

ORDINANCE NO. 13-392

AN ORDINANCE AMENDING TITLE 9, "BUSINESS, PEDDLERS, SOLICITORS, ETC.", BY ADDING CHAPTER 2, "FORTUNETELLERS, CLAIRVOYANTS, AND SIMILAR PURSUITS".

WHEREAS, the Code of Ordinance, Title 9 relating to "Business, Peddlers, Solicitors, Etc." requires that all amendments be made by Ordinance of a majority of the Board of Mayor and Aldermen: and,

WHEREAS, the Town of Mount Carmel wishes to add Chapter 2, "Fortunetellers, Clairvoyants, and Similar Pursuits" to Title 9; and

WHEREAS, the public health and welfare require it;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF MOUNT CARMEL, TENNESSEE, as follows:

SECTION I. That the Code of Ordinances, Title 9, **BUSINESS, PEDDLERS, SOLICITORS, ETC., CHAPTER 2, FORTUNETELLERS, CLAIRVOYANTS, AND SIMILAR PURSUITS** be added, as follows:

TITLE 9

CHAPTER 2. FORTUNETELLERS, CLAIRVOYANTS AND SIMILAR PURSUITS

Sec. 09-201. Permit required.

It shall be unlawful for any person to conduct the business or occupation of, solicit for, or ply the trade of handwriting analyst for the purpose of fortunetelling, fortuneteller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist or other like business unless that person holds a valid, unexpired and unrevoked permit, issued by the city, to engage in these occupations.

Sec. 09-202. Application.

(a) A person seeking issuance of a permit to engage in any of the occupations enumerated in section 09-201 shall pay a permit application fee to be set by resolution of the board of mayor and aldermen.

(b) An application shall be filed with the mayor or designee, on forms provided by such official. Such application shall, at a minimum, contain the following:

- (1) The name, social security number and residence of the applicant and how long the applicant has resided there;
- (2) The particular place for which the permit is desired, designating the same by street and number, if practicable, and if not, by such other apt description as definitely locates it;
- (3) The name of the owner of the premises upon which the business permitted is to be carried on;
- (4) The name and address of the actual owner or owners of such business, and whether such business is a sole proprietorship, partnership, corporation or limited liability corporation;
- (5) A statement that the applicant is willing to be fingerprinted by the police department of the city and to be investigated by municipal, county, state and federal law enforcement agencies concerning the applicant's background and record;
- (6) A statement by the applicant that he agrees to comply with all the laws of the United States, the state and the city;
- (7) An oath or affidavit by the applicant that the facts set forth in the application are true.

Sec. 09-203. Applicant requirements.

The applicant, prior to being permitted, shall:

- (1) Be 18 years of age or older;
- (2) Not have been convicted of, or currently be under indictment for, a crime of any grade or any ordinance violation involving the following categories of criminal conduct: homicide, rape, robbery, arson, assault, burglary, theft, extortion, fraud, forgery, false dealing, bribery, false personage, money laundering, perjury, false swearing or subordination or either, or gambling, within ten years of the date of application;
- (3) Be referred to the chief of police or designee, for background investigation and fingerprinting;
- (4) Furnish the police department of the city two photographs showing a front and side picture of the full face of the applicant, size 2 1/2 inches by 3 3/4 inches;
- (5) Appear in person, at the time and place directed, to answer any questions the mayor or designee may have regarding the application or the result of the investigation.

Sec. 09-204. Employee permit.

Each employee of any such business must hold a valid, unexpired and unrevoked permit set out herein.

Sec. 09-205. Determination of permit issuance.

The mayor or designee shall determine whether or not to issue the permit, in accordance herewith, within a reasonable time of the completion of the application, fingerprinting and receipt of a report on the background check conducted by the police department of the city.

Sec. 09-206. Grounds for permit refusal.

