

IN THE CHANCERY COURT FOR THE TWENTIETH JUDICIAL DISTRICT
DAVIDSON COUNTY, TENNESSEE

THE METROPOLITAN GOVERNMENT)	
OF NASHVILLE AND DAVIDSON COUNTY,)	
TENNESSEE,)	
)	
Petitioner,)	
v.)	DOCKET NO. _____
)	
GUY WILLIAMS and)	
MUSIC CITY PARTY TUB,)	
)	
Respondents.)	

VERIFIED PETITION FOR INJUNCTION

Petitioner, the Metropolitan Government of Nashville & Davidson County, brings this action pursuant to Tenn. Code Ann. §§ 68-14-301, *et seq.* seeking an injunction to stop the operation of Music City Party Tub. This action is necessary to prevent Music City Party Tub from continuing to operate a hot tub on an entertainment vehicle in violation of state health code requirements.

PARTIES

1. Music City Party Tub is a not a business registered with the Tennessee Secretary of State.
2. Music City Party Tub does not have a business license in Davidson County.
3. Music City Party Tub is a sole proprietorship owned by Guy Williams.
4. Customers board the Music City Party Tub at 321 12th Avenue South, Nashville, Tennessee 37203.
5. The Metropolitan Government is a governmental entity created and existing under and by virtue of the Tennessee Constitution, Article VII, Sec. 1 and Article XI, Sec. 9 and laws of the State of Tennessee, including Tenn. Code Ann. Title 7, Chapters 1-3.

6. Reservations to ride on Music City Party Tub can be made on the website musiccitypartytub.com.¹

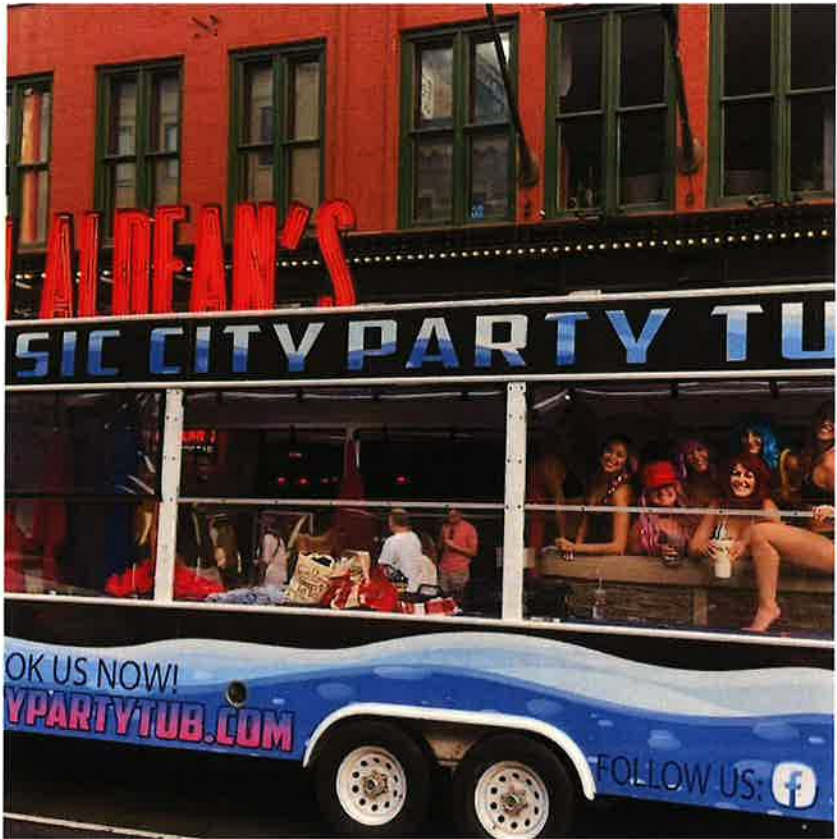
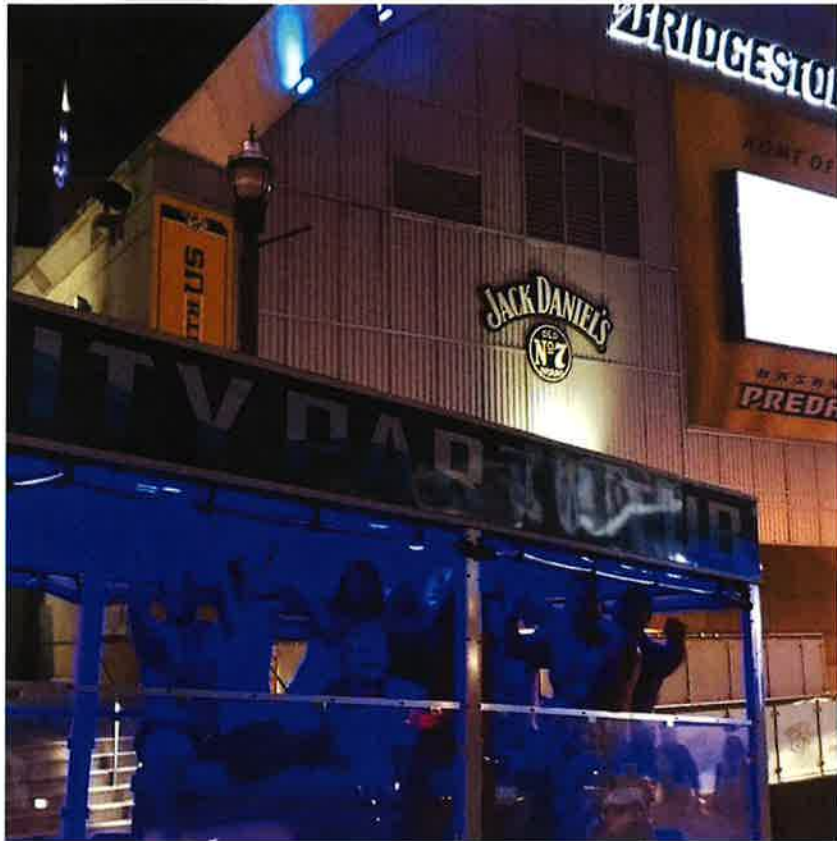
7. Musiccitypartytub.com states, “You can have your very own Nashville party bus touring Downtown Nashville on the only mobile pool and hot tub party bus anywhere.”

