

## TITLE 11

### MUNICIPAL OFFENSES<sup>1</sup>

#### CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
4. LITTERING.

#### CHAPTER 1

### ALCOHOL<sup>2</sup>

#### SECTION

- 11-101. Drinking alcoholic beverages in public, etc.  
 11-102. Minors in beer places.  
 11-103. Violations and penalty.

**11-101. Drinking alcoholic beverages in public, etc.** It shall be unlawful for any person to drink, consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place.

**11-102. Minors in beer places.** No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption.

**11-103. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

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<sup>1</sup>Municipal code references

- Animals and fowls: title 10.
- Fireworks and explosives: title 7.
- Housing and utilities: title 12.
- Streets and sidewalks (non-traffic): title 16.
- Traffic offenses: title 15.

<sup>2</sup>Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

## CHAPTER 2

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

- 11-201. Excessive noise prohibited.
- 11-202. Prohibited acts enumerated.
- 11-203. Exemptions.
- 11-204. Private prosecution.
- 11-205. Violations and penalty.

**11-201. Excessive noise prohibited.** No person owning, employing, or having the care, custody, or possession of any instrument, amplifier, animal, or other generator of regularly recurring sound shall permit or cause to be permitted the generation or transmission of such sound in such a manner as to cause injury, detriment, or nuisance to any person of ordinary sensitivities; provided, however, that excessive noise shall not include and is not intended to prohibit single day special events limited in duration to any single twelve (12) hour period, including, by way of example, but without limitation, events which are held for the purpose of public or private auction, events sponsored or supported by any public body, agency, or official or celebratory events commemorating any national, state, or local holiday. The generation or transmission of sound in such a manner as to be plainly audible on any adjacent or adjoining property shall be prima facie evidence of a violation of this section unless otherwise specifically permitted by ordinance or law or by an agency or department of the county. (Ord. #2001-08-100, Aug. 2001)

**11-202. Prohibited acts enumerated.** The following acts, among others, are declared to be excessive noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive.

(1) Musical instruments. The playing of any radio, phonograph, or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., so as to annoy or disturb the quiet, comfort or repose of persons in any hospital or in any dwelling, hotel, or other type, of residence or of any persons in the vicinity.

(2) Dogs. The keeping of any clog, in a residential area, which by causing frequent or long continued noise disturbs the comfort and repose of any person in the vicinity.

(3) Operation of vehicles. The use of any automobile, motorcycle of other vehicle so out of repair or loaded in such manner as to create loud and unnecessary grating, grinding, rattling or other noise or the extended operation of refrigerated trucks or trailers between the hours of 10:00 P.M. and 7:00 A.M. the following day or any time on weekends or holidays, such that the sound

therefrom creates a noise disturbance across the residential real property boundary, except by a variance approved by the board of zoning appeals.

(4) Exhaust without mufflers. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(5) Drums or other instrument. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise.

(6) Loudspeakers and amplifiers. The use of mechanical loudspeakers or amplifiers for advertising or other purposes.

(7) Loading and unloading. Loading, unloading, closing or other handling of boxes, crates, containers, building materials, garbage cans or dumpsters, motor vehicles or similar objects between the hours of 10:00 P.M. and 8:00 A.M. the following day or anytime on weekends or holidays, such that the sound therefrom creates a noise disturbance across a residential real property boundary, except by a variance approved by the board of zoning appeals. (Ord. #2001-08-100, Aug. 2001)

**11-203. Exemptions.** The provisions of this chapter shall not apply to any county vehicle while engaged upon necessary public business or to the reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character. (Ord. #2001-08-100, Aug. 2001)

**11-204. Private prosecution.** (1) Private citizens may prosecute violations of this section by completing, and signing an affidavit of complaint against the alleged violating individual. Upon the completion and signing of the aforementioned affidavit of complaint, the police chief shall issue a citation to the alleged violating individual. Said citation shall provide the date, place and time of the hearing regarding the alleged violation.

(2) The citation may be served by a Bean Station police officer, any other person designated by the board of mayor and aldermen, or via certified mail.

(3) If said citation is to be served via a Bean Station police officer or any other person designated by the board of mayor and aldermen, the private prosecutor shall pay a service fee of fifty dollars (\$50.00) to the court clerk at the time of the signing of the affidavit of complaint. Said service fee shall be assessed as court costs. If said citation is to be served via certified mail, the private prosecutor shall pay a processing fee of fifty dollars (\$50.00) plus postage. Said processing fee and postage shall be assessed as court costs. (Ord. #2003-05-100, May 2003, modified)

**11-205. Violations and penalty.** Any person found in violation of this chapter shall be subject to a maximum monetary penalty and forfeiture of fifty dollars (\$50.00). (Ord. #2001-08-100, Aug. 2001)

## CHAPTER 3

### TRESPASSING AND INTERFERENCE WITH TRAFFIC

#### SECTION

- 11-301. Trespassing.
- 11-302. Interference with traffic.
- 11-303. Violations and penalty.

**11-301. Trespassing.** (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.<sup>1</sup>

**11-302. Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon.

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<sup>1</sup>Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

**11-303. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

**CHAPTER 4****LITTERING****SECTION**

11-401. Littering offenses.

11-402. Violations and penalty.

**11-401. Littering offenses.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (Ord. #2009-10-100, Dec. 2009)

**11-402. Violations and penalty.** Any person violating this chapter shall be subject to a civil penalty not exceeding fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues shall constitute a separate violation. (Ord. #2009-10-100, Dec. 2009)