

TITLE 11**MUNICIPAL OFFENSES¹****CHAPTER**

1. GENERALLY.
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8. MISCELLANEOUS.
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CHAPTER 1**GENERALLY****SECTION**

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the common law to be misdemeanors are hereby designated and declared to be offenses against this municipality also. Also any violation of any such law within the corporate limits is also a violation of this section. (1976 Code, § 10-101)

¹Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

CHAPTER 2**ALCOHOL**¹**SECTION**

11-201. Drinking beer, etc., on streets, etc.

11-202. Minors in beer places.

11-203. Public display and drinking prohibited.

11-204. Public drunkenness.

11-201. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premises consumption. (1976 Code, § 10-228)

11-202. Minors in beer places. No minor shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1976 Code, § 10-221)

11-203. Public display and drinking prohibited. It shall be unlawful for any person to display or drink cans, containers, or bottles of intoxicating liquors upon the public streets, sidewalks, or other public places in the City of Gatlinburg. However, public places does not include the interior of the Gatlinburg Municipal Auditorium. (1976 Code, § 2-123)

11-204. Public drunkenness. It shall be unlawful for any person to be drunk or intoxicated in any public place or in any other place upon to public view. (1976 Code, § 10-227)

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated, § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

CHAPTER 3**OFFENSES AGAINST THE PERSON****SECTION**

- 11-301. Assault and battery.
- 11-302. Assault upon officer.
- 11-303. Use of laser pointers.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1976 Code, § 10-201)

11-302. Assault upon officer. It shall be unlawful to commit any assault or assault and battery upon a duly authorized law enforcement officer acting in the course of his employment. "Assault" may include common law assault, assault while possessing a deadly weapon, assault with the intent to commit a felony or an attempt to commit a felony, and assault from ambush. (1976 Code, § 10-243)

11-303. Use of laser pointers. It is unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person or animal in such a manner as to harass, annoy, or injure said person or animal.

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Disturbing the peace.

11-402. Noise regulations.

11-401. Disturbing the peace. It shall be unlawful for any person to disturb the peace of others by any conduct calculated to provoke violence or in violation of the law. The word conduct as used in this section is to include, but is not limited to, profane, derisive, or abusive language and/or offensive gestures. (1976 Code, § 10-202)

11-402. 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 signal device on any automobile, motorcycle, bus, streetcar, 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 11:00 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 more than fifty (50) feet away.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 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 more than fifty (50) feet away.

(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 more than fifty (50) feet away.

(e) Use of vehicle. The use of any automobile, motorcycle, streetcar, 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 municipal 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. 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 district, other than between the hours of 8:30 A.M. and 6:00 P.M. on week days, 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 official 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 6:00 P.M. and 8:30 A.M., 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 the hours of 6:00 P.M. and 8:30 A.M. 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 is permitted unless it violates § 410 of the zoning ordinance.

(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) Municipal vehicles. Any vehicle of the municipality 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 municipality, 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 recorder. Hours for the use of an amplifier 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. (1976 Code, § 10-233)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-501. Escape from custody or confinement.

11-502. Impersonating a government officer or employee.

11-503. False emergency alarms.

11-504. Resisting or interfering with an officer.

11-505. Coercing people not to work.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1976 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the municipality shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1976 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1976 Code, § 10-217)

11-504. Resisting or interfering with an officer. It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1976 Code, § 10-210)

11-505. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1976 Code, § 10-230)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Weapons and firearms generally.

11-601. Air rifles, etc. It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1976 Code, § 10-213)

11-602. 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. (1976 Code, § 10-214)

11-603. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm, firecracker, etc. within the municipality.

The officers of the Gatlinburg Police Department are hereby authorized and allowed to discharge firearms at a municipally approved firing range within the city limits of the City of Gatlinburg for the purpose of official training as a part of their police department duties. This exception only applies to Gatlinburg Police Department personnel and does not authorize anyone other than police officers to discharge weapons within the city limits of the City of Gatlinburg. (1976 Code, § 10-212)

CHAPTER 7

**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC****SECTION**

11-701. Trespassing.

11-702. Criminal trespass.

11-703. Malicious mischief.

11-704. Interference with traffic.

11-705. Sale and use of noxious odor devices prohibited.

11-701. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge. (1976 Code, § 10-225)

11-702. Criminal trespass. The wilful commission of any of the hereinafter listed acts shall be unlawful and shall constitute criminal trespass:

(1) To deface or disfigure any publicly owned building, property or fixture.

(2) To damage any spring, well, or water supply belonging to another.

(3) To carry away or destroy lumber belonging to another.

(4) To destroy or damage any tree, shrub, vine, flowers, fruit or vegetable on the premises of another.