8. Musiccitypartytub.com further states: “Is the Party Tub Cold or Hot? We can adjust based on the weather. In Summer, we average about 83-84 degrees much like a swimming pool. In Winter, it is best to be hot at approximately 100 degrees.”

9. Musiccitypartytub.com includes several photographs of the pool/hot tub on the bus, including the following:



¹ This website was last visited on September 21, 2021.



10. On a date prior to April 12, 2019, Mr. Williams showed up unannounced at the Metropolitan Public Health Department (MPHD) to discuss requirements for operating his mobile hot tub.

11. An MPHD representative informed Mr. Williams that MPHD would need a set of design plans and that he would have to obtain a public pool permit.

12. Later that day, Mr. Williams returned to MPHD with a set of plans.

13. On April 18, 2019, Mr. Williams brought his Music City Party Tub to MPHD and Health employees walked through and around the trailer containing the mobile hot tub. Hugh Atkins, MPHD Environmental Health Bureau Director, explained to Mr. Williams that the tub on the vehicle met the definition of a public pool and that he needed a permit to operate. MPHD also gave Mr. Williams a list of deficiencies to correct in his design plans.

14. Mr. Williams did not return to MPHD and was never issued a health permit.

15. On September 11, 2020, MPHD field personnel were conducting enforcement activities related to MPHD's COVID-19 Emergency Health Orders and encountered Mr. Williams operating his mobile hot tub. They informed Mr. Williams that he was operating without a permit, at which time Mr. Williams stated that he was exempt. He claimed that his tub's capacity was 300 gallons and that according to state law, a pool must have a minimum capacity of 350 gallons to be considered a public pool. Field personnel informed Mr. Williams that they would review to determine whether the pool was exempt from the permitting requirement.

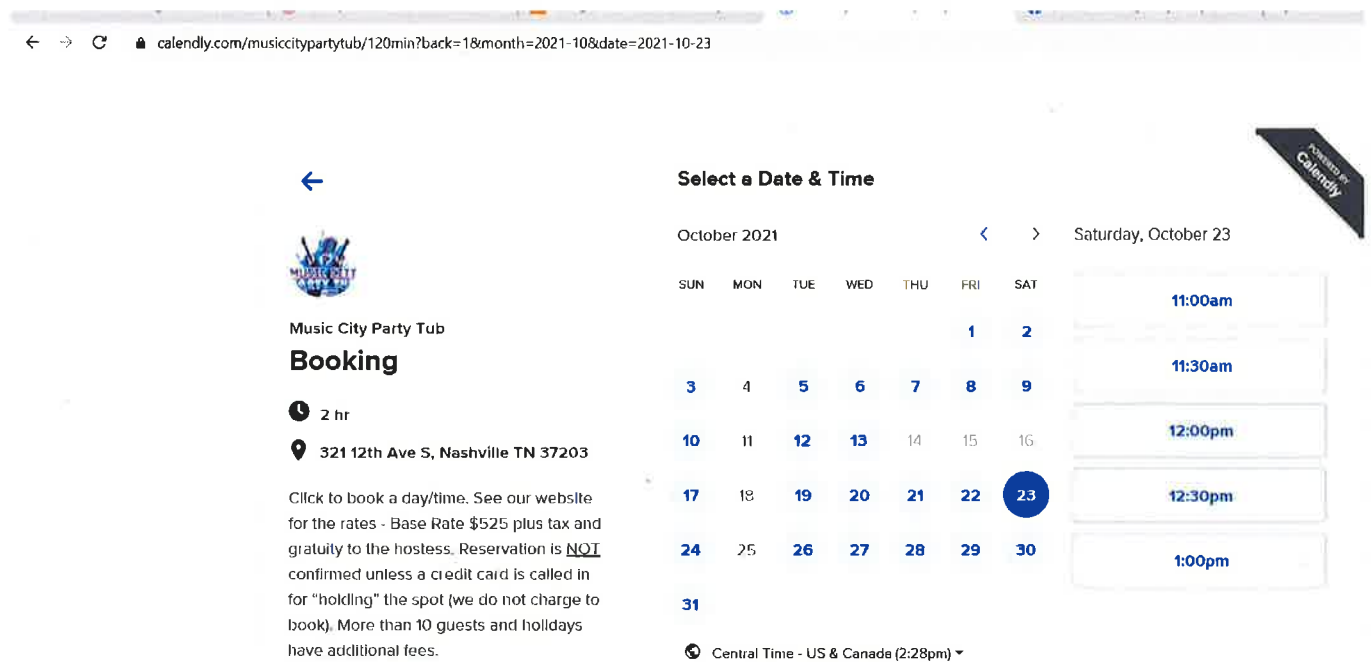
16. There is no such exemption. Rather, state law requires the hot tub that Mr. Williams is operating as Music City Party Tub to be permitted.

