

TITLE 5

BUSINESSES, PROFESSIONS, AND OCCUPATIONS¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

- 5-101. Businesses required to register, pay fee, display permit.
5-102. Outdoor advertising signs regulated.

5-101. Businesses required to register, pay fee, display permit.

(1) Purpose. The board of commissioners finds as a fact that there have been, and remain at this time, a number of businesses and other commercial operations within the city which directly affect the public health, safety, morals, convenience, order and prosperity of the community, but that many of these businesses go unknown or unacknowledged to the city; that it is in the best interest of the city that each and every business, whether wholesale, retail, or of any commercial or industrial nature as may be permitted by the provisions of City of Lakewood Zoning Ordinance, make application one time each year with the city manager for a business permit, for the purpose of registering such an operation.

(2) General Provisions. (a) Every operation or venture for gain which has a place of operation within the city shall, not later than the first day of May of each and every year, submit an application for a business permit to the city manager. Said application shall be on an approved form to be provided by the city manager for the purpose. Each

¹For alcoholic beverage business regulations in this code, see title 2; for regulations relating to building, plumbing, and wiring, etc., see title 4; for privilege tax provisions, etc., see title 6; for health and sanitation regulations with respect to certain businesses such as junk yards, etc., see title 8; for restrictions on posting notices or advertisements and making noise to attract attention, see title 10; and, for zoning provisions, see title 11.

application shall be accompanied by an application fee of five dollars (\$5.00), which fee is for the purpose of defraying the expenses involved with taking applications and issuing permits, and which monies shall be deposited to the general fund of the city.

(b) No such application shall be denied to any applicant unless the proposed use shall violate any ordinance of the city, Metropolitan Nashville-Davidson County, or the laws of the State of Tennessee. Compliance with the above named authorities shall be deemed sufficient, the purpose of this section being merely to register, not to regulate, business.

(c) Each business shall display the city permit in a prominent location within the business premises. (ord. 82)

5-102. Outdoor advertising signs regulated. (1) No outdoor advertising shall be erected or maintained within 100 feet of any public street, alley, or any public way in the City of Lakewood where such outdoor advertising exceeds 4 feet in width and 8 feet in length.

(2) Outdoor advertising means any outdoor sign, display, device, bulletin, figure, painting, drawing, message, placard, poster or billboard and which is used to advertise or provide information.

(3) This section shall not apply to signs, displays, and devices advertising the sale or lease of property on which they are located or advertising activities conducted on the property on which they are located provided they do not exceed 4 feet in width and 8 feet in length.

(4) Prior to invoking the provisions of this section the city manager shall give notice to the owner of the sign or occupant of the land on which the advertising structure is located and give such person ten (10) days to correct the situation as set forth in the letter. (ord. 66)

CHAPTER 2

DOOR-TO-DOOR SALESPERSONS, SOLICITORS, ETC.

SECTION

5-201. Solicitor's permit required; exceptions.

5-202. Application for permit.

5-203. Review and investigation of application and issuance or refusal of permit.

5-204. Bond may satisfy financial responsibility requirement.

5-205. Exhibition of permit.

5-206. Revocation of permit.

5-201. Solicitor's permit required; exceptions. Before any salesperson, solicitor, peddler, merchant, or representative engaged in obtaining orders or making sales directly to the consumer or user of goods, foods, wares, or merchandise to be delivered immediately or in the future, shall solicit such orders or make such sales within the city, he or she shall obtain a solicitor's permit.

This chapter shall also apply to persons selling or otherwise promoting magazines, and to sales by or for, or solicitations for, any non-profit organization.

The provisions of this chapter shall not apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods and merchandise in the regular course of business. (ord. 78).