(5) To remove or destroy any signpost, guide board, lamp post or mile stone belonging to any agency of the local, state or federal governments. (1976 Code, § 10-236)

11-703. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1976 Code, § 10-224)

11-704. 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. (1976 Code, § 10-232)

11-705. Sale and use of noxious odor devices prohibited. The sale or discharge of any device which produces a noxious odor, whether designated

as a "stink bomb" or under any other name, is hereby prohibited. The discharge of same, whether through the breaking of glass or other means of mechanism of release of chemicals, is hereby declared to be a public nuisance and a danger to the persons and property within the City of Gatlinburg. This prohibition shall not apply to any device having a practical application such as the eradication of pests. (As added by Ord. #2220, Oct. 2000)

CHAPTER 8

MISCELLANEOUS

SECTION

- 11-801. Abandoned refrigerators, etc.
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Curfew for minors.
- 11-804. Wearing masks.
- 11-805. Trapping prohibited.
- 11-806. Fishing prohibited generally.
- 11-807. Shoplifting.
- 11-808. False advertising of petroleum products.
- 11-809. Obtaining food or accommodations with intent to defraud.

11-801. 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. (1976 Code, § 10-222)

11-802. 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. (1976 Code, § 10-231)

11-803. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 11:00 P.M. unless upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1976 Code, § 10-223)

11-804. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1976 Code, § 10-235)

11-805. Trapping prohibited. It shall be unlawful to trap or set trapping devices for any purpose within the corporate limits of the City of Gatlinburg. (1976 Code, § 10-226)

11-806. Fishing prohibited generally. It shall be unlawful for any person to fish in any public stream within the corporate limits of the City of Gatlinburg unless otherwise permitted by law. (1976 Code, § 10-239)

11-807. Shoplifting. Any person who shall wilfully take possession of any goods, wares or merchandise offered for sale by any store or any other mercantile establishment with the intention of converting the same to his own use without paying the purchase price thereof, shall be guilty of the offense of shoplifting. (1976 Code, § 10-242)

11-808. False advertising of petroleum products. Any person, firm, corporation, or association, or agent or employee, thereof, who, with intent to sell gasoline, knowingly, makes, publishes, disseminates, circulates, or places before the public, or causes directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in the City of Gatlinburg in the form of pamphlets, handbills, posters, sign boards, or over any radio or television station, which advertisements contain any assertion, representation, or statement of fact, which is untrue, deceptive or misleading, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine in accordance with the general penalty clause of this code. (1976 Code, § 10-240)

11-809. Obtaining food or accommodations with intent to defraud. Any person who shall, at any hotel, inn, boardinghouse, motel, motor lodge, restaurant, or tourist court, order or receive or cause to be furnished, any food or accommodation; and any person who shall obtain credit at any hotel, inn, boarding house, motel, motor lodge, restaurant, or tourist court, by the use of any false pretense or device, or by fraudulently depositing at such hotel, inn, boarding house, motel, motor lodge, or tourist court any baggage or property of value less than the amount of such credit, or of the bill by such person incurred, unless credit be given by express agreement; and any person who, after obtaining accommodations at any hotel, inn, boarding house, motel, motor lodge, or tourist court, shall remove any property from the premises, with the intent to deprive the owner thereof; any person who, after obtaining credit or accommodations at any hotel, inn, boardinghouse, motel, motor lodge, tourist court, shall surreptitiously remove his or her baggage or property therefrom shall be guilty of a misdemeanor.

Proof that lodging, food, property or other accommodation was obtained by false pretense, or by false or fictitious show or pretense of baggage, or that the party fraudulently refused to pay for such food, lodging, property or accommodation on demand, or that he absconded without paying or offering to

pay for such food, lodging, property or accommodations, or that he surreptitiously removed or attempted to remove his baggage shall be prima facie proof of the fraudulent intent mentioned in this section. (1976 Code, § 10-237)

CHAPTER 9

OBSCENITY, MORALS

SECTION

- 11-901. Disorderly houses.
- 11-902. Immoral conduct.
- 11-903. Selling, distributing, etc., obscene material.
- 11-904. Indecent or improper exposure or dress.
- 11-905. Window peeping.
- 11-906. Profanity, etc.
- 11-907. Definitions.
- 11-908. Obscene material.
- 11-909. Display of certain material.

11-901. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarrelling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person to knowingly visit any such house. (1976 Code, § 10-203)

11-902. Immoral conduct. No person shall commit, offer, or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for such purpose. (1976 Code, § 10-204)

11-903. Selling, distributing, etc., obscene material. It shall be unlawful to sell, distribute, display or exhibit any obscene material or to possess with the intent to sell distribute, display or exhibit; to publish, produce or otherwise create any obscene material with the intent to sell, distribute, display or exhibit; to use any obscene material in any way to promote, exploit or further any business or commercial activity; to advertise or otherwise publicize the sale, distribution, display or exhibition, of any obscene material; to use any means that appeals to the erotic or prurient interest of customers or prospective customers in connection with the advertisement, representation, promotion, display or sale of obscene material, to sell, give or distribute any obscene material to any minor under the age of eighteen (18) years, or to display or

exhibit any such material at any public place open to such minors; to hire or employ any minor under eighteen (18) years of age to do any public act made unlawful by this section.

Provided that for the purpose of this section, obscene material shall mean:

(1) Any material, matter, object or thing, including but not limited to, any written or printed matter, film, picture, drawing, or any object or thing that is obscene if, considered as a whole, its predominate appeal is to prurient interest, that is a shameful or morbid interest in nudity, sex or excretion, and if in addition:

(a) It is patently offensive to the public or if it goes substantially beyond customary limits of candor in describing or representing such matters; and

(b) It is devoid of any literary, scientific or artistic value and is utterly without social importance. The phrase "predominate appeal" shall be considered with reference to ordinary persons.

(2) Person shall include the singular and the plural and shall also mean and include any person, firm or corporation, partnership, co-partnership, association, or any other organization of any character whatsoever.

(3) Knowingly shall include constructive knowledge as well as actual knowledge. The requirement of constructive knowledge shall be satisfied when a person has knowledge of facts which would put a reasonable and prudent man on notice of the matters in question. (1976 Code, § 10-205)

11-904. Indecent or improper exposure or dress. It shall be unlawful for any person to publicly appear naked or any dress not appropriate to his or her sex, or in any indecent or lewd dress, or to otherwise make any indecent exposure of his or her person. (1976 Code, § 10-206)

11-905. Window peeping. No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy nor shall he loiter around or within view of any such window with the intent of watching or looking through it. (1976 Code, § 10-207)

11-906. Profanity, etc. No person shall use any profane, vulgar, or indecent language in or near any public street or other public place or in or around any place of business open to the use of the public in general. (1976 Code, § 10-208)

11-907. Definitions. The following definitions apply in §§ 11-908 through 11-909, unless the context requires otherwise:

(1) "Actual or constructive knowledge" a person is deemed to have constructive knowledge of the contents of material who has knowledge of facts which would put a reasonable and prudent person on notice as to the suspect nature of the material;

- (2) “Community” means the judicial district in which the city is located;
- (3) “Distribute” means to transfer possession of, whether with or without consideration;
- (4) “Harmful to minors” means that quality of any description or representation, in whatever form, of nudity, sexual excitement, sexual conduct, or sadomasochistic abuse when the matter or performance:
 - (a) Would be found by the average person applying contemporary community standards to appeal predominantly to the prurient, shameful or morbid interests of minors;
 - (b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
 - (c) Taken as a whole lacks serious literary, artistic, political or scientific values for minors;
- (5) “Indecent expression” means patently offensive descriptions of sexual or excretory activities or organs as measured by contemporary community standards.
- (6) “Matter” means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture film, videocassette or other pictorial representation, or any statue, figure, device, theatrical production or electrical reproduction, or any other article, equipment, machine or material that is obscene or contains indecent expression, as defined herein;
- (7) “Minor” means any person who has not reached eighteen (18) years of age and is not emancipated;
- (8) “Nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;
- (9) “Obscene” means:
 - (a) The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
 - (b) The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct; and
 - (c) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- (10) “Patently offensive” means that which goes substantially beyond customary limits of candor in describing or representing such matters.
- (11) “Prurient interest” means a shameful or morbid interest in sex.

(12) “Sadomasochistic abuse” means flagellation or torture or physical restraint by or upon a person for the purpose of sexual gratification of either person;

(13) “Sexual conduct” means:

(a) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated. A sexual act is simulated when it depicts explicit sexual activity which gives the appearance of ultimate sexual acts, anal, oral or genital. “Ultimate sexual acts” means sexual intercourse, anal or otherwise, fellatio, cunnilingus or sodomy; or

(b) Patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals; and

(14) “Sexual excitement” means the condition of human male or female genitals when in a state of sexual stimulation or arousal. (1976 Code, § 10-244)

11-908. Obscene material. It is unlawful to knowingly produce, send or cause to be sent, or bring or cause to be brought, into this city for sale, distribution, exhibition or display, or in this city to prepare for distribution, publish, print, exhibit, distribute, or offer to distribute, or to possess with intent to distribute or to exhibit or offer to distribute any obscene matter. It is unlawful to direct, present or produce any obscene theatrical production, peep show or live performance, and every person who participates in that part of such production which renders the production or performance obscene is guilty of the offense. It is unlawful to hire, employ or use a minor to do or assist in doing any of the acts described in this section with knowledge that such person is a minor under eighteen (18) years of age, or while in possession of such facts that he should reasonably know that such person is a minor under eighteen (18) years of age. (1976 Code, § 10-245)

11-909. Display of certain material. It shall be unlawful and a violation of this section for a person to display obscene, or harmful to minors material, or material containing indecent expression in windows, doorways, openings, display cases or areas in any location where it is visible by a minor from any public street, sidewalk, alley, or from the outside of any such premises. (1976 Code, § 10-246)

CHAPTER 10**LOITERING, ETC.****SECTION**

11-1001. Loitering.

11-1001. Loitering. (1) It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner as to:

(a) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

(b) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon the facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

(2) When any person causes or commits any of the conditions enumerated in subsection (1) herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and move on or disburse. Any person who fails or refuses to obey such orders shall be guilty of violation of this section.

(3) For the purposes of this chapter, loitering shall mean remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression "hanging around".

"Public place" shall mean any place to which the general public has access and a right or resort for business, entertainment or other lawful purpose but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or the immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks. (1976 Code, § 10-218)