

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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CHAPTER 1

OFFENSES AGAINST THE PEACE AND QUIET AND OTHER NUISANCES

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11-101. Definitions. As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) "City." The City of Jellico, Tennessee.
- (2) "dbAs." Decibels shown in a reading on the dbA scale.

¹Municipal code references

Animals and fowls: title 10.

Fireworks and explosives: title 7.

Residential and utilities: title 12.

Traffic offenses: title 15.

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

(3) "Decibel." A unit for measuring the volume of a sound equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals per square meter.

(4) "Sound level meter." An instrument used for measurement of the intensity of sound and accurately calibrated in decibels. Readings shall be made on a dbA scale.

(5) "Sound pressure." The average rate at which sound energy is transmitted through a unit area in a specified direction.

(6) "Vehicular." Pertaining to motor vehicles required to be registered by the Division of Motor Vehicles for the State of Tennessee. (Ord. #2019-06, June 2019)

11-102. Restrictions. (1) The making, creation or permitting of any unreasonably loud, disturbing or unnecessary noise in the city is prohibited.

(2) The making, creating or pennitting of any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual or which either steadily or intermittently annoys, disturbs, injures or endangers the comfort, repose, peace or safety of any individual is prohibited.

(3) The following standards shall apply:

(a) Residential zones. No person shall cause, suffer, allow or pemlit sound from any source which when measured at the point of annoyance, is in excess of:

(i) 7:00 A.M. to 10:00 P.M.:

(A) Continuous airborne sound which has a sound level of fifty-five (55) dbAs.

(B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs.

(ii) 10:00 P.M. to 7:00 A.M.:

(A) Continuous airborne sound which has a sound level of fifty (50) dbAs.

(B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs.

(b) Industrial and commercial zones. No person shall cause,suffer, allow or permit sound from any source which when measured at the point of annoyance, is in excess of:

(i) 7:00 A.M. to 10:00 P.M.:

(A) Continuous airborne sound which has a sound level of sixty-five (65) dbAs.

(B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs.

(ii) 10:00 P.M. to 7:00 A.M.:

(A) Continuous airborne sound which has a sound level of fifty-five (55) dbAs.

(B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs. (Ord. #2019-06, June 2019)

11-103. Declared unnecessary noises enumerated. The following acts, among others, are declared to be loud or disturbing or unnecessary noises in violation of this chapter even if the noises referred to do not violate the standard noise level for the city.

(1) Horns, signal devices and the like. (a) The sounding of any horn or signal device of any automobile, motorcycle, bus or other vehicle:

(i) While not in motion, except as a danger signal that another vehicle is approaching apparently dangerously; or

(ii) If in motion:

(A) After or as brakes are being applied and deceleration of the vehicle is intended;

(B) Before passing another vehicle as a signal of intent to so pass;

(C) Where state motor vehicle statutes require the sounding of such a horn or signaling device; or

(D) When otherwise necessary as a danger signal.

(b) Wherever the sounding of any horn or signal device is permitted or required such sound shall not be unreasonably loud or harsh and shall not be for an unreasonable duration of time.

(2) Animals and birds. The keeping of any animal or bird which, by causing frequent or long-continued noise, disturbs the comfort and repose of any person in their vicinity.

(3) Defect in vehicle or noisy load. The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(4) Steam 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 danger.

(5) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle engine except through a muffler or other device which meets the standards established for such devices by applicable state laws and regulations.

(6) Mechanical devices. The use of mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(7) Schools, courts, churches, and hospitals. The creation of any loud or excessive noise on any street adjacent to any school or institution of learning or judicial court while the same are in session or on any street adjacent to any hospital, which noise unreasonably interferes with the workings of such institutions; this restriction shall be in force only if signs are displayed in such streets indicating the same is a school, hospital, or court street or quiet zone.

(8) Loading or unloading of vehicles; opening or destruction of boxes. The creation of a loud or excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates, and containers.

(9) Devices attached to buildings. The sounding of any bell, gong or device attached to any building or premises, particularly during the hours between 11:00 P.M. and 7:00 A.M., which disturbs the quiet or repose of any persons in the vicinity of the devices. This rule shall not apply if the bell, gong or device is sounded as a warning of danger.

(10) Trains, vehicles and buses. The unnecessary or prolonged blowing or sounding of any horn, whistle, bell or other device attached to any train, locomotive, motor vehicle, bus or truck while passing through the city or while loading passengers or freight within the city.

(11) Loudspeakers and amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other vehicles for advertising or other commercial purposes, except where a specific license or permit is received from the police department.

