

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
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3. FIREARMS, WEAPONS AND MISSILES.
4. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
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CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking alcoholic beverages in public, etc.
 11-102. Minors in beer places.

11-101. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have open any container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place, while riding in or operating a vehicle in or on any of the aforementioned public places, or while on private property without the consent of the owner or person in control.

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 Class 2 on premises consumption.

¹Municipal code references

Animal control: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Disturbing the peace.

11-202. Anti-noise regulations.

11-203. Excessive noise from motor vehicles.

11-201. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1981 Code, §§ 11-16, 15-21 and 15-23, modified)

11-202. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or other device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 9:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 9:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Building operations. Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between sunrise and 10:00 P.M. on week days during daylight savings time, and between sunrise and 9:00 P.M. on week days when daylight savings time is not in effect, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues, not to exceed thirty (30) days.

If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 10:00 P.M. and sunrise on week days during daylight savings time, or between the hours of 9:00 P.M. and sunrise on week days when daylight savings time is not in effect, and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between 10:00 P.M. and sunrise on week days during daylight savings time or on week days between 9:00 P.M. and sunrise when daylight savings time is not in effect, upon application being made at the time the permit for the work is awarded or during the process of the work.

(i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose

of attracting attention to any performance, show, or sale or display of merchandise.

(1) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) City vehicles. Any vehicle of the city while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the police department. Hours for the use of an amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1981 Code, § 11-17, 15-21, and 15-23, modified, as amended by Ord. #2017-52, Nov. 2017)

11-203. Excessive noise from motor vehicles. 1. No person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway within the corporate limits of the City of Cleveland, Tennessee, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loudspeaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle. For the purpose of this section "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet, however, words or phrases need not be discernible and such sound shall include base reverberation.

2. This section shall not be applicable to emergency or public safety vehicles, vehicles owned or operated by a municipal or county government or any utility company, for sound emitted unavoidably during a job-related operation, school or community sponsored activities, auctioneers or auctioning activities, boats or other water crafts operated on waters or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate agency of a municipal or county government.

3. A violation of this section will subject the offender to a fine in an amount not to exceed \$50.00. (as added by Ord. #2004-30, Aug. 2004)

CHAPTER 3

FIREARMS, WEAPONS AND MISSILES

SECTION

11-301. Unlawful to discharge firearms, etc.

11-302. Throwing missiles.

11-303. Carrying weapons.

11-301. Unlawful to discharge firearms, etc. It shall be unlawful to shoot or discharge any firearm, gun, pistol, toy pistol, torpedo, dynamite cartridge or flipper within the corporate limits of the City of Cleveland. It shall also be unlawful to discharge any explosive, except when done in excavating or for other proper and lawful purposes.

It shall also be unlawful to discharge within the corporate limits of the City of Cleveland any air gun, air pistol, air rifle, BB gun, or slingshot capable of discharging or propelling a bullet or pellet, whether made of metal, plastic, or any other kind of material, and whether propelled by spring, compressed air, expanding gas, explosive, or any other force producing means or method. (1981 Code, § 15-63, modified, as replaced by Ord. of 4/14/97, 31)

11-302. Throwing missiles. It shall be unlawful for any person to maliciously throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person.

11-303. Carrying weapons. (1) It shall be unlawful for any person to carry in any manner whatever, with intent to go armed, any razor, dirk, bowie knife or other knife or like form, shape or size, or a pocket knife with blade exceeding four (4) inches in length, or a switchblade knife of any size, sword cane, ice pick, slingshot, black jack, knucks, Spanish stiletto, or a fountain pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas, or pistol cartridges; or any pistol or revolver of any kind whatsoever.

(2) It shall be unlawful for any person to carry concealed on or about his person, any razor, dirk, bowie knife, or other knife of like form, shape, or size, or pocket knife with blade exceeding four (4) inches in length, or a switchblade knife of any size, sword cane, ice pick, slingshot, black jack, brass knucks, Spanish stiletto, or a fountain pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges; or any pistol or revolver of any kind whatsoever, or any other dangerous weapon.

(3) The provisions of this section shall not apply to any person authorized by state law to carry weapons, any person employed in the army, air force, navy or marine service of the United States, or to any officer or policeman while bona fide engaged in his official duties, in the execution of process, or while searching for or engaged in arresting criminals, or to persons who may have been summoned by such officer or policeman in the discharge of his said

duties, and in arresting criminal and transporting and turning them over to the proper authorities; nor shall said provisions apply to any conductor of any passenger or freight train of any railroad while he is on duty. Persons who may be employed in the army, air force, navy or marine service, as aforesaid, shall only carry such pistols as are prescribed by the army, air force and navy regulations. (1981 Code, § 15-61, modified)

CHAPTER 4

TRESPASSING AND INTERFERENCE WITH TRAFFIC

SECTION

11-401. Trespassing.

