

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

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CHAPTER 1

PEDDLERS, SOLICITORS, ETC.²

SECTION

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9-101. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Taxation: title 5.

Zoning: title 14.

²Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: § 11-501.

who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

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

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

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

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

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

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

(5) "Transient vendor"¹ means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item, whether new (not previously owned by a consumer) or used (previously owned by a consumer), and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

9-102. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. However, in order for persons selling agricultural products to fall within this exception, they must be selling said products at a location on property they either own or have an otherwise legal interest in the property or legal right to use the property upon which they are selling said products. Further, in order for persons selling agricultural products to fall within this

¹State law references

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

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

exception, they must be able to prove the products they are selling were, in fact, produced by them.

9-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter.

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city clerk by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

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

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

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

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

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

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

(g) Anyone over eighteen (18) years of age is required to have a photo I.D.

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars (\$20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

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

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

9-105. Restrictions on peddlers, street barkers and solicitors. Except when specifically permitted by the governing body, no peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

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

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

9-106. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

9-107. Display of permit. Each person subject to the provisions of this chapter is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer or the building inspector upon demand.

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

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

(b) Any violation of this chapter.

(2) Suspension or revocation by the city council. The permit issued to any person or organization under this chapter may be suspended or revoked by the city council, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city clerk in writing, setting forth specifically the

grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

9-109. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.

9-110. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to one hundred dollars (\$100) for each offense. Each day a violation occurs shall constitute a separate offense.

CHAPTER 2

TAXICABS¹

SECTION

- 9-201. Definitions.
- 9-202. Permit required.
- 9-203. Form of permit.
- 9-204. Application for permit.
- 9-205. Investigation and hearing on application; issuance or refusal of certificate or permit.
- 9-206. Licensee to be bona fide owner of vehicle; muniment of title to be deposited.
- 9-207. Renting or leasing vehicles prohibited.
- 9-208. Liability insurance required.
- 9-209. Permit number to be painted on each cab; requirements as to letters and figures.
- 9-210. Reservation of right to fix fares.
- 9-211. Taxicab stands on streets and alleys prohibited.
- 9-212. Operating over fixed routes.
- 9-213. Awaiting employment at other than stands prohibited.
- 9-214. Leaving vehicles unattended on streets.
- 9-215. Conduct of drivers.
- 9-216. Drivers not to solicit passengers.
- 9-217. Vehicles to be kept clean and in good repair; inspection; removal from service.
- 9-218. Number of passengers.
- 9-219. Applicability of chapter to nonresident owners or operators.
- 9-220. Revocation of permits.

9-201. Definitions. The following terms, when used or referred to in this chapter, shall have the following respective meaning unless a different meaning appears from the context:

(1) "Person" shall include an individual, partnership, corporation, or association.

(2) "Taxicab" shall mean a motor vehicle designed or constructed to accommodate and transport passengers, not more than five (5) in number, exclusive of the driver, and not operating on an established route between fixed terminals under a permit granted by the city or the railroad and public utilities commission.

¹Municipal code reference
Privilege tax provisions: title 5.

(3) "Council" shall mean the city council of the city. (1974 code, sec. 5-401)

9-202. Permit required. No person shall operate a taxicab in the city without first having applied for and received from the board a permit therefor. (1974 code, sec. 5-402)

9-203. Form of permit. The permit required by this chapter shall be in the form of a certificate of public necessity and convenience. (1974 code, sec. 5-403)

9-204. Application for permit. Any person desiring to operate a taxicab in the city shall make an application for a permit addressed to the council, which application shall be in writing, verified by the affidavit of the applicant, or his duly authorized agent, and shall state the following facts:

- (1) The full name and address of the applicant, including the location of the garage from which he is to operate.
- (2) If a partnership, the name of each partner.
- (3) If a corporation, the name and addresses of the executive officers thereof.
- (4) The number of taxicabs desired to be operated.
- (5) The make of each taxicab.
- (6) State license numbers.
- (7) Such other information as may be required by the council.

The application shall be filed with the city clerk, who shall refer same to the council for investigation and hearing. (1974 code, sec. 5-404)

9-205. Investigation and hearing on application; issuance or refusal of certificate or permit. The permit required by this chapter shall be granted only after an investigation and hearing by the council to determine the need for additional taxicab service, the quality of services proposed to be rendered, as well as the number of taxicabs to be operated. If the council finds that public necessity and convenience require the operation of such vehicles or a greater or lesser number of vehicles than for which a permit has been applied, and the applicant is a person of suitable character and qualifications to conduct such business, it shall direct and notify the city clerk to issue the certificate as hereinafter provided. If the board finds that public necessity and convenience do not require the operation of any such vehicle, or the applicant is not a person of suitable character and qualifications to conduct such business, it shall immediately notify the applicant of its findings, and no permit or license shall be issued to such applicant. (1974 code, sec. 5-405)

9-206. Licensee to be bona fide owner of vehicle; muniment of title to be deposited. No permit or license for the operation of a taxicab shall be granted

to any person unless such person shall be the bona fide owner of such license, such person so applying shall deposit with the city clerk a certificate or other muniment of title for every taxicab to be licensed. The muniment of title shall be retained by the city clerk for such period of time as such vehicle is used as a taxicab. The business of every licensed taxicab shall be carried on by the person to whom the license or permit is issued, and by the person in whose name the contract of insurance provided for in this chapter is written. (1974 code, sec. 5-406)

9-207. Renting or leasing vehicles prohibited. No owner of a taxicab licensed in accordance with the provisions of this chapter shall rent or lease the same to any person, including his employees. (1974 code, sec. 5-407)

9-208. Liability insurance required. No person shall be allowed to operate a taxicab service until he has procured from some reliable insurance company, insurance to the extent of legal liability to one person in the sum of one hundred thirty thousand dollars (\$130,000) and to one accident to the extent of three hundred fifty thousand dollars (\$350,000), and property damage to the extent of fifty thousand dollars (\$50,000). Such liability shall extend regardless of whether the taxicab, at the time of the accident be driven by the owner or an employee. Such policies of insurance shall be approved by the city attorney and filed and left with the city clerk. Such policies of insurance shall not be cancelled or surrendered, except upon written notice to the city clerk.

Failure of any person to procure and file the policies of insurance as required by this section shall immediately forfeit and make null and void any permit issued under the provisions of this chapter, and all rights thereunder shall at once cease. (1974 code, sec. 5-408, modified)

9-209. Permit number to be painted on each cab; requirements as to letters and figures. Each person who has been granted a permit under the terms of this chapter shall have and keep painted in fast colors contrasting with the color of the vehicle, on each side of each and every vehicle used by him as a taxicab, the words: "Taxicab-Permit No. ____" filling the blank with the figures denoting the serial number of his permit. The letters and figures shall not be less than four (4) inches in height. (1974 code, sec. 5-409)

9-210. Reservation of right to fix fares.¹ The city reserves the right to fix taxicab fares within the city limits.

¹Charter reference
Article II, section 18(11).

9-211. Taxicab stands on streets and alleys prohibited. It shall be unlawful for any person or persons to operate a taxicab stand on any part of any public street or alley in the City of Harriman, Tennessee. (1974 code, sec. 5-411)

9-212. Operating over fixed routes. It shall be unlawful for any person to operate a taxicab over a certified route, running on regular schedules, and soliciting business in any way whether at a regular stop or on any part of a certified route which has been granted to a bus operating either through a franchise by the city or a certificate of convenience and necessity granted by the railroad and public utilities commission. (1974 code, sec. 5-412)

9-213. Awaiting employment at other than stands prohibited. No owner or driver of any taxicab shall stand beside a parked taxicab on any street or public thoroughfare while awaiting employment at any place other than a stand designated by the council and assigned to the owner of such taxicab. (1974 code, sec. 5-413)

9-214. Leaving vehicles unattended on streets. No owner or driver of any taxicab shall leave such cab unattended on any street for a period of time longer than three (3) minutes. (1974 code, sec. 5-414)

9-215. Conduct of drivers. It shall be unlawful for any driver of a taxicab, while on duty, to drink any intoxicating liquor, to use any profane or obscene language, to shout or call to prospective passengers, or to disturb the peace in any way. (1974 code, sec. 5-415)

9-216. Drivers not to solicit passengers. It shall be unlawful for any driver of any taxicab to drive or cruise about on the streets of the city soliciting passengers who have not ordered or called for a taxicab. (1974 code, sec. 5-416)

9-217. Vehicles to be kept clean and in good repair; inspection; removal from service. All taxicabs shall be kept clean and in a good state of repair, and shall be subject to inspection by the council, chief of police, or any person designated to make such inspection. Inspections may be made at any time deemed advisable by the council or chief of police. If a taxicab, when so inspected, shall be found in an unsanitary condition, or unsafe or improper for use, such vehicle shall be removed from service until it passes inspection by such authority. (1974 code, sec. 5-417)

9-218. Number of passengers. No more than five (5) passengers shall be carried in the same taxicab at any one (1) time, and not more than two (2) persons, excluding the driver, shall be seated in the front seat of any cab while the same is in motion. (1974 code, sec. 5-418)

9-219. Applicability of chapter to nonresident owners or operators. This chapter shall apply with equal force and effect to every owner and operator of a taxicab in, over, upon, and through the streets and thoroughfares of the city, whether such owner and operator of such taxicab shall reside within or without the corporate limits of the city and regardless of whether or not the taxicab stand from which the taxicab is operated is located within or without the corporate limits of the city, if such operator or person owning and operating such taxicab shall make a regular practice of bringing passengers for hire into the city or of picking up passengers within the corporate limits of the city for the purpose of transporting such passengers for hire to other points within or without the corporate limits of the city. (1974 code, sec. 5-419)

9-220. Revocation of permits. In the event any person granted a permit under the provisions of this chapter or any driver or other employee thereof shall be convicted in any court of this state of violating any provision of this chapter or of storing, transporting, or selling liquor or any other intoxicating beverages, in, from, or about any taxicab or premises for which a license has been granted, such license shall automatically be revoked and shall become null and void from and after the date of such conviction, and the further operation of any taxicab by any person under such license shall be in violation of this chapter. (1974 code, sec. 5-420)

CHAPTER 3

VIDEO ARCADES, POOL ROOMS, BOWLING ALLEYS, ETC.¹

SECTION

- 9-301. License required.
- 9-302. Authority of council to license; fee.
- 9-303. Application for license; signature of adjoining property owners required; affidavit of petitioner.
- 9-304. Proximity to churches, schools, etc.
- 9-305. Issuance of license.
- 9-306. Operating without a license.
- 9-307. Duration of license; renewal.
- 9-308. Failure of treasurer to comply with chapter relative to issuance of license.
- 9-309. Allowing gambling, disorderly conduct, or intoxicating liquor on premises.
- 9-310. Minors prohibited; exceptions.
- 9-311. Closing hours.
- 9-312. Forfeiture of license for violation of chapter.
- 9-313. License not transferable; exception.

9-301. License required. No person shall have, use or operate any pool or billiard tables, tenpin or bowling alley, box ball table or by video arcade in the city, for pay or profit, without first having obtained from the city a license therefor, as provided in this chapter. (Ord. 8833, sec. 1)

9-302. Authority of council to license; fee. The city council is hereby authorized to license any person to have, use or operate pool or billiard tables, tenpin and bowling alleys, box ball tables, and video arcades in the city, upon payment to the treasurer of the city of a fee of two dollars and fifty cents (\$2.50) for each pool or billiard table, or each tenpin or bowling alley, or each box ball table or each video machine licensed by it, for a period of three (3) months. (Ord. 8833, sec. 2)

9-303. Application for license; signature of adjoining property owners required; affidavit of petitioner. The applicant for a license, under the

¹Charter reference

Specific authority of the city to license and regulate billiard tables, bowling alleys, etc: Article II, section 8(12).

