

TITLE 10

OFFENSES--MISCELLANEOUS¹

CHAPTER

1. GENERALLY.
2. ENUMERATED.
3. NOISE ORDINANCE.

CHAPTER 1

GENERALLY

SECTION

10-101. Misdemeanors of the state adopted.

10-101. Misdemeanors of the state² 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 the Town of Jonesborough also. Any violation of any such law within the corporate limits is also a violation of this section. [Code of 1982]

¹For offenses relating to animals and fowls, see title 3 in this code; for offenses relating to fireworks, etc., see the fire code adopted in title 7; for offenses relating to health and sanitation, see title 8; for traffic offenses, see title 9; for non-traffic offenses relating to streets and sidewalks, see title 12.

²See sections 39-1-103 and 39-1-104 of the Tennessee Code Annotated for definition of "misdemeanor."

CHAPTER 2

ENUMERATED

SECTION

- 10-201. Bawdy houses.
- 10-202. Conspiracy.
- 10-203. Curfew for minors.
- 10-204. Disorderly houses.
- 10-205. Destroying town property.
- 10-206. Disturbing county privy.
- 10-207. Disturbing public assemblies.
- 10-208. Offensive language.
- 10-209. Tampering with fire hydrants.
- 10-210. Indecent exposure, etc.
- 10-211. Obscene literature, etc.
- 10-212. Loitering.
- 10-213. Minors playing pinball machines.
- 10-214. Gambling.
- 10-215. Assisting gambling.
- 10-216. Keeping gambling places.
- 10-217. Penalty for certain licensed businesses.
- 10-218. Swinging trains.
- 10-219. Throwing missiles.
- 10-220. Carrying weapons.
- 10-221. Firing weapons.
- 10-222. Hunting on town property.

10-201. Bawdy houses. It shall be unlawful for any person to keep a bawdy house, house of ill fame, assignation, or knowingly to permit any tenement in his or her possession or under his or her control to be used for such purpose. [Ord. 9 of April 16, 1906, § 1]

10-202. Conspiracy. It shall be unlawful for any two or more persons to assemble within the town with the intent or, being so assembled, to agree to do any unlawful act with force or violence against the property of the town or the person or property of another or to the terror of others, or to make any movement or preparation therefor. [Ord. 2 of April 16, 1906, § 1]

10-203. Curfew for minors. It shall be unlawful for any minor under the age of 18 years to congregate, loiter, or be upon the public streets or other public places from and after the hour of 10:00 p.m., and until the hour of 6:00 a.m., upon the following morning, unless such minor is accompanied by or has the permission of his or her parent or guardian.

It shall be unlawful for any parent or guardian or any person having the custody of any such minor to permit them to do the things prohibited by this section. [Ord. 37 of April 16, 1906, § 1; ord. of June 23, 1955, §§ 1 and 2]

10-204. Disorderly houses. It shall be unlawful for any person within the limits of the town to keep a disorderly house. [Ord. 7 of April 16, 1906, § 1]

10-205. Destroying town property. It shall be unlawful to willfully destroy, injure, damage, or deface any property of the town. [Ord. of April 10, 1945, § 1]

10-206. Disturbing county privy. It shall be unlawful for any person to cut, mark, scratch, break, deface, or in any way injure the county privy or any of the fixtures thereof. [Ord. 32 of April 16, 1906, § 1]

10-207. Disturbing public assemblies. It shall be unlawful for anyone to disquiet or disturb any congregation or assembly met for religious worship or literary entertainment by making noises, by words, or by indecent behavior or profane discourse within their place of worship or assembly or so near the same as to disturb the order or solemnity of the meeting. [Ord. 3 of April 16, 1906, § 1, as renumbered by Ord. #2006-01, Feb. 2006]

10-208. Offensive language. It shall be unlawful for any person to use loud, boisterous, or profane language in any public place within the corporate limits. [Ord. of Dec. 18, 1920, § 1, as renumbered by Ord. #2006-01, Feb. 2006]

10-209. Tampering with fire hydrants. It shall be unlawful for any person to interfere with any fire hydrant within the corporate limits or to open any fire hydrant for any purpose except in case of fire. [Ord. of May 12, 1930, § 1, as renumbered by Ord. #2006-01, Feb. 2006]

10-210. Indecent exposure, etc. It shall be unlawful for any person to appear in any public place in the town naked or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or to make any indecent exposure of his or her person, or be guilty of any indecent or lewd act or behavior. [Ord. 8 of April 16, 1906, § 1, as renumbered by Ord. #2006-01, Feb. 2006]

