and drugs prohibited. It shall be unlawful for any driver of a taxicab while on duty to drink any alcohol or consume any drug

or have in his possession alcohol or any drug unless the alcohol or drug is prescribed by a physician licensed to practice in the State of Tennessee and the driver has in his possession proof of such prescription. (1985 Code, § 5-309)

9-410. Insurance. No taxicab shall be operated unless it is covered by a public liability insurance policy in the amount of $25,000/50,000/10,000. (1985 Code, § 5-310)

9-411. Traffic rules. It shall be the duty of every taxicab driver to obey all traffic laws and rules established by statute or ordinance. (1985 Code, § 5-311)

9-412. Unlawful use. It shall be unlawful to knowingly permit any taxicab to be used in the violation of any law, felony or misdemeanor, or ordinance of the City of Lewisburg. (1985 Code, § 5-312)

9-413. Passengers. It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to use the taxicab, provided such person is not intoxicated or under the influence of drugs and conducts himself in an orderly manner. Further, it shall be the duty of the driver of any taxicab to prevent, to the best of his ability, the consumption of alcohol or drugs by a person who is a passenger in the taxicab. No person shall be admitted to a taxicab occupied by a passenger without consent of the passenger.

The taxicab driver shall take his passenger to his destination by the most direct available route from the place where the passenger enters the cab. (1985 Code, § 5-313)

9-414. Violation. Any person violating any provision of this chapter may be summoned to appear in city court to answer charges of such violation. If the city judge of the city court determines that such person has violated this chapter, the city judge has the authority to suspend or terminate the taxicab license and penalize such person not more than five hundred dollars ($500.00) for each violation. (1985 Code, § 5-314)

CHAPTER 5

GAME ROOMS[1]

SECTION
9-501. Definitions.
9-502. Permit required.
9-503. Permit application.
9-504. Fees.
9-505. Premises design.
9-506. Permit issuance or refusal.
9-507. Appeal.
9-508. Posting permit.
9-509. Police enforcement.
9-510. Permit revocation or suspension.
9-511. Hours of operation.
9-512. Minors.
9-513. Activities not permitted.
9-514. Re-application.
9-515. Permit expiration and renewal.
9-516. Penalty.

9-501. Definitions. The following definitions are applicable to this chapter:

(1) "Game" means any amusement machine, video or device operated by means of insertion of a coin, token, or similar object or pool or billiard tables, for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features, nor does the term include any coin-operated mechanical musical device.

(2) "Game room" means any place where games are displayed for use by the public and fees from the use or play of the games are the primary source of income to the permittee, whether or not another business is conducted on the premises.

(3) "Operator" means the person who manages controls or supervises the game room.

(4) "Permittee" is the person to whom the permit is issued.

(5) "Person" means any person, firm, corporation, partnership or association.

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[1]Municipal code reference
Privilege taxes: title 5.

(6) "Premises" means the interior of a building or structure including interior contiguous spaces which are not separated by a permanent solid wall from other interior portions of the building or structure under the same roof, and where applicable includes the parking area adjacent to and servicing the building or structure.

(7) "Proprietor" means any person who as the owner, lessee, proprietor has under his control a game room.

(8) "Video" means any game using computer technology and a type of video display. (1985 Code, § 5-401)

9-502. Permit required. No person shall engage in the business of an operator without first obtaining a permit which is non-assignable and non-transferable and shall apply only to the premises to which the permit is issued. No permit shall be used by any person other than the person who applied for and to whom it was issued. (1985 Code, § 5-402)

9-503. Permit application. A sworn to written application for a permit to open and operate a game room must be submitted to the city manager at least fourteen (14) days prior to opening a game room and contain the following:

(1) Name and social security (Federal ID number) of applicant.

(2) Applicant's permanent and local address, if different.

(3) Address of premises.

(4) Name and address of operator of game room.

(5) Name and address of proprietor if different from operator.

(6) Name and address of person owning game room premises if operator or proprietor is not owner.

(7) Criminal record, if any, of applicant, operator, proprietor or owner of premises of game room.

If any person named in the application is a corporation, a certificate of existence from the Secretary of State of the State of Tennessee and the name and address of registered agent must be submitted with the application. If any person is a natural person, a recent photograph must be submitted with the application. (1985 Code, § 5-403)

9-504. Fees. A non-refundable fee of $25.00 shall accompany each application and a non-refundable fee of $10.00 shall accompany each renewal application, said fees to be used by the city for processing the applications. (1985 Code, § 5-404)

9-505. Premises design. Premises shall be of such design that the interior can easily be seen from the exterior and no curtains, drapes, shades, blinds, or other thing shall be used to hinder a clear and unobstructed view of the interior of the premises from the exterior and shall have adequate and

separate toilet facilities for men and women. The city manager shall approve the design of the premises prior to issuing a permit. (1985 Code, § 5-405)

9-506. Permit issuance or refusal. Each application shall be submitted to the chief of police for investigation who shall report his findings to the city manager within 72 hours. If as a result of such investigation, the chief of police reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the city manager shall notify the applicant that his application is disapproved and no permit will be issued. If, on the other hand, the chief of police reports the moral application and business responsibility of the applicant are satisfactory, and all other requirements have been met, the city manager shall issue a permit upon the payment of all applicable privilege taxes. The city manager shall keep a permanent record of all applications, his decision on each application and permits issued. (1985 Code, § 5-406)

9-507. Appeal. Any person aggrieved by the action of the city manager in the denial of a permit may appeal to the city council by filing with the city manager within fourteen (14) days after notice of the action complained of a written statement setting forth fully the grounds for the appeal. The city manager shall set a time and place for hearing on such appeal and notice of the time and place of the hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the appellant at his last known address at least five (5) days prior to the date set for the 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 the hearing. (1985 Code, § 5-407)

9-508 Posting permit. Permits issued by the city manager shall be posted in a conspicuous place inside the premises. (1985 Code, § 5-408)

9-509 Enforcement. The provisions of this chapter shall be enforced by the city manager, or his designee, and the police. (1985 Code, § 5-409)

9-510 Permit revocation or suspension. (1) After notice and hearing, the city council may revoke any permit issued under the provisions of this chapter for any of the following causes:

(a) Fraud, misrepresentation or incorrect statement contained in the application for any permit;

(b) Violation of any provision of this chapter;

(c) Conviction of any crime or misdemeanor; or

(d) Operating a game room in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to health, safety or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the city manager in writing, setting forth specifically the grounds for revocation

and the time and place of the 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 the hearing.

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

(4) At the hearing, the permittee may be represented by counsel. (1985 Code, § 5-410)

9-511. Hours of operation. It shall be unlawful for any person to open, maintain, conduct or operate a game room, or play or operate a game in a game room between the hours of 2:00 A.M. and 6:00 A.M. each and every day of the week including Sunday and, in addition, between the hours of 6:00 A.M. and 12:00 Noon on Sunday. (Ord. #97-06, April 1997)

9-512. Minors. It shall be unlawful for any person to knowingly permit any person under the age of 15 years to play or operate a game in a game room without first obtaining the written consent of a parent, guardian or other person having legal control of such person. (1985 Code, § 5-412)

9-513. Prohibited activities. Possession, sale or consumption of alcohol, or any unlawful act or conduct shall not be permitted on the premises at any time. (1985 Code, § 5-413)

9-514. Re-application. No new permit will be granted to a person, or the person's immediate family, for six (6) months immediately following the revocation of the person's permit. (1985 Code, § 5-414)

9-515. Permit expiration and renewal. Permit shall expire on the same date that the permittee's privilege license expires. Permits issued to permittees who are not subject to the privilege license shall be issued for one (1) year. An application for a renewal permit shall be made substantially in the same form as an application for a new permit. (1985 Code, § 5-415)

9-516. Penalty. In addition to revocation of a permit, the city manager may cause a warrant to be issued for violation of any provision of this chapter and the city court may assess a penalty of not more than five hundred dollars ($500.00) for each violation. Each day a violation occurs shall be considered a separate violation. (1985 Code, § 5-416)

CHAPTER 6

TRAVELING SHOWS AND SIMILAR ENTERTAINMENT

SECTION
9-601. Permit required.
9-602. Inspection required before permit issued.
9-603. Permit fee.
9-604. Liability insurance and cash bond required.
9-605. Permit revocation.

9-601. Permit required. No person, firm or corporation shall set up and/or show or exhibit any circus, menagerie, carnival, or other similar entertainment or traveling show, all hereinafter referred to as "show," within the city without a permit to do so issued by the city manager. Application for such permit shall be in writing and filed with the city manager at least fifteen (15) days prior to the opening date of any performance. The application shall state: the name and address of the owner of the show; the name and address of the sponsoring person or group; the area or location within the city to be used; the time the show will be opened to the public; what provisions have been made for off street parking; what provisions have been made for sanitary facilities; and such other relevant information as the city manager may require. (1985 Code, § 5-501)

9-602. Inspection required before permit issued. The city manager shall not issue a permit unless the applicant has made provisions for inspection before opening of the show by the city building inspector and city fire marshall, sufficient off street parking; sufficient provisions for sanitary facilities; the clearing of straw, dry grass and any combustible trash from the premises before the show is open to the public and arrangements made to keep the premises where debris may be expected to accumulate well serviced; proper facilities for calling the city fire and police departments; and rendering non-flammable any tent or canvas structures. (1985 Code, § 5-502)

9-603. Permit fee. In addition to any other tax, fee or payment required by any other provision of this chapter, any other ordinance or state law, a permit fee of one hundred dollars ($100.00) shall be paid to the city. (1985 Code, § 5-503)

9-604. Liability insurance and cash bond required. Prior to the issuance of a permit, the applicant shall furnish evidence that a public liability insurance policy in an amount of not less than $100,000 for any one person and $300,000 for any one accident is in force and effect at the time the show is open to the public.

The applicant shall deposit with the city a cash bond in the sum of $400.00, conditioned that no damage will be done to the streets, utilities, trees or adjoining property and that no dirt, paper, litter or other debris will be permitted to remain upon the streets or upon any property by such applicant. The cash bond shall be returned to the applicant upon certification by the city manager that all the foregoing conditions have been complied with. If the city manager finds that damage has been done to the streets, utilities, trees or adjoining property or that dirt, paper, litter or other debris remains on the property, the cash bond shall be retained by the city. (1985 Code, § 5-504)

9-605. Permit revocation. If the city manager finds that a show is being maintained in violation of any of the provisions of this chapter or in such a manner as to constitute a fire hazard or be a threat to the public safety, he may revoke the permit and it shall be unlawful for any person to continue to operate the show authorized by such permit. (1985 Code, § 5-505)

CHAPTER 7

SELF SERVICE CAR WASHES

SECTION
9-701. Definition.
9-702. Duty of owner or operator.
9-703. Violation and penalty.

9-701. Definition. For the purposes of this chapter, a car wash shall include all operations on the premises where two or more motor vehicles may be washed simultaneously or where facilities are provided for coin-operated or self service washing of motor vehicles. (1985 Code, § 5-601)

9-702. Duty of owner or operator. It shall be the duty of the owner or operator of any car wash to:

(a) Keep the premises free of debris and litter;

(b) Prevent excessive noise and rowdiness;

(c) Maintain peace, order and safety on the premises. (1985 Code, § 5-602)

9-703. Violation and penalty. Any person violating any provision of this chapter shall be fined according to the general penalty provision of this code of ordinances for each offense. (1985 Code, § 5-603)

CHAPTER 8

CABLE TELEVISION SYSTEM

SECTION
9-801. To be furnished under franchise.

9-801. To be furnished under franchise. Cable television service shall be furnished to the City of Lewisburg and its inhabitants under a non-exclusive franchise granted to InterMedia partners of West Tennessee, L.P., by the city council of the City of Lewisburg, Tennessee. The rights, powers, duties and obligations of the City of Lewisburg and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.[1] (1985 Code, § 5-701)

[1]For complete details relating to the cable television franchise agreement see Ord. #90-6 in the office of the city recorder.

CHAPTER 9

YARD SALES

SECTION
9-901. Definitions.
9-902. Property permitted to be sold.
9-903. Permit required.
9-904. Permit procedure.
9-905. Permit conditions.
9-906. Hours of operation.
9-907. Exceptions.
9-908. Display of sale property.
9-909. Display of permit.
9-910. Advertising.
9-911. Persons exempted from chapter.
9-912. Violations and penalty.