The mayor or designee shall refuse, in writing, to issue a permit if, upon investigation, he finds that the applicant for a permit has concealed or misrepresented, or otherwise, any fact or circumstance on the application for a permit, or the applicant has not complied with all the provisions in this article. The mayor or designee shall deliver to the applicant a notice of his action, stating his reasons for his denial of the permit and informing the applicant of his right to appeal such denial. An appeal shall be taken, within ten days of the date of the denial, by filing with the mayor or designee a notice of appeal, specifying the grounds thereof. The mayor or designee shall fix a reasonable time for the hearing of the appeal, give due notice to the applicant, and decide the same within a reasonable time. Any applicant who is dissatisfied with the hearing decision of the mayor or designee shall have the right to subsequent appeal as set out in section 09-209.

Sec. 09-207. Issuance of permit; renewal.

Upon approval of the application, a permit shall be issued and the permit shall remain valid for one year from the date of issuance. The permit-tee shall seek reissuance of the permit in the same manner as set out herein above, including payment of the permit application fee. There shall be no proration of the required permit application fee.

Sec. 09-208. Permit revocation.

The mayor or designee shall revoke the permit of any person failing to comply with any of the provisions of this article or any other applicable laws, rules, regulations, ordinances, or upon conviction of any matters set out in section 09-206. Such revocation shall be for a period of not less than one year, after not less than ten days' notice to the permit holder. Notice shall issue to the permit holder to show cause why his permit should not be revoked, and shall inform the permit holder of the date, time, and place of the show cause hearing, to be held in respect thereto, before the mayor or designee. Any permit-tee who is dissatisfied with the hearing decision of the mayor or designee shall have the right to subsequent appeal as set out in section 09-209.

Sec. 09-209. Appeal.

Any party who is dissatisfied with the hearing decision of the mayor or designee shall, within ten days of said decision, request, in writing to the mayor or designee, that the board of mayor and aldermen review the decision. Such review should take place within a reasonable time, but in no event sooner than the next regular called meeting. The decision of the board of mayor and aldermen shall be final. The decision of the board of mayor and aldermen may be appealed by filing a petition of common law certiorari in the chancery court of the city within 60 days of the date of the decision of the board of mayor and aldermen. Any denial or revocation of a permit will be effective during appeal unless otherwise stayed by a court of competent jurisdiction.

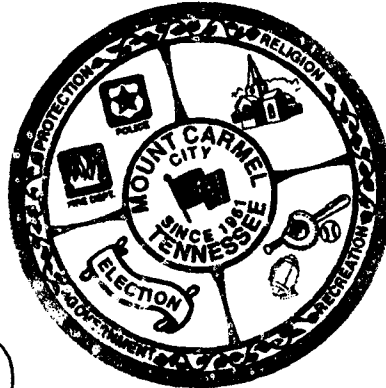
SECTION II.

This Ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the Town of Mount Carmel, Tennessee, requiring it.

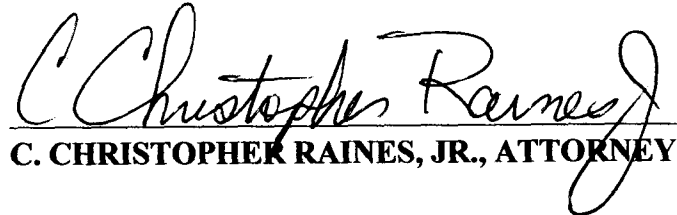

LARRY FROST, Mayor

ATTEST:


MARIAN SANDIDGE, City Recorder



APPROVED AS TO FORM:


C. CHRISTOPHER RAINES, JR., ATTORNEY

MOTION: Eugene Christian			
SECOND: Paul Hale			
FIRST READING	AYES	NAYS	OTHER
ALDERMAN EUGENE CHRISTIAN	X		
ALDERMAN LEANN DEBORD	X		
ALDERMAN FRANCES FROST		X	
ALDERMAN WANDA DAVIDSON	X		
VICE-MAYOR PAUL HALE	X		
ALDERMAN CARL WOLFE	X		
MAYOR LARRY FROST	X		
TOTALS	6	1	0

PASSED FIRST READING – May 28, 2013

MOTION: Carl Wolfe			
SECOND: Eugene Christian			
SECOND READING	AYES	NAYS	OTHER
ALDERMAN EUGENE CHRISTIAN	X		
ALDERMAN LEANN DEBORD			ABSENT
ALDERMAN FRANCES FROST	X		
ALDERMAN WANDA DAVIDSON	X		
VICE-MAYOR PAUL HALE	X		
ALDERMAN CARL WOLFE	X		
MAYOR LARRY FROST	X		
TOTALS	6	0	1

