

## TITLE 11

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

#### CHAPTER

1. ALCOHOL.
2. UNLAWFUL CONDUCT OF MINORS AND PARENTS.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. FIREARMS, WEAPONS, AND MISSILES.
5. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
6. DAMAGE TO GOVERNMENT PROPERTY.

#### CHAPTER 1

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

#### SECTION

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

**11-101. Drinking alcoholic beverages in public, etc.** It shall be unlawful for any person to drink, consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place. (1994 Code, § 11-101)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Fireworks and explosives: title 7.

Streets and sidewalks: title 16.

Traffic offenses: title 15.

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

*Tennessee Code Annotated*, § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation); *Tennessee Code Annotated*, § 39-6-928 (Giving municipal courts jurisdiction to try public intoxication offenses).

**11-102. Minors in beer places.** No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption. (1994 Code, § 11-102)

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

## CHAPTER 2

### UNLAWFUL CONDUCT OF MINORS AND PARENTS

#### SECTION

11-201. Definitions.

11-202. Unlawful conduct of minors.

11-203. Unlawful conduct of parents.

11-204. Unlawful conduct of owners or operators or establishments.

11-205. Civil and criminal liability of parents.

11-206. Violations and penalty.

**11-201. Definitions.** The following definitions shall apply to the following terms as used in this section only.

(1) "Establishment" means any privately owned place of business carried on for profit or any place of amusement or entertainment to which the public is invited.

(2) "Minor" means any person under the age of eighteen (18) years.

(3) "Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment; and whenever used in any clause prescribing a penalty, the term "operator" as applied to associations or partnership, shall include the members or partners thereof, and as applied to corporations, and shall include the officers thereof.

(4) "Parent" means any natural parent of a minor, a guardian, or any adult person, twenty-one (21) years of age or over, responsible for the care and custody of a minor.

(5) "Public place" means any public street, highway, road, alley, park playground, public building, or vacant lot.

(6) "Remain" means to loiter, idle, wander, stroll, or play in or upon. (1994 Code, § 11-301)

**11-202. Unlawful conduct of minors.** (1) It shall be unlawful for any minor to remain in or upon any public place or any establishment between the hours of 10:00 P.M. and 6:00 A.M. of the following day, Central Standard Time, except on Fridays and Saturdays the hours shall be from 12:00 P.M. to 6:00 A.M.

(2) The provisions of this section shall not apply to any minor accompanied by a parent, or to a minor upon an errand or other legitimate business directed by such minor's parent, or to any minor who is engaged in gainful lawful employment during the curfew hours. (1994 Code, § 11-302)

**11-203. Unlawful conduct of parents.** (1) It shall be unlawful for any parent to knowingly permit any minor to remain in or upon any public place or any establishment between the hours of 10:00 P.M. and 6:00 A.M. of the

following day, Central Standard Time, except that on Fridays and Saturdays the hours shall be from 12:00 P.M. to 6:00 A.M.

(2) The provisions of this section shall not apply to any parent who accompanies a minor or to a parent who directs a minor upon an errand or other legitimate business or to any parent of a minor engaged in gainful employment during the curfew hours. (1994 Code, § 11-303)

**11-204. Unlawful conduct of owners or operators or establishments.** It shall be unlawful for any operator of an establishment or their agents or employees knowingly to permit any minor to remain upon the premises of his establishment between the hours of 10:00 P.M. and 6:00 A.M. of the following day, Central Standard Time, except that on Fridays and Saturdays the hours shall be 11:00 P.M. to 6:00 A.M. (1994 Code, § 11-304)

**11-205. Civil and criminal liability of parents.** If any minor shall wilfully destroy or damage any public property, or the property of any person within the corporate limits of this city, the parents of said minor as well as the minor himself shall be liable for all such damages incurred. (1994 Code, § 11-305)

**11-206. Violations and penalty.** (1) Any police officer who finds a minor violating the provisions of this chapter shall obtain information from such minor as to his name and address, age, and the name of his parent or parents. The minor shall thereupon be instructed to proceed to his home forthwith. The information obtained from the minor shall be forwarded to the juvenile court, which shall cause a written notice to be mailed to the parent or parents of the minor, advising of the violation of this chapter.

(2) In the event the minor fails or refuses to proceed to his home after being instructed to do so by a police officer, the police officer shall forthwith take the child to his home and ascertain whether the parents, or persons having legal custody and control of such a minor, wish to be held responsible for such minor's observance of the provisions of this chapter. If such parent refuses to be so responsible, the officer shall forthwith deliver the child to the juvenile court. (1994 Code, § 11-306)

**CHAPTER 3****OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-301. Anti-noise regulations.

11-302. Violations and penalty.

**11-301. Anti-noise regulations.** (1) It is unlawful to create, emit, or cause to be emitted any excessive, loud, and disturbing noise.

(2) The following shall be prima facie evidence of excessive, loud, and disturbing noise:

(a) The use of any musical instrument, radio set, television set, phonograph, Victrola, or other instrument, machine, or device for amplifying, producing, or reproducing sound, in such manner as to disturb the peace and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are in the room, chamber, or in the vicinity in which such instrument, machine, or device is operated and who are voluntary listeners thereto. The operation of any such instrument, machine, or device between the hours of 7:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of fifty feet (50') or more from the building or structure in which it is located shall be prima facie a violation of this section;

(b) Any noise created for the entertainment, enjoyment, or benefit of the creator or their guests shall be presumed to be excessive, loud, and disturbing if any of the following apply:

(i) The noise is clearly audible for a distance of fifty feet (50') or more from the property line from which the noise emanates;

(ii) The noise is clearly audible by a passenger of a motor vehicle, other than a vehicle from which the noise may come, on a public street or thoroughfare with the doors and windows of the vehicle closed; or

(iii) The noise occurs between the hours of 7:00 P.M. and 7:00 A.M. and can be heard more than thirty feet (30') beyond the property line from which the noise emanates.