(12) Construction or repair of buildings. Construction, demolition, repair, paving or alteration of buildings or streets or excavation when conducted between the hours of 7:00 P.M. and 7:00 A.M. (9:00 A.M. And 7:00 P.M. on Sundays), except in emergencies. (Ord. #2019-06, June 2019)

11-104. Non-vehicular noises restricted. No person shall use or operate any facility, machine or instrument or produce or cause to be produced any sound in the city, when the same shall produce noise, the sound-pressure level of which measured at the point of annoyance complained of shall exceed the standard noise level of the city established for that location and time of day. In measuring noises to determine if the standard noise level of the city has been exceeded, the measurement shall be measured on the A-weighting of an accurate sound-level meter. The background sound level is defined as the sound present when the offending noise source is silenced. (Ord. #2019-06, June 2019)

11-105. Vehicular noise regulations. (1) No person shall operate, within the limits of the city, any vehicle which will emit noise which will exceed the standard noise level of the city established for the size vehicle when used under ordinary circumstances. For noncommercial vehicles, the standard noise level of the city is hereby established as follows:

<u>Type of vehicle</u>	<u>Maximum noise level (dbAs)</u>
Vehicle other than motorcycles	76
Motorcycles	82

(2) Measurements shall be taken fifty feet (50') from the source. (Ord. #2019-06, June 2019)

11-106. Exemptions. Exemptions from noise level limits shall be as follows:

(1) Emergency construction, repair, pavings demolition, or alteration of a street or building. Permission of the city mayor shall be proof that such emergency exists.

(2) Emergency activities of municipal, county, state, or federal government agencies and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare are involved.

(3) Warning devices on authorized emergency vehicles and on vehicles used for traffic safety purposes.

(4) Attendant on-site noise connected with the actual performance of sporting events, parades, auctions, fairs and festivals.

(5) Power lawn mowers, when operated between the hours of 8:00 A.M. (9:00 A.M. on Sundays) and 10:00 P.M.

(6) Air conditioners that increase the background or ambient noise level no more than five (5) dbAs. (Ord. #2019-06, June 2019)

11-107. Sound measurements. Sound measurements shall be made with a sound-level meter. (Ord. #2019-06, June 2019)

11-108. Nuisance caused by dust, odors and airborne pollutants. Within the City of Jellico, the following is hereby declared to be a nuisance:

The creation of dust, fumes, airborne pollutants, or odors by the operation of motor vehicles, racing cars, amusement rides, rides or other motor driven contrivances, where the dust, fumes, airborne pollutants, or odors are carried beyond the boundaries or property line of the property whereon the above enumerated vehicles and/or motor driven contrivances may be operated in such quantities as to do any of the following:

(1) Interferes with the reasonable enjoyment of any property; or

(2) Affects a person's health or ability to breathe by reason of air that contains dust, fumes, airborne pollutants or odors; or

(3) Leaves any visible or detectable dust, residue, or the residue of dust, and/or airborne pollutants on or over any property in the city; or

(4) Limits or restricts visibility upon public roadways within the city. No person, firm or proper corporation shall cause any such nuisance, as afore described, anywhere in the City of Jellico. (Ord. #2019-06, June 2019)

11-109. Prevailing standards. Whenever any provision of this chapter conflicts with any other applicable municipal, state or federal ordinance or statute, the higher standard shall prevail. (Ord. #2019-06, June 2019)

11-110. Severability. The provisions of this chapter are severable. If any provision of this chapter or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications

of this chapter which can be given effect without the invalid provisions or applications. (Ord. #2019-06, June 2019)

11-111. Nuisance injunction. Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided in this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction. (Ord. #2019-06, June 2019)

11-112. Violations and penalty. Any person, firm or corporation violating any provision of this chapter shall be fined no less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense, and a separate offense shall be deemed committed on each day or during or on which a violation occurs or continues. (Ord. #2019-06, June 2019)

CHAPTER 2**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-201. Air rifles, etc.

11-202. Throwing missiles.

11-203. Discharge of firearms.

11-201. 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. (1968 Code, § 10-213)

11-202. Throwing missiles. It shall be unlawful for any person maliciously to 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. (1968 Code, § 10-214)

11-203. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1968 Code, § 10-212, modified)

CHAPTER 3

TRESPASSING AND INTERFERENCE WITH TRAFFIC

SECTION

11-301. Trespassing.

11-302. Trespassing on trains.

11-303. Interference with traffic.

11-301. 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.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly leave the private premises of any person who requests or directs him to leave. (1968 Code, § 10-226)

11-302. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1968 Code, § 10-221)

11-303. 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. (1968 Code, § 10-233)

CHAPTER 4**MISCELLANEOUS****SECTION**

11-401. Caves, wells, cisterns, etc.

11-402. Posting notices, etc.

11-401. 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. (1968 Code, § 10-232)

11-402. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1968 Code, § 10-227)