PASSED SECOND READING – June 25, 2013

PUBLICATION AFTER PASSAGE:
DATE: June 29, 2013
NEWSPAPER: *Kingsport Times-News*

Subject: Passed Ordinance to Publish for the Town of Mount Carmel
From: Marian Sandidge (mariansandidge@yahoo.com)
To: sedwards@timesnews.net;
Date: Friday, June 28, 2013 11:01 AM

June 28, 2013

Kingsport Times-News
ATTN: Sheryl Edwards
Classified Advertising Department
P.O. Box 479
Kingsport, TN 37662
RE: Adopted Ordinances for the Town of Mount Carmel

Dear Sheryl:

Please run the following advertisement in the Legal Section one time:

The Town of Mount Carmel, Tennessee, on June 25, 2013, passed the following ordinances:
Ordinance No. 13-392. An Amending Title 9, "Business, Peddlers, Solicitors, Etc.", by adding Chapter 2, "Fortunetellers, Clairvoyants, and Similar Pursuits."
Ordinance No. 13-393. An Ordinance to Amend the Code of Ordinances to Provide for the Regulation of Sewers and Sewage Disposal; to Fix a Penalty for the Violation of this Ordinance; and to Fix the Effective Date of this Ordinance.
Ordinance No. 13-394. An Ordinance to Amend Title 14, Chapter 5 through Chapter 11, Section 14-501 through Section 14-1103 of the Code of Ordinances Relating to Amendments to the Zoning Ordinance; to Establish a Penalty for the Violation Thereof; and to Fix the Effective Date of this Ordinance.
Ordinance No. 13-395. An Ordinance of the Town of Mount Carmel, Tennessee, Adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014.
Ordinance No. 13-396. An Ordinance Providing for and Fixing the Tax Rate on all Real, Personal, and Mixed Property within the Town of Mount Carmel, Hawkins County, Tennessee, which is Taxable on the Basis of Assessments made by the Hawkins County Property Assessor, the Public Service Commission and the Division of Property Assessments of the State of Tennessee for the Year 2013.

Should you have any additional questions, please give me a call.

Sincerely,
TOWN OF MOUNT CARMEL
Marian Sandidge, City Recorder



Order Confirmation

Ad Order Number	Customer	Payer Customer
0001090010	TOWN OF MOUNT CARMEL	TOWN OF MOUNT CARMEL
Sales Rep.	Customer Account	Payer Account
sedwards	59632	59632
Order Taker	Customer Address	Payer Address
sedwards	P O BOX 1421, , MT CARMEL TN 37645 USA	P O BOX 1421, , MT CARMEL TN 37645 USA
Ordered By		
Order Source	Customer Phone	Payer Phone
	423-357-7311	423-357-7311
PO Number	Customer Fax	Customer EMail
		mcch@chartertn.net

Tear Sheets	Proofs	Affidavits	Payment Method	
0	0	1		
Invoice Text:				
Blind Box	Materials	Color	<NONE>	
Net Amount	Tax Amount	Total Amount	Payment Amt	Amount Due
\$80.82	\$0.00	\$80.82	\$0.00	\$80.82

Ad Number	Ad Type	Ad Size	Pick Up Number
0001090010-01	LL Legal Liner	2.0 X 31 Li	
External Ad #	Ad Attributes		

Run Dates 6/29/2013

PUBLIC NOTICE

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Ordinance No. 13-395. An Ordinance of the Town of Mount Carmel, Tennessee, Adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014.

Ordinance No. 134-396. An Ordinance Providing for and Fixing the Tax Rate on all Real, Personal, and Mixed Property within the Town of Mount Carmel, Hawkins County, Tennessee, which is Taxable on the Basis of Assessments made by the Hawkins County Property Assessor, the Public Service Commission and the Division of Property Assessments of the State of Tennessee for the Year 2013.

PUB1T; 06/29/13

TOWN OF MOUNT CARMEL

APPLICATION FOR SPECIAL PERMIT
(Fortunetellers, Clairvoyants and Similar Pursuits Permit)

DATE OF APPLICATION: _____

Please read instructions carefully.

1. **A separate application must be completed by each person that is seeking a permit.** There is an application /process fee of \$250 per application. Answer all questions completely or check appropriate box. If a question is not applicable, write "NA". Write "unknown" only if you do not know the answer. Use blank space at the end of the form for extra details on any question for which you have insufficient space, or attach additional sheets as necessary.
2. Type, print, or write in ink. Illegible or incomplete forms will not receive consideration.
3. All information supplied must be accurate. Your signature at the end of this form will certify the correctness of all responses.
4. This permit, if approved, is valid for one year from the date of issuance.

SECTION I - BUSINESS ENTITY INFORMATION

1. Name of business entity seeking permit: _____
2. Under what name will this business operate: _____
3. Check one for the type of business:
☐ Sole Proprietorship ☐ Partnership
☐ Corporation ☐ Other
☐ Limited Liability Corporation
4. Current mailing address of the business: _____

SECTION II - GENERAL DATA

1. Full Name or the person completing the application (last, first, middle)

2. Your relationship to business entity identified in Section I above:
☐ Owner (sole proprietor)
☐ Partner
☐ 5% or greater owner in corporation.
☐ Other (identify position with business entity, i.e. director, officer, manager, etc.): _____
3. Please state the actual % of ownership you have in this business _____

4. Date & Place of Birth: Month _____ Day _____ Year _____, City _____
State/Province _____, Country _____
5. Gender: ____ Male ____ Female
6. Social Security No. _____
7. Drivers License No. & State Issued: _____
8. Previous Employment (within the last ten years):
- | Employer | Address | Inclusive Dates
From - To |
|----------|---------|------------------------------|
| | | |
| | | |
| | | |
9. Current Residential Address (Number, Street, City, State, Zip)
10. Current Business Address:
11. Residences for the past 10 years:
- | Address (Last Residence First) | | | Inclusive Dates
From - To |
|--------------------------------|--------|------|------------------------------|
| Number | Street | City | |
| | | | |
| | | | |
| | | | |
12. Home Telephone No. ____ (____) _____
13. Office Telephone No. ____ (____) _____
14. Nicknames or other names you have used: (Indicate circumstances, including length of time, under which you have ever used these names. If your name has been legally changed, give particulars)
- _____

SECTION III -

1. Are you a U.S. Citizen or legal alien? Yes _____ No _____
2. If you are a legal alien, please provide your certificate number. _____
3. Is the business entity or sole proprietorship applying for the permit domesticated or chartered in the state of Tennessee?
- Yes _____ No _____

SECTION IV - MILITARY SERVICE

1. In What Military Organizations Have You Served? _____
2. Date of Separation: _____
3. Total Length of Service _____ 4. Service, Serial or File No. _____
5. Rank _____ 6. Type of Separation _____

SECTION V - ADDITIONAL INFORMATION

Special Instructions: If your answer is "yes" to any of the questions in this section, please provide complete details for each question on a separate signed sheet and attach the sheet to this form. A "yes" answer does not mean automatic denial of a permit; however, failure to disclose will result in such a denial.

1. Within the ten (10) years immediately preceding the date of this application have you ever been arrested, indicted or convicted for any alleged violation of state or federal law which is a felony or misdemeanor in such state or federal jurisdiction? If the answer is yes, describe on a separate sheet in accordance with the special instructions above.
Yes _____ No _____
2. Within the ten (10) years immediately preceding the date of this application have you ever been arrested or court-martialed under military law or regulation? If the answer is yes, describe on a separate sheet in accordance with the special instructions above.
Yes _____ No _____

SECTION VI - PERMIT DATA

1. Complete address where business is to operate. (*Please provide map of business location.*)

3. The name of the owner of the premises upon which the business is to be conducted.

4. Do you or the business now possess a special permit from the Town of Mount Carmel? Yes _____ No _____
5. List the **name, address and work and home telephone** numbers of the individual who is to receive notices and any other communication from the town.

6. List the name, address and home and work telephone numbers of the agent of the business entity who can be contacted by the City or local law enforcement authority, as needed.