11-402. Interference with traffic.

11-401. Trespassing.¹ (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.² (1981 Code, §§ 15-128, 15-129, and 15-130, modified)

11-402. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk,

¹State law reference

Subsections (1) through (4) of this section were taken substantially from Tennessee Code Annotated, § 39-14-405.

²Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon.

CHAPTER 5**MISCELLANEOUS****SECTION**

11-501. Abandoned refrigerators, etc.

11-502. Caves, wells, cisterns, etc.

11-503. Posting notices, etc.

11-504. Curfew authorized.

11-505. Indecent exposure prohibited.

11-506. Commercial sexual activity prohibited.

11-507. Prohibited sexual activity in establishments offering food or beer.

11-501. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child.

11-502. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard.

11-503. Posting notices, etc. No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so.

11-504. Curfew authorized. After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographical areas of the municipality or to the municipality as a whole, as he deems advisable, and applicable during which hours of the day or night as he deems necessary in the interest of the public safety and welfare. The proclamation and general curfew shall have the force and effect of law and shall continue in effect until rescinded in writing by the mayor but not to exceed 15 days. (1981 Code, § 15-107, modified)

11-505. Indecent exposure prohibited. (1) Definitions. The following definitions apply to this section unless the context otherwise requires:

(a) "Intimate parts" includes the primary genital area, groin, inner thigh, buttock or breast of a human being below the top of the areola of any person;

(b) "Sexual contact" includes the intentional touching of the victim's, the defendant's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the

victim's, the defendants, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification; and

(c) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the victim's, the defendant's, or any other person's body, but emission of semen is not required.

(2) Indecent exposure. A person commits an offense who, in a public place or on the private premises of another, or so near thereto as to be seen from such private premises:

(a) Intentionally:

(i) Exposes such person's intimate parts as defined in subsection (1)(a) to one (1) or more persons; or

(ii) Engages in sexual contact or sexual penetration as defined in subsection (1)(b) and (1)(c).

(b) Reasonably expects the acts will be viewed by another and such acts:

(i) Will offend an ordinary viewing person; or

(ii) Are for the purpose of sexual arousal and gratification of the defendant. (1981 Code, § 15-38)

11-506. Commercial sexual activity prohibited. (1) Prohibited acts.

It shall be unlawful for any person to procure, to offer or to engage in any act of adomitism, anilingus, bestiality, cunnilingus, coprophilia, fellation, flagellation, frottage, masturbation, sexual intercourse, sodomy or urolagnia for any financial consider or reward.

(2) Definitions. As used in this section, the following words shall have the meanings ascribed in this subsection:

(a) "Adomitism" means the practice of going naked or the state of being unclothed.

(b) "Anilingus" means erotic stimulation achieved by contact between mouth or tongue and the anus.

(c) "Bestiality" means sexual relations between a human being and a lower animal.

(d) "Coprophilia" means use of feces for sexual excitement.

(e) "Cunnilingus" means stimulation of the vulva or clitoris with the lips or tongue.

(f) "Fellation" means the practice of obtaining sexual gratification by oral stimulation of the penis.

(g) "Flagellation" means an act or instance of obtaining sexual gratification by beating, flogging or scourging another, or being the recipient of such action.

(h) "Frottage" means masturbation by rubbing another person.

(i) "Masturbation" means erotic stimulation involving the genital organs, commonly resulting in orgasm and achieved by manual or other bodily manipulation.

(j) "Sexual intercourse" means carnal copulation of male and female implying actual intercourse of the organs of the latter.

(k) "Sodomy" means penetration of the male organ into the anus of another person.

(l) "Urolagnia" means sexual excitement associated with the urine or urination. (1981 Code, § 15-43)

11-507. Prohibited sexual activity in establishments offering food or beer. (1) It shall be unlawful for any person to appear in any place or establishment or the premises thereof wherein food or beer are offered for sale, and to:

(a) Publicly perform acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual acts prohibited by law.

(b) Publicly engage in actual or simulated acts involving the anus or genitals.

(c) Publicly engage in the actual or simulated displaying of the pubic hair, anus, buttocks, vulva, genitals or breasts below the top of the areola of any person.

