

## TITLE 5

### BUSINESS, PROFESSIONS AND OCCUPATIONS

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#### CHAPTER 1

#### GENERALLY

#### SECTION

- 5-101. Certain business prohibited on Sunday (repealed).  
5-102. "Going out of business" sales.

**5-102. "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. When any person, after advertising a "going out of business sale", adds to his stock or fails to go out of business within ninety (90) days he shall prima facie and be deemed to have violated this section.

(For beer business regulations in this code, see Title 2, Chapter 2; for regulations relating to building, plumbing and wiring, etc., see Title 4; for privilege tax provisions, etc., see Title 6; for other business regulations primarily for the protection of health, 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.)

(The constitutionality of an ordinance containing provisions identical to those in this section was upheld by the Tennessee Supreme Court in the 1957 Chattanooga case of J. W. Kirk et al. v. P. R. Olgiati et al., 308 SW2d 471.)