

TITLE 9

BUSINESSES, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. FARMERS MARKET.
3. PEDDLERS, ETC.
4. CHARITABLE SOLICITORS.
5. PAWNBROKERS, JUNK DEALERS, ETC.
6. JUNK YARDS AND AUTOMOBILE GRAVEYARDS.
7. POOL ROOMS.
8. RESTAURANTS.
9. SELF SERVICE DRY CLEANING ESTABLISHMENTS.
10. ELECTRICIANS AND PLUMBERS.
11. PRIVATE DETECTIVES.
12. COAL AND COAL DEALERS.
13. TAXICABS.
14. MINIMUM STANDARDS FOR FIXED BASE OPERATORS.
15. GARAGE SALES.
16. CABLE TELEVISION.

CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. "Going out of business" sales.
9-102. Promotional merchandise prohibited.

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.

¹Municipal code references

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

Liquor and beer regulations: title 8.

Noise reductions: title 11

Zoning: title 14.

When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety days, he shall prima facie be deemed to have violated this section. (1979 Code, § 5-101)

9-102. Promotional merchandise prohibited. Any store going out of business or conducting a bankruptcy sale shall be prohibited from selling merchandise other than merchandise which is a part of its regular stock. It is the intent of this section to specifically prohibit sales promotions from bringing in promotional or other merchandise. (1979 Code, § 5-102)

CHAPTER 2

FARMERS MARKET¹

SECTION

- 9-201. Establishment and bounds of farmers market.
- 9-202. Who may use farmers market.
- 9-203. Hours and rules for conduct of market.
- 9-204. Hucksters, peddlers, etc., not to use market.
- 9-205. Vehicles of persons purchasing on farmers market for purpose of resale.
- 9-206. Parking space and traffic flow to be designated.
- 9-207. License card or permit required; application; license card to be carried by licensee.
- 9-208. Expiration; renewal; suspension; revocation.
- 9-209. Records to be kept; limitation on issuance.
- 9-210. Transferability: duplicates: use of false or counterfeit permit.
- 9-211. Rights under permit; interpretation, etc.
- 9-212. Deleted.

9-201. Establishment and bounds of farmers market. There is hereby established within the limits of the City of Morristown, Tennessee, a farmers market upon a tract or parcel which shall be designated in the form of a separate resolution by the governing body, which location may be changed from time to time by resolution of the governing body. (1979 Code, § 5-201, as replaced by Ord. #3052, March 2001)

9-202. Who may use farmers market. The privilege of using the farmers market for selling, offering for sale, or exposing for sale produce and any other product of farm and garden, other than live animals, subject to the laws and regulations of the state, of the federal government, of the municipal government and the regulations contained in this chapter, is hereby extended to the bona fide farmers, truck growers, fruit growers, retailers and horticulturists who are citizens and residents of the State of Tennessee. (1979 Code, § 5-202, as replaced by Ord. #3052, March 2001)

9-203. Hours and rules for conduct of market. The hours during which the farmer's market may be occupied and used by those to whom the privilege of such use is extended are as follows: Between the hours of 6:00 A.M. and 8:00 P.M. Monday through Saturday. Sunday hours will be from 1:00 P.M. to 6:00 P.M.

¹Charter reference

Establishment of a market: § 5(9).

No empty or partially loaded vehicle shall be allowed to occupy any portion of the farmers market for the purpose of pre-empting a position thereon.

No vehicle shall be exposed upon the farmers market for the purpose of selling that vehicle. Vehicles found to be in violation of this provision shall be towed at the owner's expense.

Every person having the privilege of occupation and use of the farmers market under this chapter and having a vehicle of any kind thereon for the purpose of selling, offering for sale, or exposing for sale any of the articles which may be sold in the farmers market shall provide himself with a barrel or other suitable container and deposit therein all trash and refuse arising from the conduct of his business. Such barrels or containers and the trash or refuse along with the vehicles to which they are appurtenant to shall be removed daily by their owners or the persons in charge. (1979 Code, § 9-503, as replaced by Ord. #3052, March 2001)

9-204. Hucksters, peddlers, etc., not to use market. It shall be unlawful for any huckster, peddler, operator of a rolling store, or any other person than one to whom the privilege is extended under the provisions of § 9-202 to come upon or to take any position upon the area of the farmers market at any time for the purpose of selling, offering for sale, or exposing for sale any fruits, vegetables, produce, meats, or any other article whatsoever. (1979 Code, § 5-204, as replaced by Ord. #3052, March 2001)

9-205. Vehicles of persons purchasing on farmers market for purpose of resale. It shall be unlawful for any huckster, peddler, or other person buying for resale to bring into and upon the area of the farmers market or keep thereon any vehicle for the transportation of articles purchased from those privileged to sell on the farmers market. (1979 Code, § 5-205, as replaced by Ord. #3052, March 2001)

9-206. Parking space and traffic flow to be designated. Parking spaces and traffic lanes shall be marked as such. It shall be unlawful for any person to park a vehicle in other than a designated parking space and it shall also be unlawful to obstruct areas designated for traffic flow. (1979 Code, § 5-206, as replaced by Ord. #3052, March 2001)

9-207. License card or permit required; application; license card to be carried by licensee. Every person who is privileged to occupy and use the farmers market for selling, offering for sale, or exposing for sale the articles that may be sold thereon shall, before going upon the farmers market make application for a permit to the city administrator's office in writing and upon a farmers market application form to be filed, subscribed, and sworn to by the applicant. This permit shall be carried by the person to whom it has been issued to at all times present on the farmers market. It shall be unlawful for any

person to whom a permit has not been issued to go upon and occupy any space of farmers market for the purpose of selling thereon. (1979 Code, § 5-207, as replaced by Ord. #3052, March 2001)

9-208. Expiration; renewal; suspension; revocation. A license card or permit issued pursuant to this chapter shall expire one (1) year from the date of issuance, and shall be renewed by another application and the issuance of the new license card or permit, expiring one (1) year from date of issue.

Every person who is privileged to offer for sale, or expose for sale produce on the farmers market shall make application to the city administrator for a license card and permit. This application shall be accompanied by a secondary application for city and county business license. The county business license is to be obtained along with documentation requesting a Tennessee State Sales Tax identification number from the County Clerk's Office at the Hamblen County Courthouse. Persons who are offering produce for sale or exposing produce for sale shall keep and maintain such records as required by the taxation laws of the State of Tennessee, Hamblen County and the City of Morristown. Fees will be set annually by separate resolution of the governing body. Fees may be paid in advance on a daily or monthly basis and are not refundable by the governing body. Bona fide farmers must have on file a form providing proof of crop production. These forms can be picked up with license application and must be completed by the Hamblen County Extension Agent and filed when the application for license is made.

A license card or permit may be suspended or revoked by city personnel when the provisions of this chapter have been violated. Upon being notified of a violation by any person who is privileged to occupy a space upon the farmers market, city personnel shall investigate the complaint. Any person found to have violated the ordinance shall receive at least a written warning initially, but may, depending upon the severity of the violation, have his license or permit suspended or revoked for a period not to exceed one (1) year. Notwithstanding the foregoing, in the event an offender has been found to have violated this ordinance on three or more occasions within any twelve (12) month period, the offender shall have his license suspended or revoked for a period of one year. Said offender may reapply for a license or permit at the expiration of the one year revocation period. Persons who have had their license card or permit suspended or revoked for violations of these provisions may appeal the decision to the city administrator in writing within fifteen (15) days from the time their privileges were revoked. The city administrator or his designee shall investigate the matter and render a decision in writing. Any appeal of the city administrator's decision shall be directed to the mayor and city council in writing within thirty (30) days from rendition of the city administrator's decision. (1979 Code, § 5-208, as replaced by Ord. #3052, March 2001)

9-209. Records to be kept; limitation on issuance. The city administrator shall keep in his office the original applications and a record of all license cards or permits issued, showing serial number, date of issue, name of person to whom issued, and applicant's mailing address. He shall not issue a license card or permit to any person whose application does not show upon its face that he is one of those to whom the privilege of occupation and use of the farmers market is extended by the provisions of § 9-202. (1979 Code, § 5-209, as replaced by Ord. #3052, March 2001)

9-210. Transferability: duplicates: use of false or counterfeit permit. No holder of a license card or permit shall allow any person other than themselves or the persons stated on the application to have or use his license card or permit for the purpose of occupying a space and selling on the farmers market.

The city administrator upon affidavit made and filed with him by the holder of a license card or permit that his license card or permit has been lost or destroyed shall issue to such holder a duplicate of such lost or destroyed license card or permit, with the word "Duplicate" in red ink written upon the face thereof.

It shall be unlawful for any person to make, use, have in his possession, or exhibit any false or counterfeit license card or permit. (1979 Code, § 5-210, as replaced by Ord. #3052, March 2001)

9-211. Rights under permit; interpretation, etc. The making of application for a license card or permit and the issuance of same to any bona fide farmer, truck grower, fruit grower, or horticulturist who is a citizen and resident of this state shall not entitle the holder to use any particular space thereon to such holder. The regulations in this chapter are designed to prevent the preemption of any particular space by any licensee, and to secure sanitary conditions of use and occupation of the farmers market by those to whom the privilege is extended. The principle of "first come, first served" shall be applied in the conduct and operation of the farmers market.

The requirements as to application for and issuance of license cards or permits are designed to keep the use of the farmers market for those only to whom the privilege of use has been extended by the provisions of this chapter. (1979 Code, § 5-211, as replaced by Ord. #3052, March 2001)

9-212. Deleted. (1979 Code, § 5-212, as deleted by Ord. #3052, March 2001)

CHAPTER 3

PEDDLERS, ETC.

SECTION

- 9-301. Definitions.
- 9-302. Permit required; restrictions on use.
- 9-303. Application; investigation fee.
- 9-304. Investigation of applicant; issuance or refusal of permit.
- 9-305. Appeal from denial of permit.
- 9-306. Display of permit.
- 9-307. Expiration and renewal of permit.
- 9-308. Suspension and revocation of permit.
- 9-309. Reapplication after revocation.
- 9-310. Bond.
- 9-311. Loud noises and speaking devices.
- 9-312. Use of streets.
- 9-313. Uninvited solicitation.
- 9-314. Exemptions from chapter.

9-301. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Canvasser or solicitor." Any person, whether a resident of the city or not, traveling by foot, vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares, merchandise, or personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such person has, carries, or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

(2) "Peddler." Any person, whether a resident of the city or not, traveling by foot, vehicle, or other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, or farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells or offers the same for sale from any vehicle or conveyance. Any person who solicits orders and, as a separate transaction, makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The word "peddler" shall include the terms "hawker" and "huckster."

(3) "Transient merchant."¹ Any person who engages temporarily in the vending or sale of merchandise at any place in the city and who does not intend to become and does not become a permanent merchant at such place, and who, for the purpose of carrying on such business, hires, leases, or occupies, either in whole or in part, a room, building, or other structure for the exhibition and sale of such goods, wares, and merchandise. (1979 Code, § 5-301)

9-302. Permit required; restrictions on use. It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the city without first obtaining a permit therefor 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. (1979 Code, § 5-302)

9-303. Application; investigation fee. Applicants for a permit under this chapter shall file with the recorder a sworn written application containing the following:

- (1) The name and a physical description of the applicant;
- (2) The complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made;
- (3) A brief description of the nature of the business and the goods to be sold;
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;
- (5) The length of time for which the right to do business is desired.
- (6) A recent clear photograph, approximately two inches square, showing the head and shoulders of the applicant;
- (7) The names of at least two reputable local property owners who certify the applicant's good moral reputation and business responsibility; or, in lieu of the names of references, such other available evidence as will enable an investigator properly to evaluate the applicant's moral reputation and business responsibility;
- (8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor;
- (9) The last three cities or towns, if that many, where the 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.

¹State law reference

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

At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the city to cover the cost of investigating the facts stated therein. (1979 Code, § 5-303)

9-304. Investigation of applicant; issuance or refusal of permit. Each application for a permit under this chapter shall be referred to the chief of police for investigation. The chief of police shall report his findings to the recorder within seventy-two (72) hours.

If, as a result of such investigation, the chief of police reports the applicant's moral reputation or business responsibility to be unsatisfactory the recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the recorder shall issue a permit upon the payment of all applicable privilege taxes¹ and the filing of the bond required by § 9-310. The recorder shall keep a permanent record of all permits issued pursuant to this chapter. (1979 Code, § 5-304)

9-305. Appeal from denial of permit. Any person aggrieved by the action of the chief of police or the recorder in the denial of a permit under this chapter shall have the right to appeal to the city council. Such appeal shall be taken by filing with the mayor, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last-known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1979 Code, § 5-305)

9-306. Display of permit. Permittees under this chapter shall exhibit their permits upon the request of any policeman or any citizen of the city. (1979 Code, § 5-306)

9-307. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires, and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be

¹Municipal code reference
Privilege taxes: title 5.

issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application; provided, that only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1979 Code, § 5-307)

9-308. Suspension and revocation of permit. Permits issued under the provisions of this chapter may be revoked by the city council, after notice and hearing, for any one of the following causes:

(1) Fraud, misrepresentation, or incorrect statements contained in the application for the permit or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor;

(2) Any violation of this chapter;

(3) Conviction of any crime or misdemeanor;

(4) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

Notice of the hearing for revocation of a permit shall be given by the recorder, in writing, setting forth specifically the grounds of complaint and the time and place of 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 days prior to the date set for hearing.

When reasonably necessary in the public interest, the mayor may suspend a permit pending the revocation hearing. (1979 Code, § 5-308)

9-309. Reapplication after revocation. No person whose permit under this chapter has been revoked shall make further application for a permit until a period of at least six (6) months has elapsed since the last revocation. (1979 Code, § 5-309)

9-310. Bond. Every permittee under this chapter shall file with the recorder a surety bond, running to the city, in the amount of one thousand dollars (\$1,000). The bond shall be conditioned that the permittee shall comply fully with all the provisions of this code and other ordinances of this 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 shall further guarantee to any citizen of the city doing business with such 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. (1979 Code, § 5-310)

9-311. Loud noises and speaking devices.¹ No permittee under this chapter, 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. (1979 Code, § 5-311)

9-312. Use of streets. No permittee under this chapter shall have any exclusive right to any location in the public streets, nor shall any such permittee be permitted a stationary location thereon, nor shall any such permittee 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. (1979 Code, § 5-312)

9-313. Uninvited solicitation. No person shall go in or upon private residences or premises within the city, unless he has been requested or invited to do so by the owner or occupant of such private residence or premises, for the purpose of soliciting orders for the sale of goods, wares, or merchandise or disposing of or hawking the same. This section shall not apply to the sale or soliciting of orders for the sale of milk, dairy products, vegetables, poultry, eggs, and other farm and garden produce by the original producer thereof. (1979 Code, § 5-313)

9-314. Exemptions from chapter. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic, or philanthropic organizations. (1979 Code, § 5-314)

¹Municipal code reference
Noise generally: title 11.

CHAPTER 4

CHARITABLE SOLICITORS

SECTION

9-401. Applicability of chapter.

9-402. Permit required.

9-403. Application; certificate from Chamber of Commerce and United Fund.

9-404. Investigation of applicant; issuance or denial of permit.

9-405. Permit fee.

9-406. Form and contents of permit.

9-407. Appeal from denial.

9-408. Suspension and revocation of permit.

9-409. Financial report.

9-410. Solicitation on public streets.

9-411. Exhibition of permit.

9-412. Trespassing.

9-413. Violations.

9-401. Applicability of chapter. This chapter 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. (1979 Code, § 5-401)

9-402. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without first obtaining a permit from the recorder authorizing such solicitation. (1979 Code, § 5-402)

9-403. Application. An application for a permit under this chapter shall be filed with the recorder on forms provided by the city and prescribed by the city administrator. Such application shall be sworn to and filed with the recorder at least thirty (30) days prior to the time at which the permit applied for shall become effective; provided, however, that the city administrator may, for good cause shown, allow the filing of an application less than thirty (30) days prior to the effective date of the permit applied for. The application required in this section shall contain the following information or, in lieu thereof, a detailed statement of the reasons why such information cannot be furnished:

(1) The name, address or headquarters of the person applying for the permit.

(2) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified to be a true and correct copy of the original by an officer having charge of the applicant's records.

(3) The purpose for which such solicitation is to be made.

(4) The names and addresses of the persons who will participate in the solicitation along with a photo ID for each participant.

(5) A copy of the applicant's liability insurance policy and a current certification from the insurer of the coverage amounts and the date through which such coverage will extend.

(6) Written proof of the applicant's status as a 501-C3 or C4 not for profit entity.

(7) The name, address and telephone number of at least two (2) business references.

(8) The times, dates and exact locations at which such solicitation shall be made.

(9) A financial statement for the last preceding fiscal year indicating any funds collected for charitable purposes by the applicant, such statement giving the amount of money so raised, together with the cost of raising of it, and the final distribution thereof, to be prepared by a certified public accountant, a licensed public accountant or an officer of the applicant, who shall swear that the statement prepared completely, fully and accurately discloses the financial information required in this section.

(10) A copy of the applicant's criminal background check from all cities and counties in which the applicant currently resides or has solicited during the thirty six (36) month period immediately preceding the filing of the application, along with a statement indicating whether or not the applicant or any identified participant in the solicitation has been convicted of a felony or misdemeanor involving moral turpitude during the five (5) year period immediately preceding the filing of the application.

(11) A statement to the effect that if the permit is granted it will not be used or represented in any way as an endorsement by the city or by any department or officer thereof.

(12) Identify the last three (3) cities (or locations if not a city) in which the applicant has conducted a solicitation.

(13) Such other information as may be reasonably required by the city administrator or governing body in furtherance of the purposes of this chapter and consistent with general law. (1979 Code, § 5-403, as replaced by Ord. #3281, June 2007)

9-404. Investigation of applicant; issuance or denial of permit. (1) The recorder may investigate the applicant and shall issue the permits provided for in this chapter whenever requested to by the applicant when the recorder finds that the following exist:

(a) All the statements made in the application are true.

(b) The applicant and each disclosed participant have not engaged in any fraudulent transactions or enterprise, and have not within the five (5) year period next preceding the date of application filing been convicted of a felony or a misdemeanor involving moral turpitude.

(c) Solicitation will not be a fraud on the public.

(d) The solicitation is not being conducted for private profit.

(e) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant.

(f) The applicant has in force and effect adequate liability insurance coverage, in such amounts as from time to time may be promulgated by the city administrator.

(g) The applicant, and identified participants, based upon the application and investigation, are unlikely to conduct the solicitation in an illegal or unethical manner and that the solicitation will substantially comply with the requirements of this chapter.

(2) No person or entity shall be granted a solicitations permit who is not qualified as a nonprofit, tax exempt person or organization under the applicable sections of the Internal Revenue Code of 1954, as amended.

(3) No person or entity shall be granted a solicitations permit who fails or refuses to file any report required by this chapter, or the regulations promulgated pursuant to this title. (1979 Code, § 5-404, as replaced by Ord. #3281, June 2007)

9-405. Permit fee. Before a permit is issued under this title, there shall be paid to the city the sum of ten dollars (\$10.00) as a permit fee. The fee will cover all activities listed in the application, provided the activities listed are completed within one (1) year of the application. (1979 Code, § 5-405, as added by Ord. #3281, June 2007)

9-406. Form and contents of permit; term; transfer. (1) Permits issued under this title shall bear the name and address of the person by whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the city or by any of its departments, officers or employees of the purpose or of the person conducting the solicitation. All permits shall be signed by the city administrator or his designee. Permits may be granted for a period of ninety (90) days or for such other or additional periods as the city administrator determines to be proper, but in no event shall the period for which the organization is authorized to solicit exceed one (1) year.

(2) The form of the permit or certificate shall be substantially as follows:

Permit No. _____ (Nontransferable)

Void after: _____

Date: _____

Issuance Date: _____

_____ (name) of _____
(address) is hereby authorized to solicit under the provisions of Ordinance No. 3281 adopted on the 19th day of June 2007, from _____, 200_, to _____, 200_ at the following location(s):

The issuance of this permit does not constitute an endorsement by the City of Morristown or by any of its departments, officers or employees of the purpose or person conducting this solicitation.

City Administrator

RELEASE OF LIABILITY AND INDEMNITY AGREEMENT

FOR AND IN CONSIDERATION OF BEING ALLOWED TO PARTICIPATE IN A CERTAIN CHARITABLE SOLICITATION ROADBLOCK, I, THE UNDERSIGNED, ACTING ON MY OWN BEHALF AS WELL AS ON BEHALF OF -

(CHARITABLE ORGANIZATION)

DO HEREBY AND FOREVER RELEASE THE CITY OF MORRISTOWN, TOGETHER WITH ITS VARIOUS DEPARTMENTS, EMPLOYEES, OFFICERS, AGENTS, ELECTED OFFICIALS, AND ANY AND ALL PERSONS OR ENTITIES ACTING ON ITS BEHALF, FROM ANY AND ALL LIABILITY OF ANY NATURE WHATSOEVER FOR ANY AND ALL HARM, LOSS, DAMAGE, COST OR INJURY SUFFERED IN CONNECTION WITH MY PARTICIPATION IN SUCH ACTIVITY, AND FURTHER UNDERTAKE TO DEFEND AND INDEMNIFY ALL OF SAID PARTIES FROM ANY AND ALL SUCH LIABILITY OR CLAIMS ASSERTING SUCH LIABILITY, INCLUDING CLAIMS MADE BY THIRD PERSONS OR ENTITIES, AND FURTHER UNDERTAKE TO FOREVER DISCHARGE ALL OF SAID PARTIES AND HOLD THEM HARMLESS FROM THE SAME.

I FURTHER REPRESENT THAT I AM NOT LESS THAN 21 YEARS OF AGE ON THE DATE OF EXECUTION OF THIS INSTRUMENT, AND ACKNOWLEDGE THAT PARTICIPATION IN THE AFORESAID ACTIVITY INVOLVES CERTAIN POTENTIAL RISKS TO LIFE, HEALTH, AND PROPERTY, ALL OF WHICH RISKS I UNDERSTAND AND HEREBY EXPRESSLY ASSUME. I FURTHER UNDERTAKE TO PARTICIPATE IN SUCH ACTIVITIES ONLY UPON THE DATE AND AT THE LOCATION AUTHORIZED BY MY PERMIT, AND UNDERTAKE TO PERFORM SUCH ACTIVITIES IN STRICT CONFORMITY WITH THE CONDITIONS OF ANY PERMIT ISSUED BY THE AFORESAID CITY ADMINISTRATOR AND/OR CHIEF OF POLICE AND IN STRICT CONFORMANCE WITH ANY AND ALL SAFETY CONDITIONS WHICH THEY MAY REQUIRE.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS ____ DAY OF _____, _____.

SIGNATURE

WITNESS

(3) Any permit issued under this division shall be nontransferable and the fact of nontransferability shall be clearly indicated on the permit.

(4) Each permit issued under this division shall be returned to the city administrator within seventy-two (72) hours of the date of expiration, together with a facsimile copies thereof. (as added by Ord. #3281, June 2007)

9-407. Appeal from denial. 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. (1979 Code § 5-405, as renumbered by Ord. #3281, June 2007)

9-408. Suspension and revocation of permit. Upon a finding by the city administrator of probable cause to believe that any person or entity to whom a permit has been issued under this section has violated any of the provisions of this chapter, or that any promoter, agent, professional solicitor, or solicitor of a permit holder has misrepresented the purpose of the solicitation, the city administrator shall immediately suspend the permit and give the permit holder written notice by registered or certified mail of a hearing before the city governing body to be held not later than twenty one (21) days after such suspension to determine whether or not the permit should be revoked. This

notice shall contain a statement of the facts upon which the city administrator has acted in suspending the permit. At the hearing, the permit holder and any other interested person may have the right to present evidence as to the facts upon which the city administrator based the suspension of the permit, and any other facts which may aid the governing body in determining whether this chapter has been violated and whether the purpose of the solicitation has been misrepresented. If, after such hearing, the governing body finds that this chapter has been violated, or where the purpose of the solicitation has been misrepresented, it shall, within five (5) days after the hearing, file in the recorder's office for public inspection and serve upon the permit holder and all interested parties who participated in the hearing a written statement of the facts from which it based such finding, and immediately revoke the permit. If, after such hearing, the governing body finds that this title has not been violated and the purpose of the solicitation has not been misrepresented, it shall, within five (5) days after the hearing, give to the permit holder a written statement canceling the suspension of the permit and stating that no violation or misrepresentation was found to have been committed. (as added by Ord. #3281, June 2007)

9-409. Financial report. (1) It shall be the duty of all persons issued permits under this section to furnish the city administrator, within ninety (90) days after the close of the organization's fiscal year, a detailed report and financial statement prepared by a certified public account or a licensed public accountant or sworn to by an officer of the permit holder showing the amount raised by the solicitation, the amount expended in collecting such funds, including a detailed report of wages, commissions, fees and expenses paid to any person in connection with such solicitation, and a disposition of the balance of the funds collected by the solicitation. This report shall be available for public inspection in the recorder's office at any reasonable time; provided, however, that the city administrator may extend the time for the filing of the report required by this section for an additional period of thirty (30) days upon proof that filing of the report within the specified time will work unnecessary hardship on the permit holder. Additional extensions of time may be granted by the city administrator. The permit holder shall make available to the city administrator, or to any person designated in writing by him as his representative for such a purpose, all books, records and papers whereby the accuracy of the report required by this section may be checked. The city administrator shall, to the extent possible, adopt uniform reporting methods or requirements.

(2) The reporting requirements and financial statements required by this section shall not be required for religious organizations or persons. (as added by Ord. #3281, June 2007)

9-410. Solicitation on public streets. Supplemental to the other provisions of this chapter, solicitation on public streets shall be subject to the following:

(1) With the exception of those locations authorized in this section, all solicitation on public streets is prohibited. Each individual at each location shall constitute a separate violation.

(2) The following procedures shall be strictly adhered to in permitting solicitations at those locations approved for that purpose:

(a) Roadblocks for solicitations shall be permitted only on Saturdays and Sundays, and shall not be allowed before daylight or after dark.

(b) Only certain intersections shall be used for such solicitation. They are as follows:

(i) East Andrew Johnson Highway and Haun Drive.

(ii) Buffalo Trail and Davis Street.

(iii) West Andrew Johnson Highway and East Economy Road.

(iv) South Cumberland Street and Lincoln Avenue.

(c) All parties involved in soliciting contributions shall wear a fluorescent or reflective vest, or other clothing approved by the city administrator.

(d) No person shall solicit contributions on public streets as provided in this section without first obtaining a permit from the city authorizing such solicitations, as provided in § 9-402, and obtaining a permit authorizing the street solicitation from the chief of police. No person or organization shall be issued more than one (1) street solicitation permit in any one (1) calendar year. No permit for street solicitations shall be issued by the chief of police unless the applicant has first obtained a solicitation permit from the city administrator. The city administrator may promulgate such rules and regulations as he deems advisable for the protection of the solicitors and the general public. A copy of such rules and regulations will be given to the representatives of the soliciting organizations at the time the permit is granted. The failure to comply with the rules and regulations will subject the permit holder to the loss of the permit.

(e) Applications for street solicitation shall be made with the chief of police at least sixty (60) days prior to the effective date of the permit.

(f) A permit holder shall immediately report any accident to the Morristown Police Department which occurs during and takes place in the vicinity of the solicitation.

(g) The chief of police shall limit the number of street solicitation permits to not more than three (3) each calendar month.

(h) Street solicitation permits shall be issued on a first come, first serve basis.

(i) Not more than four participants shall be in the street at an intersection at any one (1) time.

(j) Where inclement weather reasonably causes complete cancellation of a permitted solicitation, the permit holder may request a change of date for the solicitation to the chief of police. The chief may grant the request if the solicitation is to occur within five (5) days of the originally scheduled event. Granting of the request is subject to scheduling conflicts with other permit holders.

(k) Solicitors are prohibited from approaching vehicles unless clearly signaled to do so by a vehicle occupant.

(l) Solicitors shall provide at the place of solicitation signage, pre-approved by the chief of police, identifying the organization for which the solicitation is made and the location of the principal headquarters of that organization.

(m) The person or entity conducting the solicitation shall, prior to the event, furnish to the city a "hold harmless and indemnity agreement" in a form acceptable to the city administrator. (as added by Ord. #3281, June 2007)

9-411. 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. (1979 Code, § 5-406, as renumbered by Ord. #3281, June 2007)

9-412. Trespassing. It shall be unlawful and deemed to be a trespass for any permittee acting under this chapter to fail to leave promptly the private premises of any person who requests or directs him to leave. (1979 Code, § 5-407, as renumbered by Ord. #3281, June 2007)

9-413. Violations. Any person violating any provision of this chapter or making a false or fraudulent statement either in his application for a permit or in the process of making a solicitation shall be subject to the penalty provided in the general penalty clause for this municipal code. In addition to or in lieu of any pecuniary penalty, if a violator has been issued a permit, his permit shall be cancelled and revoked by the court. (1979 Code, § 5-408, as renumbered by Ord. #3281, June 2007)

CHAPTER 5

PAWNBROKERS, JUNK DEALERS, ETC.

SECTION

- 9-501. Daily reports to chief of police of articles pawned, pledged, purchased, etc.
- 9-502. Arrangement of pawned, pledged, etc., articles in places of business; inspection by police.
- 9-503. Restrictions on purchase, etc., of glass taken from buildings and electrical or plumbing materials; records of same to be kept.
- 9-504. Restrictions on purchase of appliances, tools, etc., used by railroads, waterworks, etc.; records of same to be kept.
- 9-505. Time property to be held prior to sale--articles taken on pawn, deposit, or pledge.
- 9-506. Same--purchased chattels, goods, wares, or merchandise.
- 9-507. Purchases from minors.
- 9-508. Records to be kept of merchandise purchased, pledged, etc.; numbered tickets required on articles pawned, pledged, or purchased.
- 9-509. Form of reports.
- 9-510. Persons accepting pledges, pawns, etc., to be licensed as pawnbrokers.
- 9-511. Revocation of licenses upon conviction for third violation of chapter.

9-501. Daily reports to chief of police of articles pawned, pledged, purchased, etc. All pawnshops, pawnbrokers, secondhand dealers, junk dealers, so-called auction houses, loan agencies, and all other persons doing a similar business within the city shall make and deliver to the chief of police a daily report, upon a form similar to that specified in this chapter, disclosing a full and complete list of each article pawned, pledged, purchased, deposited, or taken in trade by such institutions, agencies, or dealers. Such form shall carry a full and complete description of the article, showing the marks, letters, and figures thereon, the name, number, make, and brand, the place of business or place where the property is located, together with a detailed description of the party from whom the property was received and the hour of the day at which the same was received. (1979 Code, § 5-501)

9-502. Arrangement of pawned, pledged, etc., articles in places of business; inspection by police. All institutions, agencies, or dealers subject to the provisions of this chapter shall at all times keep their stock of goods and articles pawned, pledged, purchased, deposited, or taken in trade by them arranged in their respective place of business so as to enable the same to be expeditiously inspected by the police department on demand. Such places of business shall, during all business hours, be open to inspection by the chief of

police in person or to any police officer or detective bearing a written order from the chief of police directing such officer to make the inspection,

It shall be unlawful for any proprietor, manager, agent, or employee of any such business to fail or refuse to admit the chief of police or other such officer to make any such inspection or to hinder or obstruct the chief of police or other such officer while he is making such inspection. (1979 Code, § 5-502)

9-503. Restrictions on purchase, etc., of glass taken from buildings and electrical or plumbing materials; records of same to be kept. It shall be unlawful for pawnshops, pawnbrokers, secondhand dealers, loan agencies, and all other persons doing a similar business in the city to purchase or advance money on or take in pawn or pledge any glass taken from buildings, such as glass taken from mantels, mirrors, art glass, etc., or copper wire, copper lining, or bathtubs, lead pipes, or any kind of lighting or plumbing material offered for sale as junk, where the same is offered for sale by other than persons of known good character and residents of the city, who shall first be ascertained by due investigation to be the true and lawful owners thereof. In all cases where such goods are purchased or money advanced upon such goods, the purchaser or dealer shall keep a record of the purchase or advance, showing the names of the parties from whom such goods were received, their residence, the goods so taken or purchased, the amount of money advanced or paid and the time of the taking or purchasing. This record shall be kept in a well-bound book, and shall be at all times open to inspection by members of the police department. It shall be unlawful to purchase any such glass or other such goods or to advance money thereon where their general appearance indicates that the same may have been broken, mutilated, or otherwise tampered with in an effort to conceal the identity, render identification difficult, or destroy evidence of the former location and ownership. (1979 Code, § 5-503)

9-504. Restrictions on purchase of appliances, tools, etc., used by railroads, waterworks, etc.; records to be kept of same. It shall be unlawful for pawnbrokers, secondhand dealers, junk dealers, auction houses, loan agencies, or business of like nature to purchase, receive, or advance money on any machinery or parts of appliances thereof or any appliances, tools, or materials used by any railroad, power and light, gas, waterworks, or other public utility or by any shops or the parts of any gas or water meters or appliances or materials used in and about water closets, bathrooms, heating apparatus, etc., where the same appear to have been mutilated, cut up, bent, or otherwise show evidence of any attempt to conceal identity, render identification difficult, or destroy evidence as to its former location of ownership; provided, that this section shall not apply to purchases made from well-known residents known to be of good character, or from a utility of the city. When such purchases are made, dealers shall first ascertain, by due investigation, that the party offering the same for sale is the true and lawful owner thereof and shall keep a record

thereof as specified in this chapter, and such record shall be open to inspection by the police department. (1979 Code, § 5-504)

9-505. Time property to be held prior to sale--articles taken on pawn, deposit, or pledge. Any person who takes goods on pawn, deposit, or pledge shall hold the property for a period of not less than ninety days before offering the same for sale or disposing of the same by trade, transfer, shipment, or otherwise. After the lawful time of ninety days has expired and such articles are placed in stock or offered for sale, such articles shall be reported to the police department by their given number, and when any article is redeemed by its owner, the number of the article redeemed shall be reported to the police department. (1979 Code, § 5-505)

9-506. Same--purchased chattels, goods, wares, or merchandise. Any person operating any business covered by this chapter who procures chattels, goods, wares, or merchandise of any kind by purchase shall hold such property for a period of not less than twenty days before offering the same for sale or disposing of it by trade, transfer, shipment, or otherwise. (1979 Code, § 5-506)

9-507. Purchases from minors. It shall be unlawful for any pawnbroker, secondhand dealer, junk dealer or other person engaged in any similar business to purchase or receive in pledge or pawn goods of any character or description from minors, unless they shall have first received the written permission of the parent or guardian of the minor authorizing such sale. (1979 Code, § 5-507)

9-508. Records to be kept of merchandise purchased, pledged, etc.; numbered tickets required on articles pawned, pledged, or purchased. All pawnbrokers, secondhand dealers, junk dealers, and other similar businesses dealing in goods, wares, or merchandise shall keep books in connection with their business wherein shall be entered an accurate description of all property purchased, pledged, or sold to them. All articles pawned, pledged, or purchased shall bear a numbered ticket, a duplicate of which shall be issued to the person from whom the article is received. When watches, clocks, or similar articles of value are received, the description shall include the name of the maker and the serial or manufacturer's number on the pieces, both from the works and the case. Such record shall describe the property, give the kind of material of which it is made, and shall show the name of the person by whom the article is pawned, pledged, deposited, or sold and the time when the same is done. Entries in such record shall be made at the time the transaction takes place, and such records shall at all times be subject to inspection and examination by the officers of the police department of the city. (1979 Code, § 5-508)

9-509. Form of reports. All reports required by this chapter shall be made on a form approved by the city council, a copy of which is on file in the

office of the recorder. Reports not substantially following such form and containing all of the information specified therein shall be rejected. Any person making an insufficient report shall be guilty of a violation of this chapter. (1979 Code, § 5-509)

9-510. Persons accepting pledges, pawns, etc., to be licensed as pawnbrokers. It shall be unlawful for any person to receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise or any kind of personal property whatever or buy for the express purpose of resale, at a stipulated price to the seller, as surety for the payment of money lent thereon, unless the person is a regularly licensed pawnbroker.

It shall be unlawful for any person engaged in a general banking business to carry on the business of a pawnbroker in connection with its privilege or business as a bank, without paying the regular privilege tax therefor and otherwise complying with this chapter. (1979 Code, § 5-510)

9-511. Revocation of licenses upon conviction for third violation of chapter. Upon the third conviction of any person of any violation of this chapter, the license issued to such person shall thereby immediately be revoked. (1979 Code, § 5-511)

CHAPTER 6

JUNK YARDS AND AUTOMOBILE GRAVEYARDS

SECTION

- 9-601. Definitions.
- 9-602. Violations, civil offense.
- 9-603. Exceptions.
- 9-604. Enforcement.
- 9-605. Failure to remove.
- 9-606. Abatement and removal by city.
- 9-607. Tow-in ticket.
- 9-608. Removal and storage.
- 9-609. Title search.
- 9-610. Return of vehicle and/or personal property to the owner.
- 9-611. Abandoned and/or junked vehicle towed to a towing/wrecker service property, and/or used car dealership/lot, or other private property.
- 9-612. Sale at public auction (if an abandoned and/or junked vehicle is towed to a city-owned impoundment area).
- 9-613. Storage and sale of property found in vehicle.
- 9-614. Disposition of funds from sale of vehicle.
- 9-615. Penalty for violations.

9-601. Definitions. For the purpose of the interpretation and application of this chapter, the following words and phrases have the indicated meanings:

(1) "Automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found. "Automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal produce is scrap iron, steel, or nonferrous scrap for sale for re-melting purposes only.

(2) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous metal.

(3) "Junkyard" shall mean an establishment or place of business that is maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard. "Junkyard" includes scrap metal processors, car crushing sites, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation, when the business will continually have

like materials located on the premises, garbage dumps and sanitary landfills. For purposes of this chapter, a "recycling center" shall not be a "junkyard".

(4) "Person" shall mean any natural person, or any firm, partnership, association, corporation, or other organization of any kind and description.

(5) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(6) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for storing, keeping, buying or selling of newspaper, or used food or used beverage containers for the purpose of converting such items into a useable product.

(7) "Residential yard nuisance" shall mean any condition or use of residential yards which is detrimental to the property of others, or which causes or tends to substantially diminish the value of other property in the neighborhood in which such yards are located. This includes, but is not limited to, the keeping or maintaining or depositing on or scattering over such yards of any of the following:

(a) Lumber, junk, trash, or debris;

(b) Abandoned, discarded or unused objects or equipment such as furniture, appliances, cans, tires, or containers;

(c) Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects, provided that the presence of earthworms in a compost pile shall not constitute a nuisance;

(d) Garbage and unsanitary matter on premises unless such material is retained in containers, garbage pails or vessels which deny access to flies, insects, rodents and animals. Garbage cannot be stored outside in plastic bags or paper bags, except on the day of garbage collection and then only for the purpose of such collection.

(e) Abandoned wells, cisterns, shafts, basements, excavations, sinkholes, mounds of gravel or earth, junk vehicles, structurally unsound structures or fences, trash, debris or vegetation; and

(f) Container units or garbage cans that have failed to be maintained in good repair, clean and well painted.

(g) Or as stated within the city's adopted housing code.

(8) "Right-of-way" shall mean a portion of land dedicated for placement of a street, road, thoroughfare or crosswalk, utilities, drainage facilities, and/or similar uses and designated by means of a right-of-way line or description of boundaries.

(9) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or in cases where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(10) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(a) "Vehicle, abandoned" shall mean any motor vehicle whose last registered owner of record has relinquished all further dominion and control, or any vehicle that is wrecked or partially dismantled or inoperable for a period of ten (10) days. There shall be a presumption that the last registered owner thereof has abandoned such vehicle, regardless of whether the physical possession of such vehicle remains in the technical custody or control of such owner, if it has remained inoperable or partially dismantled, or if the owner has relinquished dominion or control of such vehicle, for ten (10) days.

(b) "Vehicle, junk" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either make the vehicle not immediately operable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle;

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows;

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever;

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor, or fuel injection system, spark plugs, or radiator;

(vi) Interior is a container for metal, glass, paper, rags, or other cloth, wood, auto parts, machinery, waste, or discarded materials in such quantity, quality, and arrangement that a driver cannot be properly seated in the vehicle;

(vii) Lying on the ground (upside down, on its side, or at any other extreme angle) sitting on block or suspended in the air by any other method;

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle. (1979 Code, § 5-601, as replaced by Ord. #3113, Sept. 2002)

9-602. Violations, civil offense. It shall be unlawful and a civil offense for any person:

(1) To park and/or in any manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To establish, operate, or maintain a junkyard and/or an automobile graveyard that does not meet the City of Morristown's zoning requirements, and/or meets the requirements of Tennessee Code Annotated, title 7, chapter 51, and/or title 54, chapter 20, and/or title 55, chapter 16.

(4) To park, store, keep, and maintain on private property a junk vehicle for more than sixty (60) days.

(5) To create any residential yard nuisance, as defined in this chapter. (1979 Code, § 5-602, as replaced by Ord. #3113, Sept. 2002)

9-603. Exceptions. (1) It shall be permissible for a person to park, store, keep, and maintain a junked vehicle on private property under the following conditions:

(a) The junked vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other regulations governing business engaged in wrecking, junking, or repairing vehicles.

(i) The outside storage area of abandoned and/or junked vehicles of any business that is engaged in the wrecking, junking or repairing of vehicles must be completely screened (opaque) from all adjacent properties and any road right-of-ways (public or private).

(ii) The screening can be a solid wall that is at least six (6) feet high, or a two-tiered, staggered tree landscaping, or a combination of the tree landscaping and the solid wall.

(iii) For any wrecker, towing, junking or repair business (that is within the City of Morristown) that is on the City of Morristown's rotation cycle, must come into compliance with the opaque screening as stated above, within one year of the adoption of this chapter. If a business does not wish to comply with these provisions, then that business shall be removed from the City of Morristown's rotation cycle.

(iv) Any new wrecker, towing, junkyard or repairing business shall comply with this chapter and any other applicable zoning ordinances prior to being added to the city's rotation cycle.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat, as determined by the city administrator or his designee, to the health and safety of citizens of the city. (1979 Code, § 5-603, as replaced by Ord. #3113, Sept. 2002)

9-604. Enforcement. (1) Pursuant to Tennessee Code Annotated, title 7, chapter 51, and/or title 54, chapter 20, and/or title 55, chapter 16, the city administrator, or his appointed designee, shall upon the complaint of any citizen, or acting on his own information, investigate complaints of abandoned and/or junked vehicles on private property. The city administrator, or his appointed designee, shall give, or cause to be given, notice to the registered owner of any motor vehicle which is in violation of this chapter, and he shall give such notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located, advising that such motor vehicle violations this chapter and directing that such motor vehicle be moved to a place of lawful storage within ten (10) days. Such notice shall be served upon the owner of the vehicle by leaving a copy of such notice on or within the vehicle.

(2) Notice to the property owner on whose property such motor vehicle is located may be served by conspicuously posting such notice upon the premises.

(3) In the case of abandoned and/or junk vehicles on publicly owned property, notice to the property owner by the City of Morristown is not required. (1979 Code, § 5-604, as replaced by Ord. #3113, Sept. 2002)

9-605. Failure to remove. The owner of any abandoned and/or junked vehicle who fails, neglects or refuses to remove such vehicle or to house such vehicle and abate such nuisance in accordance with the notice given pursuant to the provisions of the previous section shall be guilty of a misdemeanor. (1979 Code, § 5-605, as replaced by Ord. #3113, Sept. 2002)

9-606. Abatement and removal by city. If the vehicle is not disposed of after the time provided for in the notice, the city administrator or his designee shall report the location of such vehicle to the police department. The police department or a wrecker company designated by it shall then remove such vehicle or cause it to be removed to a designated impoundment area. At the time that the vehicle is removed by the police department or the wrecker company, a tow-in ticket shall be completed by the person towing such vehicle to such designated impoundment area in the presence of the city administrator, or his designee, in triplicate. (as added by Ord. #3113, Sept. 2002)

9-607. Tow-in ticket. The tow-in ticket as provided for in this chapter shall be in the form:

"VEHICLE REMOVED TO _____"

Address _____

Phone _____

Ticket # _____ Date Issued _____

Make of Car _____ Type _____ Motor # _____

VIN # _____ License # _____ State _____

Where Found _____

Date _____

Time _____ Parts of Car Damaged or Missing _____

Keys In Car _____ Switch Locked/Unlocked _____

Trunk Locked _____ Doors Locked _____ Radio in Car _____

Spare Tire and Wheel _____ Jack _____ Was Car Driven In _____

By: _____ Personal Property in Car _____

Remarks: _____

Owner _____

Address _____

City, State _____

Signature of Tow-Man _____

Signature of City Administrator or his designee _____

(as added by Ord. #3113, Sept. 2002)

9-608. Removal and storage. Abandoned and/or junked vehicles shall be transported from the property where they are found to the designated impoundment area only during daylight hours. The vehicle shall not be double decked on the designated impoundment area until the title search provided for in the following section has been completed by the police department or codes enforcement. (as added by Ord. #3113, Sept. 2002)

9-609. Title search. At the time that an abandoned and/or junked vehicle is moved to the designated impoundment area, the city police department shall be notified immediately of such fact, and the department shall procure the serial number on the vehicle. The police department shall make or cause to be made a title search on the abandoned and/or junked vehicle, and after the title search has been completed by the department, the results thereof shall be transmitted to the city administrator. If the owner of the abandoned and/or junked vehicle is determined, then the city shall notify the owner by certified mail. (as added by Ord. #3113, Sept. 2002)

9-610. Return of vehicle and/or personal property to the owner. (1) If during the time that a vehicle is being held by the city under this chapter, the owner of the vehicle demands for the return of such vehicle, then the city shall turn the vehicle, and/or any personal property within the vehicle, over to the owner upon payment of any fines, the storage, and tow-in fees by the owner. The police department shall notify the city administrator of such redemption by such owner.

(2) If the vehicle is towed to a towing/wrecker service property, used car dealership/lot, or other private property, and the owner of the vehicle demands for the return of his vehicle, and/or any personal property within the vehicle, then the owner of the vehicle shall pay any fines, storage, and tow-in fees to the owner of the property where the vehicle was towed. (as added by Ord. #3113, Sept. 2002)

9-611. Abandoned and/or junked vehicle towed to a towing/wrecker service property, and/or used car dealership/lot, or other private property. In cases where an abandoned and/or junked vehicle is towed to a towing and/or wrecker service property, and/or used car dealership/lot, or some other private property, and the vehicle has not been claimed, then the owner of such property shall have sixty (60) days to bring the car into compliance (complete working order) or to dispose of it properly. (as added by Ord. #3113, Sept. 2002)

9-612. Sale at public auction (if abandoned and/or junked vehicle is towed to a city-owned impoundment area. (1) After a title search of the abandoned and/or junked vehicle has been made by the police department, the city administrator or his designee shall give notice by registered mail to the owner of such vehicle that the vehicle will be sold at public auction by the city. The

notice shall specify the date, hour, and location of the sale. The city administrator or his designee shall determine the date of the sale of the abandoned vehicle, and at a time of the sale, the vehicle shall be sold by the city, and the city administrator or his designee shall sell such vehicles individually or as a group. Each vehicle at the sale shall be subject to the tow-in charges and storage charges, which charges shall be determined by the city administrator, and the city shall be permitted to bid at the sale. Title to the abandoned vehicles sold at the aforesaid public auction shall pass to the purchaser at the time of the sale. The proceeds derived from the sale of the vehicles shall be retained by the city. The police department shall report to the city administrator the vehicles sold at the sale and the amount received for the vehicles.

(2) Notice of the sale shall be posted at the city center building, the local newspaper, and other places as the city administrator may determine, ten (10) days in advance of the sale. (as added by Ord. #3113, Sept. 2002)

9-613. Storage and sale of property found in vehicle. Any personal property found in any abandoned vehicle subject to this chapter shall be stored by the police department. Any unclaimed personal property may be sold at public auction as determined by the city administrator. (as added by Ord. #3113, Sept. 2002)

9-614. Disposition of funds from sale of vehicle. All funds coming into the city from the sale of vehicles or property under this chapter be applied first to the expenses incurred in the removal and sale of the vehicles and property, and the remainder shall be deposited in the general fund of the city. (as added by Ord. #3113, Sept. 2002)

9-615. Penalty for violations. Any person violating this chapter shall be subject to a civil penalty, up to the maximum extent of the law, for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. (as added by Ord. #3113, Sept. 2002)

CHAPTER 7

POOL ROOMS

SECTION

9-701. Pool or billiard parlors to be closed during certain hours.

9-702. Permission of parents, etc., required for minors to play pool, billiards, etc.

9-701. Pool or billiard parlors to be closed during certain hours. It shall be unlawful for any person to have or permit any pool or billiard parlor within the city to be open for business on Sunday or any weekday between the hours of 12:00 midnight and 6:00 A.M., Eastern Time. The limitations herein set forth shall not be applicable to a family-type recreation center, as concerns business on Sunday, such a business being allowed to open and do business on Sunday between the hours of 1:00 P.M. and 6:00 P.M. only. (1979 Code, § 5-701)

9-702. Permission of parents, etc. required for minors to play pool, billiards, etc. It shall be unlawful for any person engaged, regularly or otherwise, in keeping billiard, bagatelle, or poolrooms or tables or their employees, agents, servants, or other persons acting for them knowingly to permit a person under the age of eighteen years to play on such tables at any game of billiards, bagatelle, pool, or other game 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 may give such permission. If the minor is in attendance as a student of some literary institution, then the written consent of the principal or person in charge of such school shall suffice. Such written consent shall be posted in a conspicuous place in such billiard, bagatelle, or poolroom where the minor is permitted to play, and if not so posted, the same shall not afford any protection to the person permitting the minor to play any of such games. This section shall not apply to the use of billiard, bagatelle, or pool tables kept by private persons and used in private families. Neither shall this section apply to family-type recreation centers which cater to and are patronized by both adult and minor, and male and female members of the family. (1979 Code, § 5-702)

CHAPTER 8

RESTAURANTS¹

SECTION

9-801. Public Health Service Food Sanitation Manual adopted.

9-802. Required compliance; suspension of permits.

9-803. Hours of operation for drive-in restaurants.

9-801. Public Health Service Food Sanitation Manual adopted. The inspection of eating and drinking establishments within the city, or its police jurisdiction, the issuing, suspension and revocation of permits for the operation of such establishments, and the sale of adulterated, misbranded, or unwholesome food and drink, shall be regulated in accordance with the terms of the unabridged form of the 1962 Edition of the U. S. Public Health Service Food Sanitation Manual, three copies of which shall be kept on file in the office of the recorder. (1979 Code, § 5-801)

9-802. Required compliance; suspension of permits. No restaurant shall be operated within the city, or its police jurisdiction, unless it conforms with the requirements of the Public Health Service Manual adopted by § 9-801; provided, that when any restaurant fails to qualify, the health officer is authorized to suspend the permit. (1979 Code, § 5-802)

9-803. Hours of operation for drive-in restaurants. It shall be unlawful for any establishment selling food and drink to customers who consume the same on the premises of such establishments while remaining in their vehicles to remain open for business between the hours of 12:00 midnight and 6:00 A.M. All such businesses shall cease doing business at 12:00 midnight and shall not reopen for business before 6:00 A.M.; provided however, restaurant drive-in service shall be extended on Friday and Saturday nights to 2:00 A.M. with the following provisions:

(1) That the owner of such drive-in restaurant will provide a policeman on duty on the premises as approved by the chief of police;

(2) That the policeman will be hired at the restaurant owner's expense;

Each occasion when such business shall remain open during the hours prohibited in this section shall constitute a separate offense. (1979 Code, § 5-803)

¹Municipal code reference

Property maintenance regulations: title 13.

CHAPTER 9

SELF SERVICE DRY CLEANING ESTABLISHMENTS

SECTION

9-901. Approval of plans and specifications by county health department.

9-902. Permits.

9-903. Protection from dry cleaning solvents and vapors.

9-904. Adoption of standards and rules by county health department.

9-905. Periodic inspections.

9-901. Approval of plans and specifications by county health department. No person shall install a self-service dry cleaning machine in an existing building or construct a building for the purpose of installing self-service dry cleaning machines until plans and specifications for the proposed installation or construction have been approved by the county health department. The installation shall conform to the plans and specifications as approved. (1979 Code, § 5-901)

9-902. Permits. The county health department shall issue a permit to the person who proposes to operate a self-service dry cleaning establishment or machines after the department has approved the installation and is satisfied that the operation can comply with the requirements of this chapter and rules and regulations adopted pursuant to this chapter. The permit shall be issued without cost to the applicant. A new permit shall be required in case of change of ownership, a change in the number of machines to be used, or alterations materially different from the original plans and specifications. A permit may be revoked by the county health department for violation of any provision of this chapter or any rule or regulation adopted pursuant to this chapter. A self-service dry cleaning machine shall not be made available for use by the public unless there is first obtained a valid permit for such machine. (1979 Code, § 5-902)

9-903. Protection from dry cleaning solvents and vapors. All self-service dry cleaning establishments or machines shall be operated and maintained in such a manner as to prevent dry cleaning solvents or their vapors from becoming injurious and dangerous to the health of individuals or the public. (1979 Code, § 5-903)

9-904. Adoption of standards and rules by county health department. The county health department shall adopt standards for construction of self-service dry cleaning establishments and installation of self-service dry cleaning machines and rules for the operation and maintenance of same. Such standards shall be used in the approval of plans and specifications, as required

in § 9-901. The owner or operator of self-service dry cleaning machines shall operate and maintain such machines in accordance with the rules adopted by the department. (1979 Code, § 5-904)

9-905. Periodic inspections. The county health department shall make periodic inspections of self-service dry cleaning establishments and machines for the purpose of checking for compliance with this chapter and rules and regulations adopted pursuant to this chapter. (1979 Code, § 5-905)

CHAPTER 10

ELECTRICIANS AND PLUMBERS¹

SECTION

- 9-1001. Construction board of adjustments, appeals and examiners.
- 9-1002. Membership and appointment.
- 9-1003. Terms of office.
- 9-1004. Quorum and voting.
- 9-1005. Duties generally; meetings and examinations.
- 9-1006. Examinations and re-examinations.
- 9-1007. Exemption for holders of State of Tennessee license.
- 9-1008. Applications for examinations.
- 9-1009. Issuance of licenses and revocation for cause.
- 9-1010. Minimum age.
- 9-1011. Nontransferable.
- 9-1012. License required.
- 9-1013. Electrical license required, exceptions.
- 9-1014. Classes of electrical licenses.
- 9-1015. Classes of plumbing licenses.
- 9-1016. Electrical fees.
- 9-1017. Plumbing fees.
- 9-1018. Bond required.
- 9-1019. Electricians employed for itinerant circuses, etc.
- 9-1020. Allowing one's name, license, or bond to be used to obtain a permit fraudulently.

9-1001. Construction board of adjustments, appeals and examiners. There is hereby created a Construction Board of Adjustments, Appeals and Examiners which shall consist of seven (7) members appointed by the city council. (Ord. #2703, Feb. 1993)

9-1002. Membership and appointment. The Construction Board of Adjustments, Appeals and Examiners shall consist of seven (7) members. Such board members shall be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. No board member shall act in a case in which he has a personal or financial interest. (Ord. #2703, Feb. 1993)

¹Municipal code reference
Electrical code: title 12.
Plumbing code: title 12.

9-1003. Terms of office. The terms of office of the board members shall be staggered so that no more than 1/3 of the board is appointed or replaced in any twelve (12) month period. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from board meetings shall, at the discretion of city council, render such member subject to removal from office. (Ord. #2703, Feb. 1993)

9-1004. Quorum and voting. A simple majority of the board shall constitute a quorum. A decision by the board shall require an affirmative vote by a majority of the members present; that is, at least three (3) affirmative votes shall be required. (Ord. #2703, Feb. 1993)

9-1005. Duties generally; meetings and examinations. The Construction Board of Adjustments, Appeals and Examiners shall meet once a month for the transaction of business. The board shall have the power to hear appeals of decisions and interpretations of the building, plumbing and gas, and electrical inspectors and to consider variances of the technical codes, all pursuant to the Standard Building Code §§ 105.4.1 and 105.4.2.1. The board also shall act as the examining board for applications for licenses in the plumbing and electrical trades. (Ord. #2703, Feb. 1993)

9-1006. Examinations and re-examinations. It shall be the duty of the Board of Adjustments, Appeals and Examiners to determine the general qualifications and fitness for applicants in the various classifications of plumbing and electrical licenses. The board shall prepare, in conjunction with the Industrial/Technology Department of Walters State Community College an objective written examination for each of the various classifications of plumbing and electrical licenses and a completed record of every examination given shall be kept on file for at least three (3) years. Examinations shall be given not more than once a week at a place and time specified by the city administrator. Announcement of the examination location and time shall be made at least ten (10) days in advance. Plumbing examinations shall be based on the edition of the Standard Plumbing Code most recently adopted by the city; electrical examinations shall be based on the edition of the National Electrical Code most recently adopted by the city. The board, or upon directive of the city administrator, any other competent body, including but not by way of limitation, the Industrial/Technology Department of Walters State Community College, shall grade the examinations. Should an applicant fail to make a passing score on the examination, there will be a ninety (90) day waiting period before a re-examination can be taken by such applicant. (Ord. #2703, Feb. 1993)

9-1007. Exemption for holders of State of Tennessee license. As per TCA § 62-6-111, any person who establishes his competency in plumbing, electrical,

or HVAC by passing the proficiency test that is administered by the State Contractor's Board, shall not be required to take the local examination. However, a holder of a state contractor's license who is currently certified as competent in plumbing, electrical, or HVAC, having passed the proficiency test or tests thereof, must comply with all other license, bonding, and permitting requirements of this chapter. Provided further, the board shall not require local examination of an applicant who has a current license with a governmental entity which is a party to an agreement with the City of Morristown granting reciprocity to licensees in proficiency requirements for plumbing, electrical and HVAC. (Ord. #2703, Feb. 1993)

9-1008. Applications for examinations. Any person desiring to enter the plumbing business or to offer plumbing services shall obtain an application for license from the plumbing inspector. Likewise, any person desiring to enter the electrical business or to offer electrical services shall obtain an application for license from the electrical inspector. Applications shall provide sufficient information that, in the board's judgment, will attest to the applicants practical ability to perform the work permitted by the class of license applied for. Applications shall state the class of license desired and the name and place of business of the applicant. Applications shall be returned to either the plumbing inspector or electrical inspector as the case may be and shall be accompanied by the proper examination fee - fifty dollars (\$50. 00) for initial examinations, twenty-five dollars (\$25.00) for re-examinations. Applications should be returned ten (10) or more days prior to any scheduled examination. (Ord. #2703, Feb. 1993)

9-1009. Issuance of licenses and revocation for cause. Upon satisfactory completion of the application and examination process as specified in this chapter, the Board of Adjustments, Appeals and Examiners shall recommend to the city administrator that a license be issued to the applicant. The person named as applicant shall be designated in the certificate of license as the supervisor of all work done under said license. The person designated as the supervisor may be a sole proprietor, or an employee of a company; or a member of a firm or partnership; or an officer of a corporation, depending upon the particular circumstances. A person may only be designated as the supervisor for one company at a time; the same person cannot hold multiple licenses for different entities. In the event that the business association with or employment of the supervisor of a license shall terminate, the company, firm, partnership or corporation can draw no further permits until such time as a new supervisor is qualified and licensed as specified by this chapter.

Unsuccessful applicants shall be notified in writing as to the reason for their disqualification and their earliest eligibility for re-examination.

Each license issued under this chapter shall expire on June 30th following the date of its issuance but shall automatically be renewed upon payment of the required annual fee prior to expiration date.

Any license issued by the Board of Adjustments, Appeals and Examiners under this chapter may, after hearing, be suspended or revoked for good cause by the city council upon recommendation by the board. Any person, firm, or corporation whose work does not conform to the rules herein set out; or whose workmanship or materials are of inferior quality; or who willfully or by reason of incompetence violates any statute of the State of Tennessee or any local ordinance shall be notified to appear before the board for a hearing. When the suspension or revocation of a license is to be considered at a board meeting, the licensee shall have at least three (3) days notice in writing of the time and place of such meeting and a statement of the alleged violations. Likewise, if the suspension or revocation of a license is to be recommended by the board to city council, the licensee shall be notified in writing at least three (3) days prior to the meeting of the city council. (Ord. #2703, Feb. 1993)

9-1010. Minimum age. No license required by this chapter shall be issued to any person under eighteen years of age. (Ord. #2703, Feb. 1993)

9-1011. Nontransferable. No license or certificate issued in accordance with the provisions of this chapter shall be assignable or transferable. (Ord. #2703, Feb. 1993)

9-1012. Licenses required. Before any person, firm, or corporation shall engage in the plumbing or electrical business, that person shall be qualified as set forth herein, and a license shall be obtained from the city as required and a proper bond posted. (Ord. #2703, Feb. 1993)

9-1013. Electrical license required; exceptions. Except as otherwise provided in this chapter, no person shall in any manner undertake to execute or perform any work of installing, maintaining, altering, or repairing any electric wiring devices, or equipment, unless such person is the holder of a Class I, Class II, or Class III license, as prescribed in this chapter, nor as specifically permitted under the class of license held by such person; provided, that an unlicensed person shall be permitted to work as an apprentice or helper under the supervision of a licensed electrician; provided further, that no license shall be required in order to perform or execute any of the classes of work described in the following sub-sections:

(1) Any work involved in making tests or repairs to devices, appliances, or apparatus, but not including any connection for permanent replacements.

(2) Any work involved in the manufacture, test, or repair of electrical materials, devices, appliances, or apparatus, but not including any wiring other than that required for testing purposes.

(3) The assembly, erection, connection and repair of electric apparatus and equipment by the manufacturer of such apparatus and equipment, but not including any electric wiring other than that involved in making electrical connections on the apparatus or equipment itself or between two or more parts of such apparatus or equipment. (Ord. #2703, Feb. 1993)

9-1014. Classes of electrical licenses. Four classes of electrical licenses shall be issued by the Board of Adjustments, Appeals and Examiners, which shall be designated respectively as: Class I, Electrical Contractor's License; Class II, Residential Electrical Contractor's License; Class III, Electrical Appliance Dealer's Limited License; and Class IV, Maintenance Electrician's License.

A CLASS I, ELECTRICAL CONTRACTOR'S LICENSE shall entitle the holder thereof to engage in the business of and to secure permits for the installation, alteration, or repair of any electrical devices or equipment, and to do domestic, commercial, and industrial wiring.

A CLASS II, RESIDENTIAL ELECTRICAL CONTRACTOR'S LICENSE shall entitle the holder thereof to engage only in the business of and to secure permits for the installation, alteration, and repair of residential wiring devices, appliances or equipment in buildings of four (4) units or less.

A CLASS III, ELECTRICAL APPLIANCE DEALER'S LIMITED LICENSE shall entitle the holder thereof to obtain permits to install any electrical appliances, devices, or controls and to install their related circuits; provided however, that said license shall be limited to the materials and appliances which are sold by said dealer. It is further provided that said limited license shall not permit the holder thereof to engage in general wiring or to add main service.

A CLASS IV, MAINTENANCE ELECTRICIAN'S LICENSE shall not entitle the holder to engage in the business of electrical contracting nor to secure electrical permits. This classification shall be applicable to trained persons who perform electrical work in the course of their employment on their employer's premises and equipment. This shall be a voluntary classification for the purpose of demonstrating the holder's qualifications and code proficiency. (Ord. #2703, Feb. 1993)

9-1015. Classes of plumbing licenses. Plumbing licenses shall be classified in two types as follows:

CLASS I COMMERCIAL. This license includes all types of installation, repair, and maintenance in any industrial, commercial, or residential structure.

CLASS II RESIDENTIAL. This license includes installation, repair, and maintenance work in residential buildings including single family and up to four-family residences only. (Ord. #2703, Feb. 1993)

9-1016. Electrical fees. Before a license required by this chapter is granted to any applicant and before any expiring license is renewed, the applicant shall pay to the city in such amount as is specified in this section for the class of license to be granted or renewed, as follows:

- | | | |
|-----|---|----------|
| (1) | For a Class I, Electrical Contractor's License | \$100.00 |
| (2) | For a Class II, Electrical Contractor's License | \$ 50.00 |
| (3) | For a Class III, Appliance Dealer's Limited License | \$ 25.00 |
| (4) | For a Class IV, Maintenance Electrician's License | \$ 25.00 |

(Ord. #2703, Feb. 1993)

9-1017. Plumbing fees. Before a plumbing license required by this chapter is granted to any applicant and before any expiring license is renewed, the applicant shall pay to the city the following fees:

Class I License and Renewal	\$100.00
Class II License and Renewal	\$ 50.00

(Ord. #2703, Feb. 1993)

9-1018. Bond required. Before any person, firm or corporation shall engage in the plumbing business, he, it, or they shall first deposit with the city a good and sufficient bond in the sum of five thousand dollars (\$5,000.00), the bond form to be approved by the city attorney and so conditioned that the person, firm, or corporation engaged in the plumbing business will faithfully observe all the laws pertaining to plumbing, drain laying, blasting, and excavating; further, that the city shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation, or by any other unfaithful, inadequate work done either by themselves or their agents or employees and that such person, firm, or corporation will maintain a safe condition for a period of one year all ditches and excavations which may be opened in the performance of any plumbing work, and further that all dirt and other material excavated will be replaced in a good condition with similar methods. Where such excavation is made in an unpaved street, or any street paved with chert macadam, the word "street" as herein used, shall apply to sidewalks, curbs, gutters, and street paving. (Ord. #2703, Feb. 1993)

9-1019. Electricians employed by itinerant circuses, etc. Electricians not residents of the city, but employed by itinerant companies operating stage shows, circuses, and similar forms of entertainment, may install electrical

equipment for the use of such companies, subject to the approval, supervision, and instruction of the electrical inspector. (Ord. #2703, Feb. 1993)

9-1020. Allowing one's name, license, or bond to be used to obtain a permit fraudulently. No person, firm, or corporation engaged in the business of plumbing shall allow his, its, or their names to be used by any other person, firm, or corporation, directly or indirectly, to fraudulently obtain a permit, or for the construction of any work under his, its, or their name, license, or bond; nor shall he, it, or they make any misrepresentations or omissions in his, its, or their returns. (Ord. #2703, Feb. 1993)

CHAPTER 11

PRIVATE DETECTIVES

SECTION

- 9-1101. Definitions.
- 9-1102. License required.
- 9-1103. Application for license.
- 9-1104. Investigation by chief of police.
- 9-1105. Standards for issuance of license.
- 9-1106. Standards applicable to employees.
- 9-1107. Notice of rejection.
- 9-1108. Appeal procedure.
- 9-1109. License fee.
- 9-1110. Conditions of licensing.
- 9-1111. Bond required.
- 9-1112. Promulgation of regulations by chief of police.
- 9-1113. Duties of licensee.
- 9-1114. Effective date.
- 9-1115. Penalties.

9-1101. Definitions. For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Morristown, Tennessee.
- (2) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.
- (3) "Private detective" is any person who accepts employment for hire, fee, or reward to furnish or supply information as to the personal character or actions or identity of any person or as to the character or kind of business or occupation of any person. The term shall not include within its meaning a private investigator employed exclusively for one employer in connection with a business or a collection agency. Nor shall it include a detective or officer belonging to the law enforcement agencies of the United States or of any state, county, or city. (1979 Code, § 5-1201)

9-1102. License required. No person shall operate as a private detective in the city without first obtaining a license as hereinafter provided from the chief of police. (1979 Code, § 5-1202)

9-1103. Application for license. Applications for licenses issued hereunder shall be made upon blank forms prepared and made available by the chief of police and shall state:

- (1) The full name, age, residence, and present and previous occupations of the applicant;
- (2) Whether the person signing the application is a citizen of the United States;
- (3) A specific description of the location of the principal place of business of the applicant;
- (4) The number of years experience the applicant has had as a private detective or in the related fields;
- (5) The length of time applicant has been a bona fide resident of the State of Tennessee immediately preceding the filing of the application;
- (6) Such other information as the chief of police shall find reasonably necessary to effectuate the general purpose of this chapter and to make a fair determination of whether the terms of this chapter have been complied with;
- (7) Fingerprints and photograph. The application required hereunder shall be accompanied by a full set of fingerprints and a recent photograph;
- (8) Application fee. The application required shall be accompanied by an application fee of twenty-five dollars (\$25.00). (1979 Code, § 5-1203)

9-1104. Investigation by chief of police. Within fifteen (15) days after receipt of an application as provided for, the chief of police shall cause an investigation to be made of the applicant and his proposed operation. (1979 Code, § 5-1204)

9-1105. Standards for issuance of license. The chief of police shall issue a license hereunder when he finds:

- (1) That the applicant is of good moral character;
- (2) That the applicant has never been convicted of any felony or any offense against decency and morals of the community;
- (3) That the applicant is a natural born or a fully naturalized citizen of the United States;
- (4) That the applicant does not believe in or advocate the overthrow of the government of the United States, or of the State of Tennessee by force or violence and that the applicant is not a member of any organization or party which believes in or teaches directly or indirectly the overthrow by force or violence of the government of the United States or of the State of Tennessee. (1979 Code, § 5-1205)

9-1106. Standards applicable to employees. All employees of any person having or applying for a license hereunder shall meet the standards set forth above and shall be subject to all regulations of this chapter. (1979 Code, § 5-1206)

9-1107. Notice of rejection. The chief of police shall act upon the application for a private detective's license within thirty (30) days after the filing thereof. If the chief of police disapproves the application, he shall mail to the applicant within thirty (30) days after the date upon which the application was filed a notice of his action stating the reasons for his denial of the permit. (1979 Code, § 5-1207)

9-1108. Appeal procedure. Any person aggrieved shall have the right to appeal the denial of a private detective's license to the city council. The appeal shall be taken within three (3) days after notice. The city council shall act upon the appeal within fifteen (15) days after its receipt. (1979 Code, § 5-1208)

9-1109. License fee. A license shall be issued to a successful applicant upon payment of the appropriate privilege tax.¹ (1979 Code, § 5-1209)

9-1110. Conditions of licensing. (1) Transferability. Licenses issued hereunder shall not be transferable.

(2) Revocation and suspension. Licenses issued hereunder shall be subject to revocation or suspension by the chief of police for violation of any of the provisions of this chapter or misconduct by the licensee or his employees, after reasonable notice and an opportunity to be heard has been given the licensee. The chief of police shall immediately notify any licensee, by personal service, of such suspension or revocation.

(3) Renewal. The chief of police shall issue renewal licenses to all licensees whose licenses have not been suspended at the time said licenses have expired, upon payment of the license fee.

(4) Term of license. All licenses issued hereunder shall be for a term of one (1) year. (1979 Code, § 5-1210)

9-1111. Bond required. No license shall be issued hereunder unless the applicant files with the city a surety bond executed by such applicant with two (2) or more sureties, or by a surety company authorized to do business in the State of Tennessee, in the sum of five thousand (\$5,000.00) dollars, or such other financial security as may be approved by the city attorney, conditioned upon careful, faithful, and honest conduct of the services to be performed by the applicant or his or its employees. Such bond shall be approved by the city attorney of the City of Morristown as to form, execution, and sufficiency of sureties.

(1) Protection to public. The bond or approved security required herein shall be taken in the name of the people of the State of Tennessee, and every

¹Municipal code reference
Privilege taxes: title 5.

person injured by the negligent, willful, malicious, or wrongful act of the principal, his agent, servant, or employee in the conduct of business of private detective may bring an action on the bond in his own name to recover damages for such negligent, willful, malicious, or wrongful act.

(2) Suspension of license on failure of security. The chief of police shall suspend any license when the bond or other approved financial security required herein shall have lapsed or is reduced by reason of a judgment thereon, or for any other reason is no longer in full force and effect. (1979 Code, § 5-1211)

9-1112. Promulgation of regulations by chief of police. The chief of police shall have the authority to enact and enforce reasonable rules and regulations for the operation of private detectives in the interest of public safety, morals, and welfare and to effectuate the general purpose of this chapter. (1979 Code, § 5-1212)

9-1113. Duties of licensee. (1) Carrying and posting of license certificates. The licensees hereunder shall cause a certificate of such license to be displayed at all times in a conspicuous place in or on his place of business described in such license. The licensee shall carry on his person at all times when performing services as a private detective a certificate of the license issued hereunder.

(2) Impersonation of state police officers. No private detective licensed hereunder shall impersonate or hold himself out as a peace officer of this state or city; nor shall a private detective operate or permit to be operated a motor vehicle with a siren, blinker light, or with any insignia thereon bearing likeness to the insignia used by peace officers of this state or city. (1979 Code, § 5-1213)

9-1114. Effective date. This chapter shall take effect immediately upon final passage.¹ Any private detectives who are operating in the city when this chapter becomes effective shall comply with its provisions; their licenses become due June 30th. (1979 Code, § 5-1214)

9-1115. Penalties. Any violation of the provisions of this chapter shall be grounds for suspension, denial, or revocation of the license. This penalty shall be in addition to the penalty provided in the general penalty clause for this code. (1979 Code, § 5-1215)

¹The ordinance from which this chapter was derived was passed on final reading February 6, 1973

CHAPTER 12

COAL AND COAL DEALERS¹

SECTION

9-1201. Standard ton of coal.

9-1202. Sales and deliveries to be made by licensed dealers only.

9-1203. City to purchase coal from licensed dealers only.

9-1204. Delivery tickets required.

9-1205. Sales to be by weight.

9-1206. Inspection, weighing, etc., of contents of vehicles.

9-1207. Short or false weight.

9-1208. Revocation of licenses for violations of chapter.

9-1201. Standard ton of coal. A ton of coal shall weigh two thousand pounds. (1979 Code, § 5-1301)

9-1202. Sales and deliveries to be made by licensed dealers only. No person shall sell, barter, or deliver any coal within the city unless such person shall have first obtained a coal dealer's license from the city, as provided in this code. (1979 Code, § 5-1302)

9-1203. City to purchase coal from licensed dealers only. No purchase of coal for the use of the city or any of its agencies shall be made from any seller except one that is a regularly licensed dealer under this code. No bids for the sale of coal from a seller not within the above category shall be accepted. (1979 Code, § 5-1303)

9-1204. Delivery tickets required. Any person who shall sell, barter, or deliver coal within the city shall furnish the purchaser a delivery ticket with each sale or delivery. Such ticket shall specify the name and address of the seller, the net weight and price of the coal, the date of sale or delivery, and the name and address of the purchaser. (1979 Code, § 5-1304)

9-1205. Sales to be by weight. All coal sold, bartered, or delivered within the city shall be sold by weight. The net weight of the coal shall be indicated on the delivery ticket and on the container, if any, in which the coal is sold. (1979 Code, § 5-1305)

¹Charter references

Weights and measures: § 5(16)

Inspection and weighing of stone, fuel and grain; § 5(17).

9-1206. Inspection, weighing, etc., of contents of vehicles. The chief of police may examine, weigh, mark, and inspect the contents of any vehicle transporting or loaded with coal that may be offered for sale or sold in the city, while in transit or otherwise, so as to determine that the proposed purchaser or consumer or persons desiring to purchase or consume such coal shall receive the correct weight and amount for which they may contract. (1979 Code, § 5-1306)

9-1207. Short or false weight. No person shall sell, deliver, or attempt to sell or deliver any coal of less quantity than that stated on the delivery ticket required by § 9-1204 or stated on the container in which the coal is sold. Each attempt to sell or deliver and each actual sale or delivery of coal of a quantity less than that stated on the delivery ticket or container shall constitute a separate offense. (1979 Code, § 5-1307)

9-1208. Revocation of licenses for violations of chapter. Whenever any person is convicted of a violation of this chapter, his license as a coal dealer shall automatically be revoked. Any license so revoked may not be reinstated until twelve months from the date of such conviction. There shall be no return of any license fee paid for a license revoked pursuant to this section. (1979 Code, § 5-1308)

CHAPTER 13

TAXICABS¹

SECTION

- 9-1301. Franchise and privilege license required.
- 9-1302. Requirements as to application and hearing.
- 9-1303. Liability insurance required.
- 9-1304. Revocation or suspension.
- 9-1305. Vehicle requirements generally.
- 9-1306. To be kept clean and sanitary.
- 9-1307. Inspection of vehicles.
- 9-1308. Taxicab driver's permit required.
- 9-1309. Qualifications.
- 9-1310. Revocation or suspension.
- 9-1311. Drivers not to solicit business.
- 9-1312. Parking restricted.
- 9-1313. Drivers to use direct routes.
- 9-1314. Taxicabs not to be used for illegal purposes.
- 9-1315. Conduct of drivers.
- 9-1316. Transportation of more than one passenger at the same time.
- 9-1317. Meters generally.
- 9-1318. Rates and charges generally.
- 9-1319. Rates required to be posted.

9-1301. 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 city and has a currently effective privilege license. (1979 Code, § 5-1401)

9-1302. 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 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

¹Charter references

Licensing and regulation of taxicabs, etc.: § 5(11).

Parking spaces for taxicabs, etc.: § 5(34).

Municipal code references

Privilege taxes: title 5.

Motor vehicle and traffic regulations: title 15.

Taxicab stands, parking of taxicabs, etc.: §§ 15-817 through 15-819.

address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of such cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two 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 city administrator shall make a thorough investigation of the applicant, determine if there is a public need for additional taxicab service, present the application to the city council, and make a recommendation either to 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 taxicab franchise. Those persons already operating taxicabs when this chapter is adopted¹ shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1979 Code, § 5-1402)

9-1303. 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 and evidence of same to be furnished to the city recorder for each vehicle authorized in the amount of five thousand dollars for bodily injury or death to any one person, ten thousand dollars for bodily injuries or death to more than one person which are sustained in the same accident, and five thousand dollars (\$5,000) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty days written notice is given by the insurer to both the insured and the recorder of the city.

The minimum amounts of insurance herein set forth shall vary so as to be the same as the state minimum requirements for the "Financial Responsibility Act." (1979 Code, § 5-1403)

9-1304. Revocation or suspension. The city council, after a public hearing, may revoke or suspend any taxicab franchise for traffic violations or violations of this chapter by the taxicab owner or any driver. (1979 Code, § 5-1404)

¹The ordinance from which this chapter derives was adopted October 18, 1963.

9-1305. Vehicle requirements generally. It shall be unlawful for any taxicab to operate in the city unless it is equipped with four wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision 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. (1979 Code, § 5-1405)

9-1306. To be kept clean and sanitary. All taxicabs operated in the city 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. (1979 Code, § 5-1406)

9-1307. Inspection of vehicles. All taxicabs shall be inspected at least semi-annually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1979 Code, § 5-1407)

9-1308. Taxicab driver's permit required. 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. (1979 Code, § 5-1408)

9-1309. Qualifications. 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 city administrator;
- (2) Is at least eighteen 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 and 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 reputable citizens of the city who have known him personally and have observed his conduct for at least two years next preceding the date of his application;
- (6) (a) Has not been convicted of a felony involving physical violence;

(b) Has not been convicted of any felony during a period of five (5) years immediately preceding the making of application called for in subsection (1) of this section;

(c) Has not been convicted of driving under the influence of an intoxicant or drug during a period of five (5) years immediately preceding the making of application called for under subsection (1) of this section;

(d) Has not been convicted of three (3) or more traffic violations during a period of two (2) years immediately preceding the making of application called for in subsection (1) of this section;

(7) Is familiar with the state and local traffic laws. (1979 Code, § 5-1409)

9-1310. Revocation or suspension. The city council, after a public hearing, may revoke or suspend any taxicab driver's permit for traffic violations or violation of this chapter. (1979 Code, § 5-1410)

9-1311. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage for their cabs. (1979 Code, § 5-1411)

9-1312. 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 city 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 unreasonably to interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1979 Code, § 5-1412)

9-1313. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1979 Code, § 5-1413)

9-1314. 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. (1979 Code, § 5-1414)

9-1315. Conduct of 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, use profane or obscene language, shout or call to prospective passengers, unnecessarily blow the automobile horn, or to otherwise disturb the peace, quiet, and tranquility of the city in any way. (1979 Code, § 5-1415)

9-1316. 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. (1979 Code, § 5-1416)

9-1317. Meters generally. It shall be unlawful to own and operate or cause to be operated any taxicab in the city unless and until such taxicab shall be equipped with a practicable, standard taximeter, in good and workable condition, designed mechanically and accurately to measure distance traveled, to record the time such vehicle is in waiting, and upon which there shall be indicated by means of figures the fare charged. It shall be the duty of each person owning or operating a taxicab to keep the taximeter thereon in good and workable condition, and, at the beginning of every employment, to set such taximeter in the usual way so that it will register and compute on a mileage basis while such vehicle is running, and a time basis while waiting, and while the service is being rendered, show the fare to be charged. Any such taximeter shall be so placed that the face thereof where the fare is registered will be well lighted and plainly visible to the passengers within such vehicle.

No driver of a taxicab, while carrying passengers, shall display the flag attached to the taximeter in such a position as to denote that such vehicle is not employed or throw the flag of the taximeter in a recording position when the vehicle is not actually employed, or fail to throw the flag of such taximeter in a nonrecording position at the termination of every service.

In addition to the above, there shall be adequate "tell-tale" lights indicating that the taxicab is employed with the taximeter operating or that it is employed with the taximeter not operating.

No driver shall permit any other person or persons to occupy or ride in such taxicab other than the person or persons first employing or engaging the taxicab.

Adequate provision shall be made for sealing all taximeters in such a manner that no adjustments, alterations, or replacements affecting in any way the indications, the time or mileage rates or, in general, the accuracy of the taximeter can be made without mutilating or destroying the seal. (1979 Code, § 5-1417)

9-1318. Rates and charges generally. The rate shall not exceed \$1.25 to activate the meter plus a charge of \$.10 per one tenth of one mile. If meter is temporarily out of order, the first mile shall cost not more than \$2.00 and the maximum charge, regardless of distance within the city, shall not exceed \$3.00. Waiting time shall be charged on the basis of not more than \$.20 cents per minute with appropriate charges being made for fractions thereof. "Waiting time" shall include the time when the taxicab is not in motion, beginning with the time of arrival to the place to which it has been called, or time consumed when it is standing at the direction of the passenger. No charge shall be made for time consumed by the premature response to a call or for time lost through

traffic interruption or for delays caused by the inefficiency of the taxicab or its driver. (Ord. #2691, Nov. 1992)

9-1319. Rates required to be posted. It shall be unlawful for any person who is the owner, driver, or operator of a taxicab to operate it upon the streets of the city or the police jurisdiction thereof, unless such taxicab has posted, in a place clearly discernible and visible, a schedule of rates charged for the use of such taxicab. (1979 Code, § 5-1419)

CHAPTER 14

MINIMUM STANDARDS FOR FIXED BASE OPERATORS

SECTION

- 9-1401. Standard requirements for all operators.
- 9-1402. General fixed base operator.
- 9-1403. Standards for specific aeronautical services.
- 9-1404. Special fixed base operator.
- 9-1405. Maintenance/management agreement.
- 9-1406. Sale and consumption of aviation gasoline, fuels, and oils.
- 9-1407. Affirmative action/equal employment opportunity.
- 9-1408. Amendments.

9-1401. Standard requirements for all operators. Each individual or corporation desiring to conduct aeronautical activities on the airport must satisfy the council:

(1) That the applicant has sufficient management experience and available personnel to conduct the proposed service or activity in an efficient and workmanlike manner;

(2) That the applicant is financially responsible and able to provide the facilities and services proposed for the duration of the agreement being considered;

(3) That the applicant has or can reasonably secure necessary certificates for the FAA or other authority where the same are required for the activity proposed;

(4) That the applicant has or can furnish suitable indemnity insurance or bond to protect and hold the city harmless from any liability in connection with the conduct of the activity proposed;

(5) Any lease agreement with such operator shall contain provisions for strict compliance with these minimum standards and regulations and contain such other special provisions as may be determined by the council to be necessary on account of any building or other construction which may be required under such lease or any other special circumstances which may be applicable to such particular operator;

(6) All fixed base operators shall abide by and comply with all state, county, and city laws and ordinances, the rules and regulations of the city governing such airport, and the rules and regulations of the Federal Aviation Administration;

(7) All contracts and leases between such operators and the city shall be subordinate to the provisions of any existing or future agreement between the city and the United States, relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition

precedent to the expenditure of federal funds for the development of the airport properties;

(8) All construction required of such operators shall be in accordance with design and construction standards required or established by the city for the facility or activity involved.

All operators shall be required to furnish the city payment and performance bonds commensurate with any construction required under any contract or lease by and between such operator and the city. (1979 Code, § 5-1501)

9-1402. General fixed base operator. A general fixed base operator shall be only those individuals, corporations, or firms which are authorized to engage in and furnish a full range of aeronautical activities and services which shall include, as a minimum, the following:

(1) Sale and dispensation of aviation gasoline, fuels, and oils as set forth in § 9-1406;

(2) Aircraft storage consisting of a minimum of ____ square feet of hangar space and tie-down spaces for a minimum of ____ aircraft;

(3) Adequate and efficient ramp service;

(4) Capability to perform FAA approved major and minor aircraft, engine, and accessory maintenance and to furnish necessary tools and equipment;

(5) Capital investment of not less than \$_____. Capital investment as used herein does not include aircraft. In the event that no successor operator is available having the required minimum capital investment for general fixed base operators, city shall be privileged to waive the minimum capital requirement. However, as a condition precedent to entering into a lease with any such general fixed base operator to all of the general fixed base operators on the airport in the event more than one shall desire the premises, decision as to the successful applicant rests with the city. If none of the general fixed base operators desires the premises, in such event, the same may be leased with waiver or reduction of capital investment requirement, in the discretion of the city. (1979 Code, § 5-1502)

9-1403. Standards for specific aeronautical services. In addition to meeting the requirements set forth in § 9-1402 above, each operator conducting the following specific activities shall meet the requirements set forth below:

(1) Fuel and oil sales. Persons conducting aviation fuel and oil sales on the airport shall be required to provide:

(a) Hard surface ramp space accessible by taxiway with electrical pumps and tank storage having a capacity equal to the minimum tank truck load deliverable for 100/130 grade aviation fuel.

(b) Properly trained line personnel on duty at least ten hours of every day, seven days a week, and on call by readily accessible telephone at other hours during the day or night.

(c) Conveniently located waiting rooms for passengers, and airplane crews of itinerant aircraft, together with sanitary rest rooms and public telephones.

(d) Adequate towing equipment and parking and tiedown area to safely and efficiently move aircraft and store them in all reasonable expected weather conditions.

(e) Adequate inventory of accepted grades of engine oil lubricants. In conducting refueling operations, every operator shall install and use adequate grounding facilities at fueling locations to eliminate hazards of static electricity and shall provide approved types of fire extinguishers or other equipment commensurate with the hazard involved in refueling and servicing aircraft.

(2) Aircraft engine and accessory maintenance. All persons operating aircraft engine and accessory maintenance facilities shall provide:

(a) Sufficient hangar space to house any aircraft upon which such service is being performed.

(b) Suitable storage space for aircraft awaiting maintenance or delivery after repair and maintenance have been completed.

(c) Separate storage of aircraft undergoing repair. Aircraft shall not be stored for salvage operations. Any aircraft undergoing repair and to be in a non-airworthy condition in excess of thirty (30) days shall be screened from public view.

(d) Separately partitionable space with adequate exhaust fans and fire protection for spray painting if this type work is performed.

(3) Flight training. All persons conducting flight training activities shall have or provide:

(a) At least ___ single engine land aircraft properly equipped and maintained for flight instruction, one which shall meet the requirements for instrument and commercial pilot certification. Free lance instruction shall require the same reimbursement to the city as is required of other operations.

(b) Adequate classroom space for at least ten students with proper restroom and seating facilities.

(c) Adequate mock-ups, pictures, slides, film strips, or other visual aids necessary to provide proper ground school instruction.

(d) Properly certificated ground school instructor(s) providing regularly scheduled ground school instruction sufficient to enable students to pass the FAA written examination for private and commercial pilot certification, and instrument ratings.

(e) Continuing ability to meet certification requirements of the FAA for the flight training proposed.

(f) Adequate public liability and property damage insurance sufficient to protect the operator and the city from legal liabilities involved.

(4) Aircraft charter and taxi service. Persons operating aircraft charter and taxi service shall provide:

(a) Passenger lounge, restroom, and telephone facilities as required of an operator for fuel oil sales.

(b) Adequate table, desk, or counter for checking in passengers, handling ticketing or fare collection, handling of luggage.

(c) Shall have available properly certificated suitable aircraft and properly certificated and qualified operating crew, available within reasonable time during at least eight hours daily, five days a week and at other times by appointment within twenty-four (24) hours.

(d) Shall provide passenger liability insurance of at least \$100,000 per passenger seat and property damage liability of at least \$150,000.00.

(5) Aircraft rental and sales. Persons conducting aircraft rental and sales activity shall provide:

(a) Suitable office space for consummating sales and/or rentals and the keeping of the proper records in connection thereof.

(b) Hangar storage space for at least two aircraft to be used for sales or rental.

(c) For rental, at least two airworthy aircraft suitably maintained and certificated.

(d) Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators on the airport for such service and repair.

(e) There shall be available, at least during eight hours of each twenty-four hour period, properly certificated pilot capable of demonstrating new aircraft for sale or for checking out renter pilots in rental aircraft, during at least five days per week.

(f) Warranty capability on aircraft advertised or sold, including a minimum stock of readily expendable spare parts, or adequate arrangements for securing spare parts required for the type of aircraft and models sold.

(g) Authorized dealership for aircraft sales (unless rental only offered) including dealership sign on premises.

(h) Current up-to-date specifications and price lists for types and models of new aircraft sold.

(i) Property check lists and operating manuals on all aircraft rented and adequate parts catalog and service manual on new aircraft sold.

(6) Combination activities. A person conducting a combination of the specific activities listed hereinabove shall not be required to duplicate the

requirements of the individual activities but where the requirement of one activity is sufficient to meet the requirement of a separate activity to be conducted the one facility shall be sufficient to meet both requirements. (1979 Code, § 5-1503)

9-1404. Special fixed base operator. A special fixed base operator shall be an individual, corporation, or firm which is authorized to engage in one or a combination of services and activities listed above. Any special fixed base operator shall be completely governed by the same minimum standards as to any activity or service involved as is herein made applicable to a general fixed base operator at said airport. (1979 Code, § 5-1504)

9-1405. Maintenance/management agreement. Nothing herein contained shall be construed as to limit the right of the city to enter into a contract and agreement with a general fixed base operator which is separate and distinct from his lease agreement with respect to the maintenance and overall supervision of the Morristown Airport and to designate such operator as the manager of the Morristown Airport. (1979 Code, § 5-1505)

9-1406. Sale and consumption of aviation gasoline, fuels, and oils. The right and privilege to sell and dispense aviation gasoline, fuels, and oils at the airport shall be, and hereafter is, restricted to the city. The city may also, in its discretion, authorize individuals, corporations, or firms approved by the council which can and do qualify as a "general fixed base operators" to act as its agent in the sale and dispensing of aviation gasoline, fuels, and oils. Provided further, with the city's written consent, a special fixed base operator may purchase aviation gasoline, fuels, and oils from a party other than the city or its designee hereunder, where such special fixed base operator uses those supplies exclusively for its own aircraft, and where said operator has minimum consumption of 50,000 gallons of aviation fuel annually. Nothing herein shall be deemed to authorize a special fixed base operator to sell aviation gasoline, fuels and oils. (Ord. #2557, Nov. 1988)

9-1407. Affirmative action/equal employment opportunity. The fixed base operator assures that it will undertake an affirmative action program as required by 14 CFR 152, Subpart E, to insure that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E. The fixed base operator assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by this subpart. The fixed base operator assures it will require that its covered suborganizations provide assurances to the fixed base operator that they similarly will undertake affirmative action programs

and that they will require assurances from their suborganizations, as required by 14 CFR Part 152, Subpart E, to the same effect. (1979 Code, § 5-1507)

9-1408. Amendments. These minimum requirements and standards may be amended from time to time in such manner and to such extent as the city may deem proper, but the right of any lessee shall not be retroactively affected by any such amendments or supplements in derogation of the leasehold right of any such lessees.

These minimum standards may be supplemented and amended from time to time in such manner and to such extent as the authority may deem proper. (1979 Code, § 5-1508)

CHAPTER 15

GARAGE SALES

SECTION

- 9-1501. Intent and purpose.
- 9-1502. Definitions.
- 9-1503. Property permitted to be sold.
- 9-1504. Permit required.
- 9-1505. Written statement required.
- 9-1506. Permit fee.
- 9-1507. Permit issuance - conditions.
- 9-1508. Hours of operation.
- 9-1509. Display of sale property.
- 9-1510. Display of permit.
- 9-1511. Advertising: signs.
- 9-1512. Public nuisance.
- 9-1513. Inspection--arrest authority of inspection.
- 9-1514. Parking.
- 9-1515. Relocation and refusal of permit.
- 9-1516. Persons exempted.
- 9-1517. Separate violations.
- 9-1518. Penalty.

9-1501. Intent and purpose. The council of the City of Morristown finds and declares that:

- (1) The intrusion of nonregulated garage sales is causing annoyance to the citizens and residential areas in the City of Morristown, and congestion of the streets in residential areas in the City of Morristown;
- (2) The provisions contained in this chapter are intended to prohibit the infringement of any businesses in any established residential areas by regulating the term and frequency of garage sales, so as not to disturb or disrupt the residential environment of the area;
- (3) The provisions of this chapter are designed to control the operation of garage sales conducted in non-residential areas where the same are not conducted on a daily basis but rather on an occasional basis; and
- (4) The provisions and prohibitions hereinafter contained are enacted not to prevent garage sales, but to regulate garage sales for the safety and welfare of the city's citizens. (Ord. #2580, Aug. 1989)

9-1502. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words

in the singular number the plural number. The word "shall" is always mandatory and not merely directory:

(1) "Garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises and any residential or non-residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "Garage", "Lawn", "Yard", "Attic", "Porch", "Room", "Backyard", "Patio", or "Rummage" Sale. This definition does not include the operation of such businesses carried on in a non-residential zone where the person conducting the sales does so on a regular day to day basis; and

(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. (Ord. #2580, Aug. 1989)

9-1503. Property permitted to be sold. It shall be unlawful for any person to sell or offer to sale, under authority granted by this chapter, property other than personal property. (Ord. #2580, Aug. 1989)

9-1504. Permit required. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefore from the City of Morristown. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them. Permits may be obtained for any non-residential location. (Ord. #2580, Aug. 1989)

9-1505. Written statement required. Prior to issuance of any garage sale permit, the individuals conducting such sales shall file a written statement with the building inspector, setting forth the following information:

(1) Full name and address of applicant;

(2) The location at which the proposed garage sale is to be held;

(3) The date, or dates upon which the sale shall be held. The date, or dates of any other garage sales within the current calendar year.

(4) An affirmative statement that the property to be sold has been owned by the applicant as his own personal property for a minimum of sixty (60) days preceding the filing of the written statement and was neither acquired nor consigned for the purpose of resale; and

(5) An affirmative statement that the applicant will fully comply with this and all other applicable chapters and laws. (Ord. #2580, Aug. 1989)

9-1506. Permit fee. There shall be an administrative processing fee of one dollar (\$1.00) for the issuance of such permit. (Ord. #2580, Aug. 1989)

9-1507. Permit issuance - conditions. Upon the applicant complying with the terms of this chapter, the building inspector shall issue a permit.

The permit shall set forth and restrict the time and location of such garage sale. No more than four (4) such permits may 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 permit, then such permit shall be considered as having been issued for each and all of such residences. (Ord. #2580, Aug. 1989)

9-1508. Hours of operation. Such garage sales shall be limited in time to no more than 9:00 A.M. to 6:00 P.M. on three (3) consecutive days. (Ord. #2580, Aug. 1989)

9-1509. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. (Ord. #2580, Aug. 1989)

9-1510. Display of permit. Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public, a representative of the Building Inspector or his designee. (Ord. #2580, Aug. 1989)

9-1511. Advertising: signs. (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

(a) One sign permitted. One of not more than four square feet shall be permitted to be displayed on the property of the residence or non-residential site where the garage sale is being conducted.

(b) Directional signs. Two signs of not more than two square feet each are permitted, provided that the premises on which the garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed and no signs shall be placed on public rights-of-way or easements.

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

(3) Removal of signs. Signs must be removed by 8:00 P.M. on the final day of the garage sale. (Ord. #2580, Aug. 1989)

9-1512. Public nuisance. The individual to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good

order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on said premises, nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the police or fire departments of the City of Morristown in order to maintain the public health, safety and welfare. (Ord. #2580, Aug. 1989)

9-1513. Inspection--arrest authority of inspector. A police officer or any other public official designated by any city ordinance to make inspections under the licensing or regulating chapter or to enforce the same, shall have the right of entry to any premises showing evidence of garage sale for the purpose of enforcement or inspection and may close the premises from such a sale or arrest any individual who violates the provisions of this chapter. (Ord. #2580, Aug. 1989)

9-1514. Parking. All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the police department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage sale. (Ord. #2580, Aug. 1989)

9-1515. Relocation and refusal of permit. (1) False information. Any permit issued under this chapter may be revoked or any application for issuance of a permit may be refused by the building inspector if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statements.

(2) Conviction of violation. If any individual is convicted of an offense under this chapter, the building inspector is instructed to cancel any existing garage sale permit held by the individual convicted and not issue such individual another garage sale permit for a period of two (2) years from the time of the conviction. (Ord. #2580, Aug. 1989)

9-1516. Persons exempted. The provisions of this chapter shall not apply to or affect the following:

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

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

(3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day to day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the City of Morristown or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vender in which sale would be conducted from property zoned premises and not otherwise prohibited by other ordinances; and

(4) Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution or organizations with charitable and the goods or articles are not sold on a consignment basis. (Ord. #2580, Aug. 1989)

9-1517. Separate violations. Every article sold and every day sale is conducted in violation of this chapter shall constitute a separate offense. (Ord. #2580, Aug. 1989)

9-1518. Penalty. Any person found guilty of violating the terms of this chapter shall be fined not less than twenty five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense. (Ord. #2580, Aug. 1989)

CHAPTER 16

CABLE TELEVISION

SECTION

9-1601. To be furnished under franchise.

9-1601. To be furnished under franchise. Cable television shall be furnished to the City of Morristown and its inhabitants under franchise granted to Marcus Cable Associates, LLC, and the Morristown Utilities Commission by the city council of the City of Morristown, Tennessee. The rights, powers, duties and obligations of the City of Morristown and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreements see Ords. #3000, July 20, 1999, and #3210, March 22, 2005 in the office of the city recorder.