SECTION VII - GENERAL INFORMATION AND AGREEMENTS

1. Applicant agrees to comply with all of the laws of the United States, the State and the Town. Yes _____ No _____
2. Applicant consents to be fingerprinted by the Police Department, Town of Mount Carmel. Yes _____ No _____
3. Applicant agrees to be investigated by municipal, county, state and federal law enforcement agencies concerning the applicant's background and record. Yes _____ No _____
4. Applicant agrees to provide any additional information required by the Town to fully investigate the application. Yes _____ No _____
5. Applicant will conduct the business in person or as agent for the organization. Yes _____ No _____

SECTION VIII - REFERENCES

Please give the correct name, address, work and home telephone number of at least three people not related to you who have known you personally for a period of at least three years:

Name	Address (street, city, state, zip)	Work & Home Telephone
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SECTION IX - ADDITIONAL INFORMATION

Use the space below to provide any additional information or to elaborate on any responses provided in the application. **It is imperative that you provide complete and accurate responses to all questions in this application. Failure to provide truthful responses may result in denial of the special permit.**

SECTION X - Applicant's Signature

STATE OF _____

COUNTY OF _____

I hereby make oath and swear or affirm that all the facts and answers set forth in the above application are true and correct. **I understand that any applicant making a false statement in the application or withholding of information on this application shall result in the denial of a permit.** I agree to comply with the laws of the United States, and of the State of Tennessee, and Ordinances of the Town of Mount Carmel. I have received and read a copy of Chapter __, Article __ of the Code of Ordinances of the Town of Mount Carmel, and all amendments thereto. I understand that by submitting this application, a background investigation shall be conducted and any and all documents related to the investigation shall along with this application and documents submitted pursuant thereto become public records. I further make oath that, if the owner of the business is a corporation, firm, joint-stock company, syndicate, partnership or association, I am authorized to execute this application on behalf of the owner.

In testimony whereof witness my signature on this the _____ day of _____ 20____.

_____/_____
Printed Name Signature

Sworn to and subscribed before me, a Notary Public in and for said State and County, on this
the _____ day of _____ 20____.

NOTARY PUBLIC

My commission expires: _____

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN 5/8/13

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of May 8, 2013, and appearing 1 consecutive weeks/(times) as per order of

Town of Mount Carmel

Signed Sheryl Edwards

**MOUNT CARMEL BOARD
OF MAYOR AND
ALDERMEN**

Mount Carmel Board of Mayor and Aldermen will have a public hearing on Plan of Services for Wolfe Laurel Subdivision on May 28, 2013 at 5:25 PM at Town Hall, Mount Carmel, TN. The public is invited to attend.

Mount Carmel Board of Mayor and Aldermen will have a public hearing on Title 9, Chapter 2, Fortunetellers, Clairvoyants and Similar Pursuits on May 28, 2013 at 5:25 PM at Town Hall, Mount Carmel, TN. The public is invited to attend.

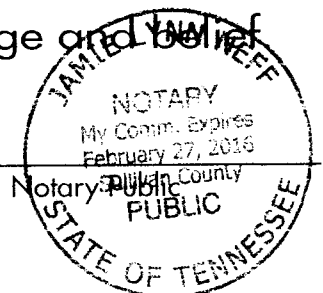
PUB1T: 05/08/13

STATE OF TENNESSEE, SULLIVAN COUNTY, TO WIT:

Personally appeared before me this 8th day of May, 2013, Sheryl Edwards

of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief

James L. Neff



My commission expires Feb 27, 2016

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN 7/3/13

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of June 29, 2013 and appearing 1 consecutive weeks/times, as per order of

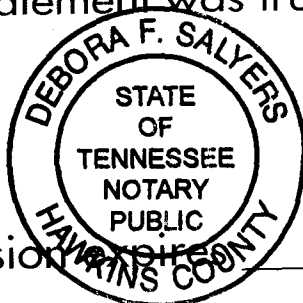
Town of Mount Carmel

Signed Sheryl Edwards

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PUB11: 06/29/13

STATE OF TENNESSEE, SULLIVAN COUNTY, TO WIT:

Personally appeared before me this 3rd day of July, 2013, Sheryl Edwards of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.



Debora F. Salyers
Notary Public

My commission expires April 28, 2015