

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. GAMBLING, FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PERSON.
4. OFFENSES AGAINST THE PEACE AND QUIET.
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CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
11-102. Minors in beer places.
11-103. Public drunkenness.

11-101. 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 or an open container of any type of an alcoholic beverage (regardless of alcoholic content)

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.

²Municipal 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).

in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless, in the case of beer only, the place has a beer permit and license for on premises consumption. (1973 Code, § 10-229)

11-102. Minors in beer places. No minor under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1973 Code, § 10-222, modified)

11-103. 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. (1973 Code, § 10-228)

CHAPTER 2

GAMBLING, FORTUNE TELLING, ETC.

SECTION

11-201. Fortune telling, etc.

11-202. Gambling.

11-203. Promotion of gambling.

11-201. Fortune telling, etc. It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. A violation of this section shall subject the offender to a penalty up to seventy-five dollars (\$75) for each offense. (1973 Code, § 10-235, modified)

11-202. Gambling.¹ It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (1973 Code, § 10-215)

11-203. Promotion of gambling.¹ It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (1973 Code, § 10-216)

¹Tennessee Code Annotated, § 39-17-509, passed subsequent to the enactment of this section, prohibits enforcement of this section.

CHAPTER 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1973 Code, § 10-201)

CHAPTER 4**OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. 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 premises owned or possessed by him or under his control. (1973 Code, § 10-202, as amended by Ord. #633, July 2006))

11-402. 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 blowing horns. The sounding of any horn or signal device on any 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) Automobile, motorcycle, bus, truck, or other 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 10:00 P.M. and 6:00 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.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10:00 P.M. and 6:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(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 in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, truck, 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 area or section, other than between the hours of 6:00 A.M. and 10:00 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 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 10:00 P.M. and 6:00 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 10:00 P.M. and 6:00 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.

(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) City vehicles. Any vehicle of the city 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 city, 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.

(d) Events conducted by or permitted by government entities. Events sponsored by or directly conducted by city, county, state, or federal governments or their duly authorized agents. Any event for which the person or entity responsible for the event has applied for and been issued a valid permit to conduct the event at the time or times specified in the permit. (1973 Code, § 10-234, and amended by Ord. #633, July 2006)

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 city 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. (1973 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the city 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 city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1973 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. (1973 Code, § 10-217)

11-504. Resisting or interfering with an officer. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties. (1973 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. (1973 Code, § 10-231)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

- 11-601. Air rifles, etc.
11-602. Throwing missiles.
11-603. Discharge of firearms.

11-601. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, or air rifle, capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. A violation of this section shall subject the offender to a penalty of up to seventy-five dollars (\$75) for each offense. (1973 Code, § 10-213, modified)

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. A violation of this section shall subject the offender to a penalty of up to one hundred fifty dollars (\$150) for each offense. (1973 Code, § 10-214, modified)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. A violation of this section shall subject the offender to a penalty of up to two hundred fifty dollars (\$250) for each offense. (1973 Code, § 10-212, modified)

CHAPTER 7

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

- 11-701. Trespassing.
- 11-702. Malicious mischief.
- 11-703. Interference with traffic.
- 11-704. Violation and penalty.

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.

It shall 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. (1973 Code, § 10-226)

11-702. 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. (1973 Code, § 10-225)

11-703. 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 unreasonably prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1973 Code, § 10-233)

11-704. Deposits of debris on city streets. (1) No person shall drive or move any truck or other vehicle within the corporate limits of the city unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place.

(2) No person shall drive or move any vehicle or truck within the corporate limits of the city, the wheels or tires of which carry onto or deposit in any street, alley, or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind, sufficient in amount to create a hazard to the public in the full utilization of the street, alley or other public place.

(3) No person shall drive a vehicle upon the city streets of Fairview loaded with sand, gravel, or other materials or debris that could be blown upon

the streets without a cover over the materials to prevent such materials from being blown or scattered.

(4) No person shall knowingly permit employees, sub-contractors, or independent contractors, to violate subsections (1), (2), or (3) of this section. (As added by Ord. #478, March 2000)

11-705. Violation and penalty. A violation of any provision of this chapter shall subject the offender to a penalty of up to one hundred dollars (\$100) for each offense. (As renumbered by Ord. #478, March 2000)

CHAPTER 8

MISCELLANEOUS

SECTION

- 11-801. Abandoned refrigerators, etc.
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Posting notices, etc.
- 11-804. Curfew for minors.
- 11-805. Wearing masks.
- 11-806. Smoking prohibited at public meetings at city hall.
- 11-807. Failure to dispose of dead animal.
- 11-808. Fireworks prohibited around flammable materials.