Municipal code reference

Privilege tax provisions: title 5.

provisions of this chapter, shall petition the mayor and city council in writing, stating in such petition the location where such pool or billiard tables, tenpin or bowling alleys, or box ball tables, or video machines will be used and operated should the license be granted. Such petition shall be signed by the owner of the building to be occupied, and also by the occupants of the buildings on either side of such building and contiguous thereto to be occupied. The petitioner shall annex to his petition his affidavit stating the names of all owners and occupants of such buildings, that each has signed such petition of his own free will and accord, and without any consideration therefor paid or agreed to be paid or rendered therefor by the applicant or by his procurement. The applicant must also show by affidavit that he has never been convicted of a violation of any license, excise, or internal revenue law or is not at the time of making application under indictment for any offense against the laws of any municipal, county, state, or the United States Government. (Ord. 8833, sec. 3)

9-304. Proximity to churches, schools, etc. The place or building to be occupied by a licensee under the provisions of this chapter shall not be closer to any church, school building, library, or public assembly room than a distance of one hundred (100) feet, however this provision shall not apply to video arcades. (Ord. 8833, sec. 4)

9-305. Issuance of license. The city council may in its discretion, by resolution, authorize the issuance of a license, as required by this chapter, and the mayor may approve the same. Such resolution of the city council with the mayor's approval thereon shall be certified by the city clerk to the city treasurer, who shall, upon receipt of the same, and upon the payment to him of the required license fee, issue to the applicant the license so authorized by the city council. (1974 code, sec. 5-505)

9-306. Operating without a license. It shall be unlawful for any person to operate a poolroom or bowling alley or video arcade without having obtained a license as required by this chapter, which license must be unrevoked and effective during any operation of such business. (Ord. 8833, sec. 5)

9-307. Duration of license; renewal. The license required by this chapter shall not be issued for a longer period than three (3) months, but may be renewed by the city council to operate in the same location without the necessity of the petitioner obtaining the written consent of the adjoining property owners and owner of the building in which the business is to be conducted; provided, that no complaint has been filed by such property owner or occupants of the adjoining property with any member of the city council, the mayor, the chief of police, or the city clerk; provided, further, that the applicant shall file the prescribed affidavit as required in section 9-303 of this code and it otherwise

appears that the business has been conducted in accordance with law and under the provisions of this chapter. (1974 code, sec. 5-507)

9-308. Failure of treasurer to comply with chapter relative to issuance of license. If the city treasurer should issue a license under the provisions of this chapter for a longer period than three (3) months, or without the necessary certified resolution from the city clerk, he shall be guilty of a misdemeanor. (1974 code, sec. 5-508)

9-309. Allowing gambling, disorderly conduct, or intoxicating liquor on premises. It shall be unlawful and a misdemeanor for the holder of a license under the provisions of this chapter, or his agents or employees, or other person for him, to permit gambling, disorderly, or indecent conduct on the premises occupied by such licensee or to allow any intoxicating liquors, beer and/or other alcoholic beverages to be kept, brought into, used, or drunk on premises. (1974 code, sec. 5-509)

9-310. Minors prohibited; exceptions. It shall be unlawful and a misdemeanor for the holder of a license under the provisions of this chapter, his agents or employees, or other persons for him, to permit any persons under the age of eighteen (18) years to enter and remain in the rooms or places where any pool and billiard tables, tenpin alleys, or box ball tables are located without being accompanied by their parents or guardians or having their written permission.

Any minor who shall claim to have the written permission of his parents or guardian, to enable him to play pool or billiards, or at a tenpin or bowling alley or box ball table, shall, on entering the room, file the same with the owner or operator of such place of business. Such permit shall cover only one (1) admission to such pool or billiard room, tenpin, or bowling alley, or box ball game and shall not justify or authorize any further admissions to any other time. (1974 code, 5-510, modified)

9-311. Closing hours. It shall be unlawful and a misdemeanor for any person owning or in charge of any place licensed under this chapter to keep the same open or to allow any person to enter the same or to play after 10:00 P.M. at night, except on Friday and Saturday nights when it shall be unlawful for any person owning or in charge of any place licensed under this chapter to keep the same open or allow any person in the same or to play therein after 12:00 P.M. at night. (1974 code, sec. 5-511, modified)

9-312. Forfeiture of license for violation of chapter. Should any holder of a license, issued under the provisions of this chapter, his agent, or employees, violate any of the provisions of this chapter, the city council shall have the power and authority to declare such license forfeited upon proof of such violation, in

which event such license shall cease to be operative and shall be null and void. (1974 code, sec. 5-512)

9-313. License not transferable; exception. No license issued under this chapter shall be transferable except upon the consent of the city council in called or regular session, and such action shall be made a part of the proceedings of the city council. (1974 code, sec. 5-513)

CHAPTER 4

RODEOS, CIRCUSES, CARNIVALS AND OTHER ITINERANT SHOWS

SECTION

- 9-401. Permit required; application for permit.
- 9-402. General conditions to issuance of permit.
- 9-403. Permit fees.
- 9-404. Occupancy of structure prohibited prior to issuance of permit.
- 9-405. Liability insurance and cash bond.
- 9-406. Inspection of premises.
- 9-407. Revocation of permit.