9-901. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Person" shall mean a person, persons, individual or individuals.

(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.

(3) "Yard sales" shall mean and include all general sales, open to the public, conducted from or on any premises for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn" "attic," "porch," "room," "moving," "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 identifies items to be sold. (as added by Ord. #99-09, Nov. 1999)

9-902. 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. (as added by Ord. #99-09, Nov. 1999)

9-903. Permit required. No yard sale shall be conducted until the person desiring to conduct the yard sale obtains a permit from the zoning compliance officer. Members of more than one residence may join in obtaining

a permit for a yard sale to be conducted at the residence of one of them. Permits may be obtained for any nonresidential location. (as added by Ord. #99-09, Nov. 1999)

9-904. Permit procedure. (1) Application. The applicant or applicants for a yard sale permit shall file a written application with the zoning compliance officer at least three (3) days in advance of the proposed yard sale setting forth the following information:

(a) Full name and address of applicant or applicants.

(b) The location at which the yard sale is to be held.

(c) The date or dates upon which the yard sale shall be held.

(d) The date or dates of any other yard sales by the same applicant or applicants within the current calendar year.

(e) A statement that the property to be sold was owned by the applicant or applicants as his or their own personal property and was neither acquired nor consigned for the purpose of resale.

(f) A statement that the applicant or applicants will fully comply with this and all other applicable ordinances and laws.

(2) Issuance of permit. Upon the applicant complying with the terms of this chapter, the zoning compliance officer shall issue a permit. (as added by Ord. #99-09, Nov. 1999)

9-905. Permit conditions. The permit shall set forth the time and location of the yard sale. No more than four (4) yard sale permits shall be issued to one residential location, residence and/or family household during any calendar year. If members of more than one residence join in requesting a yard sale permit, then the yard sale permit shall be considered as having been issued for each and all of the residences. (as added by Ord. #99-09, Nov. 1999)

9-906. Hours of operation. Yard sales shall be conducted between 6:00 A.M. to 6:00 P.M. and for no more than three (3) consecutive days. (as added by Ord. #99-09, Nov. 1999)

9-907. Exceptions. Inclement weather. (1) If a yard sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and a statement by the permit holder to this effect is submitted, the zoning compliance officer shall issue another permit to the applicant for a yard sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.

(2) A second yard sale shall be permitted at a premises in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the zoning compliance officer. (as added by Ord. #99-09, Nov. 1999)

9-908. Display of sale property. (1) 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 yard sale shall be displayed in any public right-of-way.

(2) A vehicle offered for sale may be displayed on a permanently constructed driveway within the front or side yard.

(3) Personal property offered for sale shall be displayed not more than 24 hours before the time the yard sale is scheduled to start and shall be removed from public display within 24 hours from the end of the yard sale. (as added by Ord. #99-09, Nov. 1999)

9-909. Display of permit. Yard sale permit shall be posted on the premises in a conspicuous place so as to be seen by the public. (as added by Ord. #99-09, Nov. 1999)

9-910. Advertising. (1) Signs permitted. Only the following signs may be displayed for a yard 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 where the yard sale is being conducted.

(b) Directional signs. Two (2) directional signs of not more than two (2) square feet each are permitted, provided the premises on which the yard 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 the 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 the yard sale is to commence.

(3) Removal of signs. Signs shall be removed each day at the close of the yard sale activities.

(4) Posting of signs. Signs shall not be attached to utility poles, highway or street signs or directional signals and shall not be in or on any street, highway, alley, sidewalk or public right-of-way. (as added by Ord. #99-09, Nov. 1999)

9-911. Persons exempted from chapter. The provisions of this chapter shall not apply to or affect the following:

(1) Persons selling goods pursuant to a court order.

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

(3) Any sale conducted by any merchant or other business establishment on a regular, day-to-day basis from or at the place of business wherein the sale would be permitted by zoning regulations of the City of Lewisburg, 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.

(4) Public auction conducted by an auctioneer licensed by the State of Tennessee. (as added by Ord. #99-09, Nov. 1999)

9-912. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be subject to a penalty of up to seventy-five dollars ($75) for each offense. (as added by Ord. #99-09, Nov. 1999)