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. A violation of this section shall subject the offender to a penalty of up to one hundred fifty dollars (\$150) for each offense. (1973 Code, § 10-223, modified)

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. A violation of this section shall subject the offender to a penalty of up to one hundred fifty dollars (\$150) for each offense. (1973 Code, § 10-232, modified)

11-803. 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. A violation of this section shall subject the offender to a penalty of up to fifty dollars (\$50) for each offense. Each posting of such unauthorized notice shall constitute a separate offense. (1973 Code, § 10-227, modified)

11-804. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between 11:00 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1973 Code, § 10-224)

11-805. 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. (1973 Code, § 10-230)

11-806. Smoking prohibited at public meetings at city hall. It shall be unlawful for any person to smoke tobacco or any other plant, substance or material during the conduct of any public meeting held at the city hall. (1973 Code, § 10-236)

11-807. Failure to dispose of dead animal.¹ Whenever any person is put on notice, in writing, by any employee of the City of Fairview of the location of remains of a dead animal, which said animal prior to its death, was owned or harbored by the person, it shall be unlawful for the person to fail or refuse to dispose of the dead animal forthwith, but in any event, within two (2) full days of receiving the notice thereof. (1973 Code, § 10-237)

11-808. Fireworks prohibited around flammable materials. It shall be unlawful for any person to ignite or discharge any otherwise permissible articles of fireworks within two hundred fifty (250) feet of any location where paints, oils, or varnishes are for sale or use, or where resin, turpentine, gasoline or any other flammable substance is sold or stored. (1973 Code, § 10-238)

¹Municipal code reference

Disposition of dead dogs and cats: § 10-213.

CHAPTER 9

OFFENSES IN PARKS

SECTION

- 11-901. Hours of public park use.
- 11-902. Vehicles.
- 11-903. Speed limits.
- 11-904. Use of alcoholic beverages and controlled substances.
- 11-905. Littering and dumping.
- 11-906. Pet control.
- 11-907. Weapons, firearms and fireworks.
- 11-908. Swimming.
- 11-909. Water vessels.
- 11-910. Cutting of timber.
- 11-911. Fires.
- 11-912. Excessive or malicious noise.
- 11-913. Hunting or disturbing habitat of animals prohibited.
- 11-914. Removal of trees, shrubs and other plants prohibited.
- 11-915. Damage, removal or destruction of park property.
- 11-916. Riding bicycles on horses when riding trails are closed.

11-901. Hours of public park use. It shall be unlawful for any person or persons to occupy the public parks at any time between the hours of sunset to sunrise, without first obtaining the written permission from the park director or the parks department designee. Such written permission must be retained and displayed upon request by proper authorities by the person or persons granted the exception while they occupy the public parks at anytime other than the normal authorized times. (1973 Code, § 10-301, as amended by Ord. #419, § 1, June 1997, Ord. #512, Oct. 2001, and Ord. #638, Aug. 2006)

11-902. Vehicles. It shall be unlawful for any person to operate any motor vehicle where restrictions prohibiting motor vehicles are posted.¹ (1973 Code, § 10-302)

11-903. Speed limits. It shall be unlawful to operate or drive a motor vehicle upon any street, road or trail within any city park property at a rate of speed in excess of fifteen miles per hour (15 mph) unless speeds are posted, except that within the Fairview Nature Park, it shall be unlawful to operate any vehicle on Bowie Lake Road in excess of eighteen miles per hour (18 mph) and on any other street, road or trail within the Fairview Nature Park in excess of fourteen miles per hour (14 mph). (1973 Code, § 10-303, as amended by Ord. #388, Oct. 1995)

¹Municipal code reference

Vehicles and operators to be licensed: § 15-119.

11-904. Use of alcoholic beverages and controlled substances. It shall be unlawful for any person to sell, distribute, drink or consume or have an open container of any type of alcoholic beverage (regardless of alcoholic content) in or on any city park properties. It shall be unlawful for any person to consume or otherwise use any illegal or nonprescriptive drugs or any controlled substance in or on any city park properties. (1973 Code, § 10-304)

11-905. Littering and dumping. It shall be unlawful for any person, firm or corporation to dump refuse or waste of any form into any stream or on any public park property. (1973 Code, § 10-305)

11-906. Pet control. It shall be unlawful to allow any pet to roam park properties unattended and without being on a leash or tether, except in designated areas or for special events. (1973 Code, § 10-306)

11-907. Weapons, firearms and fireworks. It shall be unlawful to possess, sell, distribute or discharge any firearms or fireworks near or within city park properties, except as a participant in an organized approved activity. Any organized activity in the park involving the use of firearms or fireworks must first be approved by the board of commissioners.

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.

This prohibition shall apply to persons who are hunting with shotguns for game in season within city limits but on private property with the landowner's permission. It shall be considered a violation of the foregoing prohibition that in no event, shall such shotguns be discharged within 300 feet of any city park property boundary. (1973 Code, § 10-307)

11-908. Swimming. It shall be unlawful for any person to enter any body of water located in city park properties, except where permitted by posted sign. (1973 Code, § 10-308)

11-909. Water vessels. It shall be unlawful for any person, firm or corporation to operate any vessel upon park property waters without written permission from the city manager, park director or park superintendent where such activity is permitted by posted sign. All passengers of any vessel operated on park property waters must wear proper flotation devices at all times. Operation of such vessels shall conform to rules and regulations as stated in

(applicable Tennessee codes). (1973 Code, § 10-309, as amended by Ord. #418, § 1, June 1997)

11-910. Cutting of timber. It shall be unlawful for any person, firm or corporation to cut, fell, remove, harvest or otherwise destroy timber on any city park property, unless written permission from the city manager has been obtained. (1973 Code, § 10-310)

11-911. Fires. It shall be unlawful for any person to start or maintain a fire within any city park property, except in those designated areas equipped with fireplaces or grilles, unless a permit has been obtained from the park director. (1973 Code, § 10-311)

11-912. Excessive or malicious noise. The creation of any unreasonably loud, disturbing and unnecessary noise is prohibited within or around all city park properties. Noise of such character, intensity or duration as to be detrimental to the life or health of wildlife or any individual, or in disturbance of the public peace and welfare is prohibited. (1973 Code, § 10-312)

11-913. Hunting or disturbing habitat of animals prohibited. It shall be unlawful for any person to hurt, trap, or willfully wound or kill any wildlife within the park, or to willfully disturb the habitat of animals, including the nests of swans and other birds. Fishing, where allowed, is excepted from this prohibition. (1973 Code, § 10-313)

11-914. Removal of trees, shrubs and other plants prohibited. It shall be unlawful to remove any trees, shrubs, or other plant life from the park, without express authorization from the City of Fairview. (1973 Code, § 10-314)

11-915. Damage, removal or destruction of park property. It is unlawful to willfully vandalize, damage, remove or destroy any real or personal property, fixture or improvement within the park. (1973 Code, § 10-315)

11-916. Riding bicycles or horses when riding trails are closed. It is unlawful to ride horses or bicycles in the riding trails in the Bowie Nature Park during those times when the trails have been closed by the City of Fairview. (as added by Ord. #436, § 1, June 1998)

CHAPTER 10**MISDEMEANORS OF THE STATE ADOPTED****SECTION**

11-1001. Misdemeanors of the state adopted.

11-1001. Misdemeanors of the state¹ 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 City of Fairview also. Any violation of any such law within the corporate limits is also a violation of this section. (1973 Code, § 10-101)

¹State law reference

For the definition of "misdemeanor," see Tennessee Code Annotated, §§ 39-11-110 and 39-11-111.

CHAPTER 11**OBSCENITY, MORALS****SECTION**

- 11-1101. Disorderly houses.
- 11-1102. Immoral conduct.
- 11-1103. Obscene literature, etc.
- 11-1104. Indecent or improper exposure or dress.
- 11-1105. Window peeping.
- 11-1106. Profanity, etc.

11-1101. 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 for the purpose of engaging in such activities. (1973 Code, § 10-203)

11-1102. 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 any such purpose. (1973 Code, 10-204)

11-1103. Obscene literature, etc. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of loaning, 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. (1973 Code, § 10-205)

11-1104. Indecent or improper exposure or dress. It shall be unlawful for any person to publicly appear naked or in 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. (1973 Code, § 10-206)

11-1105. 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. (1973 Code, § 10-207)

11-1106. 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. (1973 Code, § 10-208)

CHAPTER 12**LOITERING, ETC.****SECTION**

11-1201. Loitering.

11-1202. Prowling.

11-1203. Vagrancy.

11-1201. 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. (1973 Code, § 10-218)

11-1202. 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. (1973 Code, § 10-219)

11-1203. Vagrancy. It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, to willfully neglect to apply himself to some honest occupation. (1973 Code, § 10-221)

CHAPTER 13

**DESIGNATION OF LEGAL RESIDENCES
INSIDE COMMERCIAL BUILDINGS**

SECTION

11-1301. Maintenance of a legal residence inside a commercial building.

11-1301. Maintenance of a legal residence inside a commercial building. It shall be unlawful for any person or entity to occupy a residence which is a part of or attached to any commercial building (which can be legally utilized as a residence authorized by the zoning codes of the city) unless and until the said portion utilized as a residence has been labeled or designated as follows:

THIS BUILDING BEING USED AS A RESIDENCE.

The sign shall be constructed of an all weather material with white reflective lettering on a red background. The entire dimensions of the sign shall be eighteen inches wide by twelve inches (18" x 12") high. The lettering on the sign shall be two (2") inches high. The sign shall be located on the building in a position and place approved by the City of Fairview Fire Chief or his designated agent.

For the purposes of this chapter a "commercial building" is a building in an area zoned commercial the principle use of the building is for commercial activities and has a residence within or attached to the building, which is otherwise legal within the city except for the lack of the residence designation. A violation of this section shall subject the offender to a penalty of up to fifty dollars (\$50.00) dollars for each offense. Each day of occupancy of such a residence without proper designation as required by this chapter shall constitute a separate offense. (as added by Ord. #780, Jan. 2012)