

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
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9. FALSE ALARMS.
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CHAPTER 1

ALCOHOL²

SECTION

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

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or to have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premises consumption. (1994 Code, § 11-101)

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. (1994 Code, § 11-102)

¹Municipal code references

Animals and fowls: title 10.

Building, utility, etc. codes: title 12.

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

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

CHAPTER 2**FORTUNE TELLING, ETC.****SECTION**

11-201. Fortune telling, etc.

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. (1994 Code, § 11-201)

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. (1994 Code, § 11-301)

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. (1994 Code, § 11-401)

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 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) **Blowing horns.** The sounding of any horn or other device on any automobile, motorcycle, bus, streetcar, or 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, etc.** The playing of any radio 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.

(c) **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 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, 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.

(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 7:00 A.M. and 6:00 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 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.

(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) Municipal vehicles. Any vehicle of the municipality 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 municipality, 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 amplified 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. (1994 Code, § 11-402, modified)

CHAPTER 5**INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL****SECTION**

11-501. Impersonating a government officer or employee.

11-502. False emergency alarms.

11-501. Impersonating a government officer or employee. No person other than an official police officer of the municipality 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 municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1994 Code, § 11-502)

11-502. 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. (1994 Code, § 11-503)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Carrying handguns in parks prohibited.

11-601. Carrying handguns in parks prohibited. (1) Any person authorized¹ to carry a handgun under Tennessee Code Annotated, § 39-17-1351, is prohibited from possessing any handgun while within a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place that is owned or operated by the Town of Gordonsville or any of its instrumentalities. This prohibition of handguns within any municipal park applies to the entire park, notwithstanding the provisions of Tennessee Code Annotated, § 39-17-1311(b)(1)(I).² However, this section does not prohibit lawful possession of any handgun in accordance with Tennessee Code Annotated, § 39-17-1311(b)(1)(A) through (H).³

(2) The Town of Gordonsville shall display signs in prominent locations about the public recreational property, at least six inches (6”) high and fourteen inches (14”) wide, stating:

"MISDEMEANOR. STATE LAW PRESCRIBES A
MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND
TWENTY-NINE (29) DAYS AND A FINE NOT TO
EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS

¹Any person who is not authorized to carry a handgun under state law and who possesses a handgun in a park or other public area with the intent to go armed would be in possible violation of Tennessee Code Annotated, § 39-17-1307, which is a Class E felony.

²The state statute requires the prohibition of handguns to apply to the entire park. The statute does not mention the other recreational areas in this provision.

³The state statute allows for the lawful possession of handguns in numerous circumstances, including but not limited to military personnel, civil officers, reserve officer training corps pupils and law enforcement officers in discharge of their official duties; private police employed by the municipality; persons who are either hunting on municipal land designated as open to hunting, traversing municipal property to gain access to hunting lands, conducting or attending a gun show, picking up or delivering passengers who do not use the weapon in any way, or a person permitted to sport or target shoot; or a security guard who meets the requirements of Tennessee Code Annotated, title 62, chapter 35.

(\$2,500.00) FOR CARRYING WEAPONS ON OR IN
PUBLIC RECREATIONAL PROPERTY."

(3) If a part of this section is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this section is invalid in one (1) or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

(4) This section takes effect from and after its passage, the welfare of the Town of Gordonsville requiring it.

CHAPTER 7

TRESPASSING AND INTERFERENCE WITH TRAFFIC**SECTION**

11-701. Trespassing on trains.

11-702. Interference with traffic.

11-701. 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. (1994 Code, § 11-701)

11-702. 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 unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1994 Code, § 11-703)

CHAPTER 8**MISCELLANEOUS****SECTION**

11-801. Caves, wells, cisterns, etc.

11-802. Posting notices, etc.

11-803. Halloween, wearing masks, etc.

11-801. 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. (1994 Code, § 11-802)

11-802. Posting notices, etc. No person shall fasten, any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1994 Code, § 11-803)

11-803. Halloween, wearing masks, etc. (1) (a) It shall be unlawful for any minor, under age of eighteen (18) years to be on the public streets, alleys, playgrounds and any other public places or private ground not owned by said minor, within the town limits of Gordonsville after 8:00 P.M. on October 31, or any day designated as the day to celebrate "Halloween."

(b) Any person found guilty of violating this subsection shall be fined not less than five dollars (\$5.00) and no more than fifty dollars (\$50.00).

(c) This section shall not affect the validity of any other curfew ordinance heretofore adopted and in effect within the corporate limits, but shall be an exception of the limitations to any ordinance.

(2) (a) It shall be unlawful for any person to possess in public, and on any street, highway, alley, public place of any property not belonging to said person within the town limits of Gordonsville, Tennessee, between the hours of 6:00 P.M. and 6:00 A.M., eggs, with the intent to throw same at persons or property.

(b) There shall be a rebuttable presumption that anyone who possesses any egg or eggs in public between the hours of 6:00 P.M. and 6:00 A.M., possesses said egg or eggs with the intent to throw said eggs at persons or property.

(c) Any person found guilty of possessing any egg or eggs shall be fined ten dollars (\$10.00) per egg.

(d) Any person found guilty of throwing any egg or eggs shall be fined fifty dollars (\$50.00).