10-211. Obscene literature, etc. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of lending, selling, or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed, or filmed matter containing obscene language, prints, pictures, or descriptions manifestly intended to corrupt the morals. [Ord. 8 of April 16, 1906, § 1, modified, as renumbered by Ord. #2006-01, Feb. 2006]

10-212. Loitering. It shall be unlawful for any person without legitimate business or purpose to loiter, wander, or idle in, upon, or about any way or place customarily open to public use. [Ord. of Dec. 7, 1923, § 1, modified, as renumbered by Ord. #2006-01, Feb. 2006]

10-213. Minors playing pinball machines. It shall be unlawful for any minor to operate or participate in the operation of any so-called pinball machines or other similar devices in which money is placed or deposited in slots or other devices as a condition to playing any game of skill or chance, except that video games played for amusement only are exempted from the conditions set forth herein.

It shall be unlawful for the owner, operator, or any person having custody or charge of the machines or devices described and referred to in this section to permit any minor to operate or play at the same. [Ord. of June 23, 1955, §§ 1 and 2, modified, as renumbered by Ord. #2006-01, Feb. 2006]

10-214. Gambling. Gambling in any form shall be unlawful and it shall be unlawful for any person to play at any game of hazard or address for money or other thing of value or make any bet or wager for money or other thing of value. [Ord. of Sept. 13, 1946, § 1, as renumbered by Ord. #2006-01, Feb. 2006]

10-215. Assisting gambling. It shall be unlawful for any person to encourage, promote, aid, or assist in gambling or to possess or exhibit, buy, sell, or lend any gaming device of any nature, character, or description, or to possess, harbor, store, lend, buy, or sell any device used for gaming whether originally designed for such purpose or not. [Ord. of Sept. 13, 1946, § 2, as renumbered by Ord. #2006-01, Feb. 2006]

10-216. Keeping gambling places. It shall be unlawful for any person to keep a house, shop, room, hall, or place where resort is had for purposes of gaming in any manner, or to permit the same to be done whether such person is the owner, lessee, clerk, agent, manager, operator, or overseer of such place or otherwise connected therewith. Every person so connected in maintaining such a place for such purposes, whether principal or employee, shall be guilty of a violation of this section, and any place kept for the purpose of encouraging, promoting, aiding, assisting, or harboring an act of gaming or any gaming device shall be deemed to have been kept in violation of this section. [Ord. of Sept. 13, 1946, § 3, as renumbered by Ord. #2006-01, Feb. 2006]

10-217. Penalty for certain licensed businesses. Any person convicted of gambling, assisting gambling, or keeping a gambling place as prohibited in the preceding sections to whom a license or permit has been issued to sell beer or operate a pool room or room where similar games are played shall forfeit such license or permit immediately upon conviction in case such violation occurs in

or about the premises where such business is being carried on. Such license or permit shall not be renewed for a period of twelve months to such person so convicted or to anyone seeking to carry on the same or similar business in the same building or place of business, and forfeiture of such license shall operate as a forfeiture of any fee or tax paid for any unexpired period or term of such license. The judgment of forfeiture shall be made a part of the judgment of conviction. [Ord. of Sept. 13, 1946, § 6, as renumbered by Ord. #2006-01, Feb. 2006]

10-218. Swinging trains. It shall be unlawful for any person to swing or get off of a moving train in the limits of the town, without having business or seeing a passenger thereon. [Ord. 24 of April 16, 1906, § 1, as renumbered by Ord. #2006-01, Feb. 2006]

10-219. Throwing missiles. It shall be unlawful for any person to shoot arrows or throw balls, stones, pellets, or other missiles. [Ord. 14 of April 16, 1906, § 1, as renumbered by Ord. #2006-01, Feb. 2006]

10-220. Carrying weapons. It shall be unlawful to carry a concealed belt pistol, pocket pistol, revolver, or any dirk knife, bouie knife, or stiletto, or to carry in any manner any loaded cane, sword cane, sling shot, or brass, cast, or metal knucks. Provided that any officer or policeman or person summoned to aid such officers in the apprehension, arrest, or detention of criminals may carry such fire arms as are commonly used on such occasions while actually on duty and in the performance of said duty. [Ord. 19 of April 16, 1906, § 1, as renumbered by Ord. #2006-01, Feb. 2006]