9-401. Permit required; application for permit. No person shall conduct, erect, or cause to be conducted or erected any rodeo, wild west show, menagerie, circus, carnival, or similar type or itinerant show within the City of Harriman without a permit to do so issued by the city coordinator. Application for such permit shall be in writing and filed with the city clerk at least fourteen (14) days prior to the opening date of any performance. The application shall clearly state the following:

- (1) The name of the owner and location of the property where the show or performance is to take place.
- (2) Whether any open flame is intended to be used within the structure and if so, what precautions are to be taken to render it safe.
- (3) The name of person, firm or corporation which will use the structure.
- (4) Location of principal place of business of such person, firm or corporation.
- (5) Names and addresses of the offices of such firm or corporation.
- (6) The length of time the structure or property is intended to be used for the purposes applied for.
- (7) The hours of the day or night during which such structure is intended to be used as a place of assembly or as a place of entertainment.
- (8) The formula of the solution which is to be used to flameproof the structure, or a copy of a certificate showing the date of the last flameproof treatment and by who performed.
- (9) What provisions have been made for sanitary facilities for persons using the premises on which such structure is to be erected or is maintained.
- (10) The name or names of the sponsoring local person or group.
- (11) That only safety film motion pictures will be used where motion pictures are to be shown.
- (12) That the proposed operation is in compliance with the zoning ordinance, as amended.

(13) The applicant will be required to furnish a sworn affidavit that no employee of the applicant has been convicted of a felony within ten (10) years.

(14) The applicant will file a sworn affidavit that there will be no obscene or nude performances; no gambling devices; no shell games; no activities of a wagering nature.

(15) The applicant will furnish a plan showing adequate off-street parking which will not congest traffic.

(16) The applicant will file a plan showing adequate sewage facilities for the disposal of sewage and all trash from the operation of the business including human excrement.

(17) The applicant will furnish a statement which will certify that the business will not be conducted in such a way as to create loud noises or disturb people sleeping in a residential neighborhood after 10:00 p.m.

(18) The applicant will furnish such other relevant information as the city clerk may require.

Such application shall include the name or names of the owner or owners, their address and the name or names of the manager or managerial personnel of the operation. (Ord. 834)

9-402. General conditions to issuance of permit. The city council shall not issue any permit required by this article, unless the applicant has made provision for:

- (1) Adequate aisles, seats, platforms, and poles.
- (2) Sufficient exits, well marked and properly lighted.
- (3) Lighted and unobstructed passageways to areas leading away from the structure, so that fire-fighting equipment and personnel may operate easily.
- (4) Removal, before the structure is to be used as a place of public assembly, of any pole, rope or other obstruction in any aisle or exit.
- (5) Inspection before the opening of the show by the city electrical inspector to ascertain if any defect exists in the wiring and provision made for immediate correction of any defect which may be found.
- (6) Sufficient first-aid fire appliances to be distributed through the structure with operating personnel familiar with the operation of such equipment available and assigned during the use of such structure as a place of assembly.
- (7) Sufficient "NO SMOKING" signs visible at all times.
- (8) An employee at each entrance to require the extinguishing of all cigarettes, cigars and other smoking materials.
- (9) Announcement at frequent intervals to the persons in the structure that smoking is prohibited.
- (10) Proper safeguarding of any open flame or its use prohibited.
- (11) Prohibition of fireworks.
- (12) The clearing of straw, dry grass, sawdust and any combustible trash from the structure before it is opened to the public and arrangements

made to keep the areas where debris may be expected to accumulate well serviced, especially under open seats.

(13) Proper facilities for calling the fire department and police department.

(14) Adequate police and fire personnel and equipment at the applicant's expense, for the control of persons in the assembly to prevent overcrowding, obstructions of aisles and exits and such other control as may be necessary to render the occupation of such structure or its use by the public safe.