(c) Noise created in vehicles, including a radio, tape, or disk player, or by a device or devices on the vehicle or from the vehicle, other than vehicle horns, shall be a violation of this section and presumed excessive, loud, and disturbing if the noise is audible at a distance of twenty-five feet (25') or more from the vehicle;

(d) Noise made to attract attention to an event or sale which is audible fifty feet (50') or more from the source or which exceeds the ambient background noise;

(e) Persistent barking of a dog or other animal sounds which are audible fifty feet (50') or more from the source or which exceeds the ambient background noise. Dog barking or any other animal sounds presumed to be unreasonable and disturbing if it is created between 7:00 P.M. and 7:00 A.M.;

(f) Exterior construction using hammers, power tools or motor driven equipment between the hours of 7:00 P.M. and 7:00 A.M.; and

(g) Lawnmowers, bush clearing equipment, blowers, and other equipment used for cleaning, maintenance, or industrial use shall be exempted from this section if the equipment meets the following provisions:

(i) The equipment is being operated and used for the purpose for which it was intended;

(ii) The equipment is being operated with the use of all sound dampening devices which meet or exceed original equipment;

(iii) The equipment is being used between the hours of 7:00 A.M. and 7:00 P.M.; and

(iv) The equipment is used for the limited time required to accomplish the particular work or job activity. (1994 Code, § 11-402, as amended by Ord. #318, July 2015, modified)

**11-302. Violations and penalty.** A violation of this chapter shall be punishable by a fine not to exceed fifty dollars (\$50.00). (Ord. #318, July 2015, modified)

## CHAPTER 4

**FIREARMS, WEAPONS, AND MISSILES<sup>1</sup>****SECTION**

- 11-401. Air rifles, etc.  
11-402. Discharge of firearms.  
11-403. Violations and penalty.

**11-401. Air rifles, etc.** It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a bullet or pellet, made of metal, plastic, or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1994 Code, § 11-601)

**11-402. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits, except on their own property. (1994 Code, § 11-603)

**11-403. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

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<sup>1</sup>Municipal code reference  
Prohibiting fireworks discharge: § 7-101.

## CHAPTER 5

### TRESPASSING AND INTERFERENCE WITH TRAFFIC

#### SECTION

11-501. Trespassing.

11-502. Interference with traffic.

11-503. Loitering/lingering and cruising in certain areas open to the public prohibited.

11-504. Violations and penalty.

**11-501. Trespassing.**<sup>1</sup> (1) On premises open to the public. (a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

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

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

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

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

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.<sup>2</sup> (1994 Code, § 11-701)

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<sup>1</sup>State law reference

Subsections (1) through (4) of this section were taken substantially from *Tennessee Code Annotated*, §§ 39-3-1201, *et seq.*

<sup>2</sup>Municipal code reference



**11-502. 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. (1994 Code, § 11-703)

**11-503. Loitering/lingering and cruising in certain areas open to the public prohibited.** (1) The owners and operators of shopping centers or any other business having public parking areas are hereby authorized to post signs on or about the parking areas and private roadways on their properties giving notice that cruising and/or loitering on the property is prohibited and specifying that such conduct is prohibited.

(2) The term "cruising" as used in this section is defined as the continual, repeated, and aimless operation of a motor vehicle, through, over, around, or within the parking areas and private roadways of any business or shopping center without parking the motor vehicle to enter the business or shopping center served by such parking areas and/or private roadway.

(3) Cruising, as herein above define, and loitering, as hereinafter definite are prohibited after the close of business each evening until dawn of the following morning, and provided further, that such conduct is prohibited during normal business hours when the conduct interferes with, impedes, or prevents bona fide customers from being able to enter and exit any business or shopping center or such conduct obstructs vehicular traffic. Furthermore, such conduct is also prohibited during those times set out in signs posed by the owners and operators of shopping centers as mentioned in subsection (1) above.

(4) The term "loitering" shall be defined as parking and congregating around a vehicle or vehicles in the aforesaid prohibited areas for the purpose of hanging out, partying, drinking, or socializing.

(5) Violation of the provisions of this section shall be deemed a trespass and, upon conviction, the violator(s) shall be fined not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00) and court costs. The court may, in its discretion, impose, in addition to the aforesaid fine and costs, a sentence of not more than two (2) days of public or community service with said service to be performed on two (2) consecutive Saturdays or at such other times as the court may direct. (1994 Code, § 11-704)

**11-504. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

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Peddlers, solicitors, etc.: title 9, chapter 1.

**CHAPTER 6****DAMAGE TO GOVERNMENT PROPERTY****SECTION**

11-601. Damage to government property.

11-602. Violations and penalty.

**11-601. Damage to government property.** (1) It shall be a misdemeanor for any person willfully to damage or destroy, or to cause injury to, any property, real or personal, owned by the State of Tennessee, Marion County, the City of Whitwell, or any other governmental agency.

(2) It shall also be a misdemeanor to do any act which might reasonably be expected to result in damage to property owned by the State of Tennessee, Marion County, the City of Whitwell, or any other governmental agency, whether such property be real or personal. (1994 Code, § 11-801)

**11-602. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.