10-221. Firing weapons. It shall be unlawful for any person to fire a gun, pistol, or any instrument within the limits of the town. Provided that persons who are mechanics and whose business it is to repair fire arms may be permitted to discharge guns or pistols in the limits of the town when done for the purpose of repairing same, if done or discharged in a safe and cautious way so as not to injure any person by such discharge. Police officers may also discharge guns in carrying out their duties. Provided also, that a firing or shooting permit may be obtained for special historical events. The firing or shooting permit shall be obtained from the chief of police and shall be contingent upon and subject to any safeguards that he may require. [Ord. 15, April 16, 1906, § 1 as amended by ord. of Dec. 12, 1978, modified, as renumbered by Ord. #2006-01, Feb. 2006]

10-222. Hunting on town property. It shall be unlawful for any person to hunt, whether through the use of firearms, bows and arrows, or any other weapon as may be defined under state code, on property owned by the Town of Jonesborough, including town parks, facilities open space areas, or public ways, whether inside or outside of the Jonesborough corporate limits. Animal control officers or other law enforcement officers may undertake such "hunting" activity as may be required to provide for the safety and protection of Jonesborough and area residents, and town staff is hereby authorized to post all town property to prevent hunting as may be defined under state law. (as added by Ord. #2008-15, Nov. 2008)

CHAPTER 3

NOISE ORDINANCE

SECTION

- 10-301. Short title.
- 10-302. Disturbing the peace.
- 10-303. Protection for intimidation.
- 10-304. General.
- 10-305. Anti-noise regulations.
- 10-306. Exceptions.
- 10-307. General provisions; test for unlawful use.

10-301. Short title. This chapter shall be known as the Noise Ordinance of the Town of Jonesborough. [as added by Ord. #2006-01, Feb. 2006]

10-302. 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 premise owned or possessed by him or under his control. A person who violates Tennessee Code Annotated, § 39-17-305 is also in violation of this section. [as added by Ord. #2006-01, Feb. 2006]

10-303. Protection for intimidation. The Jonesborough Board of Mayor and Aldermen finds and declares that it is the right of every person regardless of race, color ancestry, religion or national origin to be secure and protected from fear, intimidation, harassment and bodily injury caused by the activities of groups and individuals. It is not the intent of this section to interfere with the exercise of rights protected by the Constitution of the United States. The Jonesborough Board of Mayor and Aldermen recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs. The board of mayor and aldermen further finds that the advocacy of unlawful acts by groups or individuals against other persons or groups for the purpose of inciting or provoking damage to property and bodily injury or death to persons is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal sanctions.

1. A person commits the offense of intimidating others from exercising civil rights who:

- a. Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the constitution and laws of the state.

b. Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another because that other person exercised any right or privilege secured by the constitution or laws of the state.

c. Damages, destroys or defaces any real or personal property of another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the state.

d. Damages, destroys or defaces any real property of another person with the intent to unlawfully intimidate another because that other person exercised any right or privilege secured by the constitution or laws of the state.

2. It is an offense for a person to wear a mask or disguise with the intent to violate §§ 10-303 1 (a-d) of this chapter.

3. The penalties provided in this code for intimidating others from exercising civil rights do not preclude victims from seeking any other remedies, criminal or civil, otherwise available under law.¹ [as added by Ord. #2006-01, Feb. 2006]

10-304. General. Subject to the provisions of this Chapter, 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. [as added by Ord. #2006-01, Feb. 2006]

10-305. Anti-noise regulations. Subject to the provisions of this chapter and § 10-303, the creating of any unreasonably loud, disturbing, and unnecessary noise which annoys, injures or endangers the comfort, repose, health, peace or safety of others within the corporate limits of Jonesborough is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health on an individual or that annoys or disturbs the peace and quiet of Jonesborough is also prohibited.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of the section, but this enumeration shall not be deemed to be exclusive, namely:

1. Blowing horns, signaling devices, etc. The sounding of any horn or other such device on any automobile, motorcycle, truck or other vehicle except as a danger warning on a public street or public place of the town; any unreasonably loud or harsh sound by any other signaling device; or the sounding of such devices for an unnecessary and unreasonable period of time.

¹Sate law reference

Tennessee Code Annotated, § 39-17-309.

2. Radio, television, stereos, live bands, amplifiers, loud speakers, etc. The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, television, live band, amplifiers, loud speakers, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber, or area in which such live band, machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, live band, machine or device between the hours of 11:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

3. Loud speakers, amplifiers for advertising. The using, operating, or permitting to be played, used or operated of any radio, receiving set, musical instrument, phonograph or stereo, loud speakers, sound amplifier or other machine or device for the producing or reproducing of sound which is broadcast upon public streets or public ways for the purpose of commercial advertising or attracting the attention of the public to any building, structure or service.

4. Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets, public parks, open spaces, and public areas or in parking lots of commercial businesses open to the public or at any time or place so as to disturb or annoy the quiet, comfort or repose of any dwelling, hotel, office, medical facility or other type of residence, or of any persons in the vicinity.

5. Animals, birds, pets, etc. The keeping of any animal, bird or fowl which by causing, frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

6. Use of vehicles. The use of any automobile, semi-truck, four-wheeler, go-cart, motorcycle or other such vehicle in such a manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

a. The use of any vehicle by acceleration or unnecessary braking or creating unnecessary noise otherwise known as squalling tires.

b. Truck tractors and semi-trailers, as defined in Tennessee Code Annotated, § 55-1-101, shall not use an engine compression braking device unless the engine compression braking device is equipped with an operational approved muffler. As used in this section, "approved muffler" means any muffler that complies with Federal Motor Carrier Safety Regulations on noise emissions, 49CFR 325, et seq.

c. The use of any vehicle so out of repair or loaded in such a manner as to cause loud and unnecessary noise.

7. 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 containers particularly other than during the hours between 7:00 A.M. and 6:00 P.M.

8. Construction or repairing of buildings. The creation of any loud and excessive noise in creation with the erection, including excavation, demolition, alteration or repair of any building in any residential area or section other than between the hours of 7:00 A.M. and 9:00 P.M. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit or written authorization from the building inspector or town administrator granted for a period while the emergency or urgent public necessity continues, and not for a period exceeding thirty (30) days without re-authorization, or upon a schedule approved by the board of mayor and aldermen.

9. Pile drivers, hammers, etc. The operation of any pile driver, steam shovel, construction equipment, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud and unusual noise, between the hours of 9:00 P.M. and 7:00 A.M. without an authorizing permit from the building inspector or town administrator, or upon a schedule approved by the board of mayor and aldermen.

10. Noises near schools, hospitals, churches, etc. The creation of any loud and excessive noise on any street or area adjacent to any school, institution of learning, church, public building or court while the same is in session or use provided such facilities are properly identified with signage. [as added by Ord. #2006-01, Feb. 2006]

10-306. Exceptions. Although every effort must be made to minimize noise and its negative impact on residents, none of the terms or prohibitions hereof shall apply to or be enforced against:

1. Any vehicle of the Town of Jonesborough while engaged upon necessary public business.

2. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of an emergency.

3. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the town, the county or the state, when the public welfare and convenience remedies it impracticable to perform such work during the day.

4. The reasonable use of amplifiers or loud speakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations without a permit or a letter of written authorization from the public safety director or town administrator.

5. Noises of safety signals and warning devices

6. Noises from non-amplified church bells and chimes.

7. Noises resulting from a parade, scheduled outdoor athletic event, fireworks display, or any event which has been sanctioned by the town.

8. Noises resulting from a street fair, block party, or other special event as defined in title 12, chapter 4 of the Jonesborough Municipal Code between the hours of 7:00 A.M. and 11:00 P.M.

9. Noise(s) from trains and other associated railroad rolling stock when operated in proper repair and manner.

10. Construction operations between the hours of 7:00 A.M. and 9:00 P.M. for which building permits have been issued or construction operations for which no permit is required, provided that all construction equipment is operated according the manufacturer's specifications and mufflers are maintained in proper working order.

11. Domestic power tools, lawn mower, and agricultural equipment, between the hours of 7:00 A.M. and 9:00 P.M. provided it is properly operated with all manufacturer's standard noise-reducing equipment in place and in properly operating condition. [as added by Ord. #2006-01, Feb. 2006]

10-307. General provisions; test for unlawful use. The standards which shall be considered in determining whether a violation of the ordinance has occurred shall include, but not be limited to, the following:

1. The volume of noise;
2. The intensity of noise;
3. Whether the nature of the noise is usual or unusual;
4. Whether the origin of the noise is natural or unnatural;
5. The volume and intensity of the background noise, if any;
6. The proximity of the noise to residential sleeping facilities;
7. The nature and zoning of the area within which the noise emanates;
8. The density of inhabitation of the area within which the noise emanates;
9. The time of the day or night the noise occurs;
10. The duration of the noise;
11. Whether the noise is recurrent, intermittent or constant;
12. Whether the noise is produced by a commercial or non-commercial activity. [as added by Ord. #2006-01, Feb. 2006]