

## TITLE 11

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

#### CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
4. MISCELLANEOUS.
5. LOITERING, ETC.

#### CHAPTER 1

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

#### SECTION

- 11-101. Public consumption of beer or intoxicating liquor.  
 11-102. Public drunkenness.

**11-101. Public consumption of beer or intoxicating liquor.** It shall be unlawful for any person to consume, or to have an open container of beer or intoxicating liquor, on any public street, alley, avenue, highway, sidewalk, public park, public school or other public place within the Town of Alamo, Tennessee. (1965 Code, § 10-228, as amended by Ord. #\_\_\_, Nov. 1972)

**11-102. Public drunkenness.** It shall be unlawful for any person to be drunk in a public place or in any other place open to public view. (1965 Code, § 10-227)

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<sup>1</sup>Municipal code references

- Animals and fowls: title 10.
- Fireworks and explosives: title 7, chapter 5.
- Residential and utilities: title 12.
- Streets and sidewalks (non-traffic): title 16.
- Traffic offenses: title 15.

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8, chapter 2.

State law reference

See *Tennessee Code Annotated*, § 33-10-410 (*Arrest for Public Intoxication*, cities may not pass separate legislation).

**CHAPTER 2****CHAPTER 2****OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-201. Anti-noise regulations.

**11-201. 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) 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 in the vicinity.

(b) 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 in the vicinity.

(c) 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.

(d) 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.

(e) 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.

(f) 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 the hours of 7:00 A.M. and 6:00 P.M. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit 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 6:00 P.M. and 7:00 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 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(g) 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.

(h) 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.

(i) 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.

(j) 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 town 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 town, the county, or the state, when the public welfare and convenience renders it impossible to perform such work during the day.

(c) The reasonable use of amplifiers or loudspeakers in the course of public addresses. 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. (1965 Code, § 10-233, modified)

**CHAPTER 3****TRESPASSING AND INTERFERENCE WITH TRAFFIC****SECTION**

11-301. Interference with traffic.

**11-301. 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. (1965 Code, § 10-232)

**CHAPTER 4**

**MISCELLANEOUS**

**SECTION**

11-401. Spitting.

**11-401. Spitting.** It shall be unlawful for any person to spit upon any public street or sidewalk or upon the floors or walks of any public place. (1965 Code, § 10-229)

**CHAPTER 5****LOITERING, ETC.****SECTION**

11-501. Loitering.

11-502. Loitering, driving, etc., in parking areas.

11-503. Prowling.

11-504. Vagrancy.

**11-501. Loitering.** It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, or idle in, upon, or about any way or place customarily open to public use. (1965 Code, § 10-218)

**11-502. Loitering, driving, etc., in parking areas.**<sup>1</sup> Any person who loiters on, or who drives, parks, stands, or otherwise operates a motor vehicle on, through or within a parking area, driving area or roadway located on privately owned property which is provided for use by patrons, customers or employees of business establishments or persons attending church activities upon such property, or adjoining property or for use otherwise in connection with activities conducted upon such property, or adjoining property on which property is posted a sign reading: "Business Parking Only, No Loitering," shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars (\$50.00). The sign posted on such private property will be furnished by the Town of Alamo and erected at the owners' expense. (Ord. #\_\_\_\_, Sept. 1989, modified)

**11-503. Prowling.** It shall be unlawful for any person to prowl or wander about the streets, alleys, or other public or private ways or places, or be found abroad at late or unusual hours in the night without any visible or lawful business and when unable to give a satisfactory account of himself. (1965 Code, § 10-219)

**11-504. Vagrancy.** It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, to wilfully neglect to apply himself to some honest occupation. (1965 Code, § 10-220)

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<sup>1</sup>Municipal code reference:

Motor vehicles, traffic and parking: title 15.