(15) Rendering nonflammable the tent and canvas parts of the structure and all combustible decorative materials, including curtains, acoustic materials, streamers, cloth cotton batting, straw, vines, leaves, trees and moss. (Ord. 834)

9-403. Permit fees. (1) The following fees are to be paid to the city treasurer for permits required by this section, in addition to any other fee, tax or payment required by any other provision of the code or state statutes:

- (a) Rodeo and wild west shows, per day \$150.00
- (b) Menageries, per day 75.00
- (c) Motor carnival, per day (first day) 100.00
 - per day, (after first day) 75.00
 - concessions, less than 20'x 20', per day 3.00
 - concessions, 20'x 20' or more, per day 5.00
- (d) Circus, per day (first day) 100.00
 - per day, (after first day) 75.00
 - concession, less than 20'x 20' or more, per day 3.00
 - concession, 20'x 20' or more, per day 5.00
- (e) Tent shows, per day 20.00
 - per week 75.00
- (f) Any amusement or entertainment or show of any kind on any lot of land in the city, not included above; per day 20.00
 - per week 75.00

(2) The above fees shall not apply to those activities fostered and supervised by the recreation department of the City of Harriman, or to permanently located amusement facilities and any public organization that receives funding from the city and established service clubs within the city. (Ord. 834 and amended by ord. 976)

9-404. Occupancy of structure prohibited prior to the issuance of permit. It shall be unlawful for any person to cause or permit the occupancy of a structure for the purposes defined in this article as a place of assembly or entertainment unless the permit required by this article has been issued and the permit fee has been paid. (as added by Ord. 834)

9-405. Liability insurance and cash bond. The applicant for a permit required by this article shall furnish evidence that a public liability insurance policy in the amount of not less than three hundred thousand dollars (\$300,000.00) for one person and one million dollars (\$1,000,000.00) for any one accident, is in force and effect at the time such structure is to be occupied as a place of assembly by the public. The applicant shall deposit with the city coordinator a cash bond in the sum of one thousand dollars (\$1,000.00), conditioned that no damage will be done to the streets, sewers, trees or adjoining property and that no dirt, paper, litter or other debris will be permitted to remain upon the streets or upon any private property by such applicant. Such cash bond shall be returned to the applicant upon certification by the city coordinator that all conditions of this article have been complied with. (Ord. 834 and amended by ord. 976)

9-406. Inspection of premises. The municipal building inspector shall cause an inspection to be made at least forty-eight (48) hours prior to the first performance or to the erection of a structure for which a permit is required by this section, to determine if provisions of all health, safety, and zoning rules, regulations, and appropriate sections of this code are complied with or will be complied with in a satisfactory manner. (Ord. 834)

9-407. Revocation of permit. If the municipal building inspector finds that a structure is being maintained in violation of any of the provisions of this section, or in such a manner as to constitute a fire hazard, he may revoke the permit issued under this section and it shall thereafter be unlawful for any person to continue to operate the activity or show covered by such permit or to allow the occupancy of such structure. (Ord. 834)

CHAPTER 5

LIMITATIONS ON VENDORS DURING PARADES

SECTION

- 9-501. Limitations.
- 9-502. Registration required.
- 9-503. Exemption.
- 9-504. Violation and penalty.

9-501. Limitations. On the dates that any parades or other outdoor community gatherings are scheduled in the City of Harriman, Tennessee, only local civic and/or service clubs or organizations will be allowed to engage in street vending within the City of Harriman. (as added by ord. 928, sec. 1)

9-502. Registration required. Any local civic and/or service club or organization desiring to engage in street vending at the times set forth under section 9-501, above, shall register with the city clerk of the City of Harriman, Tennessee, at least seven (7) days in advance of the dates vending is to be carried on. (Ord. 928, sec. 2)

9-503. Exemption. Nothing herein shall be construed as referring to gatherings at organized sports activities, at which places the persons in charge may determine the control of sales. (Ord. 928, sec. 3)

9-504. Violation and penalty. Violations of this chapter shall be punishable according to the general penalty provisions of this municipal code or ordinances. (Ord. 928, sec. 4, modified)