17. On August 13, 2021, MPHD personnel went to the location where customers board the Music City Party Tub (321 12th Avenue South, Nashville, Tennessee 37203) and served Mr. Williams with a Notice of Non-Compliance.

18. The Notice of Non-Compliance is attached as **Exhibit A**.

19. Since receiving the Notice of Non-Compliance, Music City Party Tub has continued to operate.

20. The booking calendar accessible through Music City Party Tub's web page and Facebook page shows that it holds itself out for future bookings:



JURISDICTION

21. Jurisdiction is proper in this Court pursuant to Tenn. Code Ann. §§ 16-11-101 and -102.

VENUE

22. Venue is proper in this Court pursuant to Tenn. Code. Ann. § 16-11-114 and § 68-14-321.

CLAIM FOR INJUNCTION: OPERATING WITHOUT A PERMIT

23. Tenn. Code Ann. § 68-14-301 is titled the “Hotel and Public Swimming Pool Inspection Act.”

24. Tenn. Code Ann. § 16-14-302 defines “public swimming pools” as:

a structure of man-made materials, located either indoors or outdoors, used for bathing or swimming, or for instructional purposes in swimming, diving, or other aquatic activities by humans, together with buildings, appurtenances, and equipment used in connection with the structure. “Public swimming pools” also includes spa-type, wading, special purpose pools or water recreation attractions including, but not limited to, those operated at or in camps, child care facilities, cities, clubs, subdivisions, apartment buildings, counties, institutions, schools, motels, hotels, and mobile home parks to which admission may be gained with or without payment of a fee.

25. Tenn. Code Ann. § 68-14-303 (3) provides that the State Health Commissioner shall:

Prescribe rules and regulations governing the alteration, construction, sanitation, safety and operation of hotels, and public swimming pools, as may be necessary to protect the health and safety of the public, and enforce compliance with these rules and regulations by every hotel and public swimming pool, and grant variances and waivers for public swimming pools from the requirements of this part or applicable rules and regulations; provided, that such variance or waiver shall not constitute a health or safety hazard as determined by the commissioner.

26. Tenn. Code Ann. § 68-14-303(7) provides that the State Health Commissioner may enter into an agreement or contract with county health departments to delegate the State’s authority to MPHD.

27. The Tennessee Department of Health has delegated the authority for permitting and inspection of public swimming pools to MPHD via a contract. This contract is attached as **Exhibit B.**

28. Every person in the business of operating a public swimming pool in Davidson County must procure a permit from MPHD annually. Tenn. Code Ann. §§ 68-14-305, -306.

29. Any person operating a hotel or public swimming pool who fails or refuses to comply with any provision of this part or otherwise operates a hotel or swimming pool in violation of this part or of rules and regulations commits a Class C misdemeanor. Each day of operation after notice of non-compliance of violation has been given and such violation has not been corrected constitutes a separate offense. Tenn. Code Ann. § 68-14-320.

30. When a person is causing, is about to cause, or has caused a violation of this part or of the rules and regulations promulgated under this part, MPHD may initiate proceedings in either the chancery court of Davidson County or the chancery court of the county where the violation is occurring for injunctive relief to prevent the continuance of the violation or to correct the conditions resulting in, or about to result in, the violation. Tenn. Code Ann. § 68-14-321.

PRAYER FOR RELIEF

WHEREFORE, the Metropolitan Government prays for the following:

1. For a temporary and permanent injunction ordering Music City Party Tub and/or its owner Guy Williams to cease operation of the Music City Party Tub in the geographic area of the Metropolitan Government unless and until the owner or business applies for and is granted a permit to operate by MPHD.
2. That court costs be borne by the Respondents; and
3. That the Court grant any and all further relief that it deems appropriate.

Respectfully submitted,

THE DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
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VERIFICATION

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I, Hugh Atkins, after first being duly sworn, state that I am the Environmental Health Bureau Director with the Metropolitan Department of Health and that I am authorized to verify and affirm the facts set forth in the foregoing petition. I have read this petition, and the matters set forth herein are true and correct to the best of my knowledge and information.



Hugh Atkins
MPHD Environmental Health Bureau Director

Sworn to and subscribed before me this 29 day of September, 2021.

My commission expires:

