

TITLE 5

BUSINESSES, PROFESSIONS AND OCCUPATIONS¹

CHAPTER

1. [DELETED.]
2. PEDDLERS, SOLICITORS, ETC.
3. MESSAGE PARLORS AND TECHNICIANS.
4. [DELETED.]
5. CORRECTIONAL FACILITIES.

CHAPTER 1

[DELETED]²

¹Municipal code references

Building, plumbing, wiring and housing regulations: title 4.

Health and sanitation: title 8.

Junkyards: title 8.

Liquor and beer regulations: title 2.

Noise reductions: title 10.

Posting advertisements and notices: title 10.

Zoning: title 11.

²This chapter was deleted by Ord. #2002-2003-11, March 2003.

CHAPTER 2

PEDDLERS, SOLICITORS, ETC.¹

SECTION

- 5-201. Definitions.
- 5-202. Exemptions.
- 5-203. Permit required.
- 5-204. Permit procedure.
- 5-205. Restrictions on peddlers, street barkers and solicitors.
- 5-206. Restrictions on transient vendors.
- 5-207. Display of permit.
- 5-208. Suspension or revocation of permit.
- 5-209. Expiration and renewal of permit.
- 5-210. Violation and penalty.

5-201. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler," means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

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

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

¹Municipal code reference
Privilege taxes: title 6.
Trespass by peddlers, etc.: section 10-801.

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

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

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

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

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

(6) "Street barker," means any peddler who does business during recognized festival or parade days in the city and who limits his business to

¹State law references

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

The definition of "transient vendors" is taken from Tennessee Code Annotated, section 67-4-709(a)(19). Note also that Tennessee Code Annotated, section 67-4-709(a) prescribes that transient vendors shall pay a tax of \$50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, section 67-4-709(b).

selling or offering to sell novelty items and similar goods in the area of the festival or parade.

5-202. Exemptions. The terms 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 in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold.

5-203. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter.

5-204. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city manager by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

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

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

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

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

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

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

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

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

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

5-205. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

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

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

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

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

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

5-206. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

5-207. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand.

5-208. Suspension or revocation of permit. (1) Suspension by the city manager. The permit issued to any person or organization under this chapter may be suspended by the city manager for any of the following causes:

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

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of commissioners. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of commissioners, after notice and hearing, for the same causes set out in Paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city manager in

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

5-209. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.

5-210. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provision of this municipal code of ordinances.

CHAPTER 3

MESSAGE PARLORS AND TECHNICIANS¹

SECTION

- 5-301. Definitions.
- 5-302. Permit required for a massage parlor; public health card required for massage technician.
- 5-303. Examination of massage technicians; issuance of public health card.
- 5-304. Massage technician permit application; renewal; fees.
- 5-305. Investigation of applicant for massage technician permit; grounds for denial of application.
- 5-306. Revocation of massage technician permit; grounds; notice to permittee.
- 5-307. Massage parlor permit application; renewals; fees.
- 5-308. Investigation of applicant for massage parlor permit; grounds for denial of application.
- 5-309. Investigation of premises and issuance of massage parlor permit.
- 5-310. Revocation of massage parlor permit; grounds; notice to permittee.
- 5-311. Appeals.
- 5-312. Right of entry.
- 5-313. Minimum standards for massage parlors.
- 5-314. Individual health requirements for massage technicians.
- 5-315. Suspension of permit; reinstatement.
- 5-316. Display of permit.
- 5-317. Massage parlors--unlawful acts.
- 5-318. Penalty.

5-301. Definitions. For purposes of this chapter the following phrases and words shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning:

(1) "Massage parlors" - Any premises, place of business, or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee, or any other form of consideration, a massage, bath, body painting, or similar massage service or procedure. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath. Nor shall this definition be construed to include a barber shop or beauty salon operated by a duly licensed barber or cosmetologist, so long as any massage administered therein is limited to the head and neck.

¹This chapter represents 1987-88 ord. no. 6, which deleted and replaced in its entirety Chapter 6, Title 1 of the 1970 municipal code.

(2) "Massage" - shall mean the administering by any person by any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, and/or the rubbing, stroking, kneading, pounding, tapping, or otherwise manipulating a part of the whole human body or the muscles or joints thereof, by any physical or mechanical means. Massage shall also mean the giving, receiving, or administering of a bath to any person or the application of body paint or other colorant to any person.

(3) "Massage technician" - any person who administers a massage to another at a massage parlor. (1987-88 ord. no. 6, sec. 1)

5-302. Permit required for a massage parlor; public health card required for a massage technician. (1) On and after the effective date of this chapter, it shall be unlawful for any person to establish, maintain or operate a massage parlor in the city without a valid permit issued pursuant to this chapter or any prior ordinance.

(2) That on and after the effective date of this chapter, it shall be unlawful for any person to perform the services of massage technician at a massage parlor in the city without a valid public health card and permit issued pursuant to this chapter or any prior ordinance. (1987-88 ord. no. 6, sec. 1)

5-303. Examination of massage technicians; issuance of public health card. All persons who desire to perform the services of massage technician at a massage parlor shall first undergo a physical examination for contagious and communicable diseases, which shall include a recognized blood test for syphilis, a culture for gonorrhea, a chest X-Ray which is to be made and interpreted by a trained radiologist, and shall furnish a certificate based upon and issued within thirty (30) days of such examination by the Chattanooga-Hamilton County Health Department and stating that the person examined is either free from any contagious or communicable disease, or incapable of communicating any of such diseases to others. Such persons shall undergo the physical examination referred to above and submit to the city manager or his designee the certificate required herein within five (5) days of the commencement of their employment and at least once every six (6) months thereafter.

When there is cause to believe that the massage technician is capable of communicating any contagious disease to others, the city manager or his designee may at any time require an immediate physical examination of any such person.

The employer or any such person shall require all such persons to undergo the examination and obtain the certificate provided by this section, shall register at the place of employment the name and date of employment of each employee, and shall have the health cards and registration of all employees available for the chief of police, or the city manager, or their duly authorized representative at all reasonable times. (1987-88 ord. no. 6, sec. 1)

5-304. Massage technician permit application; renewals; fees. Any person desiring a permit to perform the services of massage technician at a massage parlor in the city shall make application in triplicate form to the city manager or his designee, who shall immediately refer one copy of same to the chief of police. Each massage technician permit application shall be accompanied by an investigation fee of twenty-five dollars (\$25.00). Each such application shall state under oath the name, address, telephone number, last previous address, date of birth, place of birth, height, weight, current and last previous employment of the applicant. In addition, such application shall include a sworn statement as to whether or not the applicant has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or ordinance in any other jurisdiction.

The application shall state thereon that: "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for denial of any application or revocation of a permit."

Each applicant shall have his fingerprints taken, which fingerprints shall constitute part of the application.

A photograph of the applicant taken within sixty (60) days immediately prior to the date of application, which picture shall be not less than 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishable manner, shall be filed with the application.

Each massage technician permit shall expire one year from the date of issuance. Each renewal application shall be accompanied by an investigation fee of ten dollars (\$10.00). (1987-88 ord. no. 6, sec. 1)

5-305. Investigation of applicant for massage technician permit; grounds for denial of application. Upon receipt of the application and fee as provided for in the preceding section, the city manager or his designee shall request the chief of police to make or cause to be made a thorough investigation of the criminal record of the applicant. The result of this investigation shall be submitted to the city manager or his designee within thirty (30) days of the request.

The city manager or his designee shall deny any application for a massage technician permit under this chapter after notice and hearing if the city manager or his designee finds that the applicant has within a period of two (2) years prior to his application been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or ordinance in this or any other jurisdiction. The making of a false statement on the application shall so be grounds for denial of this application. Notice of the hearing before the city manager or his designee

for denial of this application shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing. (1987-88 ord. no. 6, sec. 1)

5-306. Revocation of massage technician permit; grounds; notice to permittee. Any massage technician permit granted under this chapter shall be revoked by the city manager or his designee after notice and hearing if the permittee has within a period of two (2) years been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offense, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or chapter in this or any other jurisdiction. Discovery of a false statement on the application shall also be grounds for revocation of the permit. Notice of the hearing before the city manager or his designee for revocation of the permit shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing. (1987-88 ord. no. 6, sec. 1)

5-307. Massage parlor permit application; renewals; fees. Any person desiring a massage parlor permit to establish, maintain, or operate a massage parlor in the city shall make application to the city manager or his designee. Each massage parlor permit application shall be accompanied by an investigation fee of fifty dollars (\$50.00), payable to the city. Each massage parlor permit shall expire one year from the date of issuance. Each renewal application shall be accompanied by an investigation fee of twenty-five dollars (\$25.00). Each such application shall contain the name, address, telephone number of the place where the applicant proposes to operate, maintain or establish a massage parlor in the city.

In addition, such application shall include a sworn statement as to whether or not the applicant (if the applicant is a partnership or association, any partner or member thereof, or if the applicant is a corporation, any officer, director, or manager thereof, or any shareholder) has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or chapter in any other jurisdiction.

The application shall state thereon that: "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for denial of an application or revocation of a permit."

Each applicant shall have his fingerprints taken, which fingerprints shall constitute part of the application.

A photograph of the applicant taken within sixty (60) days immediately prior to the date of application, which picture shall be not less than 2" x 2"

showing the head and shoulders of the applicant in a clear and distinguishable manner, shall be filed with the application. (1987-88 ord. no. 6, sec. 1)

5-308. Investigation of applicant for massage parlor permit; grounds for denial of application. Upon receipt of the application and fee as provided for in the preceding section, the city manager or his designee shall request the chief of police to make or cause to be made a thorough investigation of the criminal record of the applicant (if the applicant is a partnership or association, all partners or members thereof, or if the applicant is a corporation all officers, directors, and managers thereof and all shareholders). The result of this investigation shall be submitted to the city manager or his designee within thirty (30) days of the request.

The city manager or his designee shall deny any application for a massage parlor permit under this chapter after notice and hearing if the city manager or his designee finds that the applicant (if the applicant is a partnership or association, any partner or member thereof, or if the applicant is a corporation, any officer, director, or manager thereof or shareholder) has within a period of two (2) years prior to application been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or ordinance in this or any other jurisdiction. The making of a false statement on the application shall also be grounds for denial of this application. Notice of the hearing before the city manager or his designee for denial of this application shall be given in writing setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing. (1987-88 ord. no. 6, sec. 1)

5-309. Investigation of premises and issuance of massage parlor permit. The city manager or his designee before issuing any massage parlor permit, shall cause an investigation to be made of the premises named and described in the application for a massage parlor permit under this chapter for the purpose of determining whether the massage parlor complies with the provision of this chapter, the zoning ordinances, all building, fire, plumbing and electrical codes and for this purpose a copy of the application shall immediately be referred to the building official to make or cause to be made a thorough investigation of the premises and the result of this investigation and whether said premises comply with the zoning, building, fire, plumbing and electrical codes, shall be submitted to the city manager or his designee within thirty (30) days of the request. (1987-88 ord. no. 6, sec. 1)

5-310. Revocation of massage parlor permit; grounds; notice to permittee. Any massage parlor permit granted under this chapter shall be removed by the

city manager or his designee after notice and hearing if the permittee (if the permittee is a partnership or association, any partner or member thereof, or if the permittee is a corporation, any officer, director or manager thereof or shareholder) has within a period of two (2) years been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any law relating to sexual offenses, prostitution, obscenity, etc., or any provision of this chapter, or on a charge of violating a similar law or chapter in this or any other jurisdiction. Discovery by the city manager or his designee of a false statement on the application shall also be grounds for revocation of the permit. Notice of the hearing before the city manager or his designee for revocation of the permit shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing. (1987-88 ord. no. 6, sec. 1)

5-311. Appeals. Any applicant or permittee aggrieved by the actions of the city manager or his designee in the denial of an application for massage parlor permit or massage technician permit, or by the decision of the city manager or his designee with reference to the revocation or suspension of a massage establishment permit or massage technician permit, shall have the right of appeal to the board of commissioners. Such appeal shall be taken by filing with the city manager, within ten (10) days after the action complained of has been taken, a written statement setting forth fully the grounds for appeal. The city manager shall forthwith notify the board of commissioners, which shall schedule a public hearing and shall give notice of such hearing to the appellant. The board of commissioners may reverse or affirm, or may modify any decision of the city manager or his designee, and may make such decisions or impose such conditions as the facts may warrant; and it may order that a permit be granted, suspended or revoked. The decision and order of the board of commissioners on such appeal shall be final and conclusive. (1987-88 ord. no. 6, sec. 1)

5-312. Right of entry. The chief of police or the city manager or his designee or their duly authorized representatives are hereby authorized to enter, examine and survey any premises in the city for which a massage parlor permit has been issued pursuant to this chapter to enforce the provisions of this chapter, and for no other purpose. Should the authority to inspect premises be delegated to another person, such person shall be provided with written delegation of authority to be shown to the permittee upon request at the time of inspection. If such inspection reveals conditions which in the opinion of the inspector warrants a more thorough inspection by the building official, the Chattanooga-Hamilton County Health Department, The Bureau of Fire Prevention, or similar person or agency charged with responsibility for the enforcement of particular health and safety ordinances or laws of the City of

Soddy-Daisy, or the State of Tennessee, he shall report such conditions to such person or agency and request that said premises be examined and any findings be reported to the chief of police and the city manager or his designee. This section shall not be deemed to restrict or to limit the right of entry otherwise vested in any law enforcement officers or other employees of the City of Soddy-Daisy, or the State of Tennessee, charged with the enforcement of health and safety or criminal laws, wherein such right of entry is vested by other ordinances or laws. (1987-88 ord. no. 6, sec. 1)

5-313. Minimum standards for massage parlors. No massage parlor shall be operated, established or maintained in the city that does not comply with the following minimum standards:

(1) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials shall be disinfected after use on each patron.

(2) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.

(3) Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.

(4) All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected.

(5) Oils, creams, lotions or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

(6) Adequate bathing, dressing, locker and toilet facilities shall be provided for the patrons to be served at any given time. Separate bathing, dressing, locker and toilet facilities shall be provided for male and female patrons.

(7) All walls, ceilings, floors, pools, showers, bathtubs, steam-rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

(8) The premises shall be equipped with a service sink for custodial services.

(9) Eating in the massage work areas shall not be permitted.

(10) Animals, except for seeing-eye dogs, shall not be permitted in the massage work areas.

(11) No massage parlor shall employ a massage technician who does not comply with the provisions of this chapter. (1987-88 ord. no. 6, sec. 1)

5-314. Individual health requirements for massage technicians. No massage technician shall administer massage at a massage parlor who does not comply with the following individual health requirements;

(1) No massage technician shall administer a massage if such massage technician knows or should know that he or she is not free of any contagious or communicable disease.

(2) No massage technician shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption; provided that a physician duly licensed by the State of Tennessee may certify that such person may be safely massaged prescribing the conditions thereof.

(3) Each massage technician shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron. (1987-88 ord. no. 6, sec. 1)

5-315. Suspension of permit; reinstatement. If the chief of police or the city manager, or their duly authorized representatives find that a massage parlor or a massage technician is not in compliance with the requirements set forth in this chapter, or the permittee has refused the chief of police, the city manager, or their duly authorized representatives, the right to enter the premises to enforce the provisions of this chapter, upon report to the city manager or his designee he may enter an order for the immediate suspension of the massage parlor permit or massage technician permit, as the case may be, until such time as he finds that the reason for such suspension no longer exists. A copy of the order shall be sent to the massage parlor and/or the massage technician at his or her place of business by certified mail, which order shall set forth the reasons for the suspension. No person shall operate a massage parlor or perform the services of a massage technician at a massage parlor when subject to an order of suspension. The city manager or his designee shall reinstate a suspended permit when he has been satisfied that the massage parlor or massage technician complies with the applicable provisions of this chapter. (1987-88 ord. no. 6, sec. 1)

5-316 Display of permit. Every person to whom a massage permit shall have been granted shall display said massage parlor permit in a conspicuous place in the massage parlor or establishment so that it may be readily seen by persons entering the premises.

Every person to whom a massage technician permit shall have been granted shall, while in massage parlor, carry on his or her person or display in a conspicuous place in the massage parlor or establishment the massage technician permit. (1987-88 ord. no. 6, sec. 1)

5-317. Massage parlors--unlawful acts. (1) It shall be unlawful for any person in a massage parlor to place his or her hands upon or to touch with any

part of his or her body, or to fondle in any manner, or to massage, a sexual or genital part of any other person.

(2) It shall be unlawful for any person in a massage parlor to expose his or her sexual or genital parts, or any portion thereof, to any other person of the opposite sex.

(3) It shall be unlawful for any person while in the presence of any other person of the opposite sex in a massage parlor to fail to conceal with a fully opaque covering the sexual or genital parts of his or her body.

(4) It shall be unlawful for any person owning, operating or managing a massage parlor knowingly to cause, allow, or permit in or about such parlor, any agent, employee, or any other person under his control or supervision, to perform such acts prohibited in this chapter.

(5) Sexual or genital parts shall include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breast of a female.

(6) Every person owning or managing a massage parlor shall post a copy of this chapter in a conspicuous place in the massage parlor so that it may be readily seen by persons entering the premises.

(7) It shall be unlawful for any massage parlor to provide massage services at any time between the hours of 9:00 P.M. and 7:00 A.M. and on Sundays. However, it shall be lawful for such establishments to remain open for the transaction of other lawful business.

(8) The administering of massages shall not be conducted in private rooms or areas, but shall be conducted in separate general areas for males and females or if the same general area is used by both male and female customers, then different times for such separate use shall be designated and posted. (1987-88 ord. no. 6, sec. 1)

5-318. Penalty. Any person violating any of the provisions of this chapter, upon conviction by the court, shall be punished according to the general penalty provisions of this municipal code of ordinance. (1987-88 ord. no. 6, sec. 1, modified)

Change 3, February 2, 2006

5-28--5-35

CHAPTER 4

[DELETED]¹

¹This chapter was deleted by Ord. #2004-2005-17, Dec. 2004.

CHAPTER 5

CORRECTIONAL FACILITIES

SECTION

5-501. Definitions.

5-502. Permit required.

5-503. Application for a permit.

5-504. Adverse decision on permit.

5-501. Definitions. (1) "Contractor" means any private entity under a contractual agreement with the City of Soddy-Daisy, the State of Tennessee or public authority to provide correctional services to persons under the custody of the Tennessee Department of Corrections, the sheriff of any county, the criminal, circuit, chancery, sessions, municipal, or juvenile court of any county, or who may have custody of such persons pursuant to an order of any such court. In the case of a minor, in addition to the order of a court, custody may be premised upon the contractor having legal custody of such person either by law, by order of a court, or by designation pursuant to the written permission of a parent or legal guardian.

(2) "Correctional services" means the following functions, services and activities, when provided by a contractor to persons to whom the contractor has been given legal custody:

(a) Education, training and job programs;

(b) Recreational, religious and other activities;

(c) Development and implementation assistance for classification, management information systems, or other information systems or services;

(d) Housing, food services, commissary, medical services, transportation, sanitation or other ancillary services;

(e) Counseling, special treatment programs, or other programs for special needs; and

(f) Operation of facilities; including management, custody of persons, and providing security.

(3) "Facility" means any structure located within the corporate limits of the City of Soddy-Daisy by a contractor for the purpose of providing correctional services, and any appurtenant structures, along with any parcel of land on which such structure or structures may be located. (Ord. #1998-99-16, Feb. 1999)

5-502. Permit required. It is unlawful for a contractor to operate a facility to provide correctional services within the City of Soddy-Daisy without a permit to do so. (Ord. #1998-99-16, Feb. 1999)

5-503. Application for a permit. A contractor seeking a permit to operate a facility must make application to the city for such a permit and provide such information as the city manager deems necessary to determine whether a contractor will operate the facility in such a manner so that any direct threats to the health, safety or property of other individuals or property owners are minimized. The city manager is authorized to make any reasonable request for information from the contractor seeking a permit which would be relevant to such determination. The city manager may also seek information from other governmental entities or third parties relevant to such determination. (Ord. #1998-99-16, Feb. 1999)

5-504. Adverse decision on permit. If the city manager's decision relative to the permit is adverse, his decision may be appealed to the city commission within seven (7) days of the city manager's written notice to the contractor making such application. Such appeal must be in writing and delivered to the city manager or city recorder. Within thirty (30) days of such appeal, the city commission will make a de novo determination on the issue of whether to issue the permit, upon the same criteria considered by the city manager. The determination of the city manager will be final, subject to any appeal rights that may be provided by state law. (Ord. #1998-99-16, Feb. 1999)