(d) Publicly wear or use any device or covering exposed to public view which simulates the human breasts, genitals, anus, buttocks, pubic hair or any portion thereof.

(2) It shall be unlawful for any person to permit or allow another to commit any of the acts specified or defined in this section on or about the premises which are owned, managed or operated by such person, or in which such person is employed. (1981 Code, § 15-44)

CHAPTER 6

HANDBILLS

SECTION

11-601. Throwing, distributing handbills in public places.

11-602. [Deleted.]

11-603. Depositing handbills on uninhabited or vacant premises.

11-604. Distribution of handbills prohibited where property posted.

11-605. Distributing handbills at inhabited private premises.

11-606. Dropping litter from aircraft.

11-607. Posting notices prohibited.

11-601. Throwing, distributing handbills in public places. No person shall throw or deposit any handbill in or upon any sidewalk, street or other public place within the city, nor shall any person hand out or distribute or sell any handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place with the city for any person to hand out or distribute, without charge to the receiver thereof, any handbill to any person willing to accept it. (1981 Code, § 10-55, modified)

11-602. [Deleted.] (1981 Code, § 10-56, as amended by Ord. of 12/10/2001, and deleted by Ord. of 1/27/03)

11-603. Depositing handbills on uninhabited or vacant premises. No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (1981 Code, § 10-57, modified)

11-604. Distribution of handbills prohibited where property posted. No person shall throw, deposit or distribute any handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words: "NO TRESPASSING," "NO PEDDLERS OR AGENTS," "NO ADVERTISEMENT" or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or have their right

of privacy disturbed or to have any such handbills left upon such premises. (1981 Code, § 10-58, modified)

11-605. Distributing handbills at inhabited private premises.

(1) No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person in or upon such private premises; provided, however, that, in case of inhabited private premises which are not posted, as provided in this chapter, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

(2) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers, periodicals and magazines of a general circulation, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (1981 Code, § 10-59, modified)

11-606. Dropping litter from aircraft. No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object. (1981 Code, § 10-60)

11-607. Posting notices prohibited. No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree or upon any public structure or building, except as may be authorized or required by law. (1981 Code, § 10-61)

CHAPTER 7

LITTERING

SECTION

11-701. Definitions.

11-702. Littering.

11-703. Littering unlawful, violations.

11-701. Definitions. As used in this chapter, unless the context otherwise requires, the following words shall have the following definitions:

1. "Commercial purpose" means litter discarded by a business, corporation, association, partnership, sole proprietorship, or any other entity conducting business for economic gain, or by an employee or agent of the entity;

2. "Garbage" includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;

3. "Litter" includes garbage, refuse, rubbish and all other waste material, including a tobacco product as defined in Tennessee Code Annotated, § 39-17-1503 and any other item primarily designed to hold or filter a tobacco product while the tobacco is being smoked;

4. "Refuse" includes all putrescible and non-putrescible solid waste; and

5. "Rubbish" includes non-putrescible solid waste consisting of both combustible and noncombustible waste. (as replaced by Ord. #2008-24, June 2008)

11-702. Littering. 1. A person commits littering who:

a. Knowingly places, drops or throws litter on any public property within the City of Cleveland and does not immediately remove it.

b. Knowingly places, drops or throws litter on any private property without permission and does not immediately remove it.

c. Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty (50) feet of a public street or highway.

d. Negligently discharges sewage, minerals, oil products or litter into any public waters or lakes within the city.

2. Whenever litter is placed, dropped, or thrown from any motor vehicle, boat, airplane, or other conveyance in violation of this section, the trier of fact may, in its discretion and in consideration of the totality of the circumstances, infer that the operator of the conveyance has committed littering.

3. Whenever litter discovered on public or private property is found to contain any article or articles, including, but not limited to, letters, bills, publications, or other writings that display the name of a person in such a

manner as to indicate that the article belongs or belonged to that person, the trier of fact may, in its discretion and in consideration of the totality of the circumstances, infer that the person has committed littering. (as added by Ord. #2008-24, June 2008)

11-703. Littering unlawful, violations. 1. It shall be unlawful and is a civil offense for anyone to discard any type of litter within the corporate limits of the City of Cleveland except in appropriate containers.

2. It shall be unlawful and is a civil offense for any person or entity to violate the provisions of Cleveland Municipal Code, § 11-702.

3. Violations of this chapter shall subject the offender to a civil penalty not to exceed fifty dollars (\$50.00) for each offense. In addition to a civil penalty, the offender shall be responsible for the payment of court costs and any applicable litigation tax. (as added by Ord. #2008-24, June 2008)