5-202. Application for permit. Any person or organization subject to the provisions of this chapter shall file a written application for a solicitor's permit with the city manager, which application shall include the following information:

- (1) The name, age, and permanent residence of the applicant. In the case of a non-profit organization, a list of all proposed solicitors or canvassers.
 - (2) The physical description of the applicant.
 - (3) The local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
 - (4) Sufficient facts to show the financial responsibility of the principal.
 - (5) Evidence of the authority of the applicant and the extent thereof.
 - (6) The kind, character, and prices of the goods, wares, and merchandise to be offered to the consumer.
 - (7) A copy of any contract used in obtaining orders or making sales.
 - (8) The length of time for which the right to do business is desired.
- (ord. 78)

5-203. Review and investigation of application and issuance or refusal of permit. The city manager shall review each application and investigate as he or she shall deem necessary. Upon approval of the application by the city manager, a solicitor's permit shall be issued by the city.

The city manager shall refuse to issue a permit if:

- (1) An investigation reveals the financial responsibility of the principal is questionable, or
- (2) There is no proof as to the authority of the agents to represent the principal, or
- (3) The location and time of solicitation would endanger the safety and welfare of the solicitors or their customers or user, or
- (4) The applicant falsified any information on the application. (ord. 78)

5-204. Bond may satisfy financial responsibility requirement. Where the applicant is rejected because the financial responsibility of his principal is questioned, he may obtain a permit upon executing a surety bond in the sum of five thousand dollars (\$5,000.00) to inure to the benefit of any person who may suffer any loss by reason of any order or sale made by the applicant. (ord. 78)

5-205. Exhibition of permit. Upon demand, the person who has received a solicitor's permit shall exhibit the permit to any police officer and to any person approached by him for the purpose of making a sale, obtaining an order, or soliciting a contribution. (ord. 78)

5-206. Revocation of permit. The city manager shall have the authority to revoke any permit issued, after reasonable notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation, or incorrect statement 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. (ord. 78)

CHAPTER 3

(RESERVED FOR FUTURE USE)

CHAPTER 4

TAXICABS¹

SECTION

- 5-401. Taxicab franchise and privilege license required.
- 5-402. Requirements as to application and hearing.
- 5-403. Liability insurance or bond required.
- 5-404. Revocation or suspension of franchise.
- 5-405. Mechanical condition of vehicles.
- 5-406. Cleanliness of vehicles.
- 5-407. Inspection of vehicles.
- 5-408. License and permit required for drivers.
- 5-409. Qualifications for driver's permit.
- 5-410. Revocation or suspension of driver's permit.
- 5-411. Drivers not to solicit business.
- 5-412. Parking restricted.
- 5-413. Drivers to use direct routes.
- 5-414. Taxicabs not to be used for illegal purposes.
- 5-415. Miscellaneous prohibited conduct by drivers.
- 5-416. Transportation of more than one passenger at the same time.

5-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the city and has a currently effective privilege license.

5-402. Requirements as to application and hearing. No person shall be eligible for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the board of commissioners; and make a recommendation to either

¹For privilege tax provisions, etc., see title 6 in this code.

grant or refuse a franchise to the applicant. The board of commissioners 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 board of commissioners 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 code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof.

5-403. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in title 59, chapter 12, Tennessee Code Annotated. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the city manager.

5-404. Revocation or suspension of franchise. The board of commissioners, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver.

5-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the city unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear view mirror, all of which shall conform to the requirements of the state motor vehicle 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.

5-406. Cleanliness of vehicles. 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.

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

5-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police.

5-409. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

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

5-410. Revocation or suspension of driver's permit. The board of commissioners, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in section 5-409.

5-411. 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.

5-412. 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 to interfere

unreasonably with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished.

5-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route.

5-414. 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.

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

5-416. 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.

CHAPTER 5

POOL ROOMS¹

SECTION

5-501. Hours of operation regulated.

5-502. Minors to be kept out; exception.

5-503. Gambling, etc., not to be allowed.

5-501. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 p.m. and 6:00 a.m. on other days.

5-502. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences.

5-503. Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire, to permit any gambling or other unlawful or immoral conduct on such premises.

¹For privilege tax provisions, etc., see title 6 in this code.