(3) 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:

(a) Children under the age of fourteen (14) years.

(b) Workers, while engaged in work where a face covering is needed for health and/or safety reasons.

(c) Persons wearing gas masks in civil defense drills and exercises or emergencies.

(d) Any person having a special permit issued by the town to wear a traditional holiday costume.

Any person found guilty of violating this subsection shall be fined not less than five dollars (\$5.00) and no more than fifty dollars (\$50.00).

(4) It shall be unlawful for any person or persons to maliciously throw any stone, stick, bottle, pumpkin or pumpkin parts, snowball, egg, or any other missile or object at any person, building or vehicle. Any person found guilty of violating this subsection shall be fined not less than fifty dollars (\$50.00) for throwing these objects with the intent of doing bodily harm to any person or doing damage to personal property.

(5) It shall be unlawful for any person to willfully, maliciously and intentionally damage, deface, destroy, conceal, tamper with, remove or withhold any real or personal property, which does not belong to him. Any persons found guilty of violation of this subsection shall be fined not less than five dollars (\$5.00) and no more than fifty dollars (\$50.00).

(6) It shall be unlawful for any two (2) or more persons to assemble together for any unlawful purpose, or for the purpose of annoyance or disturbance of citizens or travelers, or to do violence to the property of the town or person or property of another against the peace and to the terror of others, or to make any move or preparation of such unlawful acts.

It shall be unlawful for groups to march on the streets or by motorcade without having a special permit of permission from the mayor. Any person found guilty of violating this subsection shall be fined not less than five dollars (\$5.00) and no more than fifty dollars (\$50.00).

(7) It shall be unlawful to commit the following violations within the Town of Gordonsville:

(a) To drink or consume any beer or other alcoholic beverage in any public place, park, or any street, alley or public thoroughfare.

(b) To possess any open can, bottle, or any other open container containing beer on any school property, library property, church property, public playgrounds, public parks or public building or any parking lot open to public use or on business property other than those business places which have a license for on the premises consumption of beer.

(8) It shall be unlawful for any person to knowingly resist or any way interfere with or attempt to interfere with any officer or employee of the town

while such officer or employee is performing or attempting to perform his municipal duties. Any person found guilty of violating this offense shall be fined a maximum of fifty dollars (\$50.00). (1994 Code, § 11-805)

CHAPTER 9**FALSE ALARMS****SECTION**

11-901. False fire alarms.

11-902. False burglary alarms.

11-901. False fire alarms. Any person, corporation, partnership or business having an alarm system for the purpose of fire protection within the incorporated limits of the Town of Gordonsville that falsely signals the police and/or fire department of the Town of Gordonsville and a response to the false alarm is made by the Town of Gordonsville, a penalty not to exceed twenty-five dollars (\$25.00) shall be imposed on the person, corporation, partnership or business. (Ord. #01-13-12, May 2001)

11-902. False burglary alarms. Any person, corporation, partnership or business having an alarm system for the purpose of security, theft and/or burglary within the incorporated limits of the Town of Gordonsville that falsely signals the police and/or fire department of the Town of Gordonsville and a response to the false alarm is made by the Town of Gordonsville, a penalty not to exceed one hundred fifty dollars (\$150.00) shall be imposed on the person, corporation, partnership or business. (Ord. #01-13-12, May 2001)

CHAPTER 10**CURFEW FOR MINORS****SECTION**

- 11-1001. Purpose.
- 11-1002. Definitions.
- 11-1003. Curfew enacted; exceptions.
- 11-1004. Parental involvement in violation unlawful.
- 11-1005. Involvement by owner or operator of vehicle unlawful.
- 11-1006. Involvement by operator or employee of establishment unlawful.
- 11-1007. Giving false information unlawful.
- 11-1008. Enforcement.
- 11-1009. Violations punishable by fine.

11-1001. Purpose. The purpose of this chapter is to:

- (1) Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the town;
- (2) Promote the safety and well-being of minors, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activity, particularly unlawful drug activity, and to being victimized by older criminals; and
- (3) Foster and strengthen parental responsibility for children.

11-1002. Definitions. As used in this chapter, the following words have the following meanings:

- (1) "Curfew hours" means the hours of 12:30 A.M. through 6:00 A.M. each day.
- (2) "Emergency" means unforeseen circumstances, and the resulting condition or status, requiring immediate action to safeguard life, limb, or property. The word includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.
- (3) "Establishment" means any privately-owned business place within the town operated for a profit and to which the public is invited, including, but not limited to, any place of amusement or entertainment. The word "operator" with respect to an establishment means any person, firm, association, partnership (including its members or partners), and any corporation (including its officers) conducting or managing the establishment.
- (4) "Minor" means any person under eighteen (18) years of age who has not been emancipated under Tennessee Code Annotated, § 29-31-101, et seq.
- (5) "Parent" means: (a) A person who is a minor's biological or adoptive parent and who has legal custody of the minor, including either parent if custody is shared under a court order or agreement;

(b) A person who is the biological or adoptive parent with whom a minor regularly resides;

(c) A person judicially appointed as the legal guardian of a minor; and/or

(d) A person eighteen (18) years of age or older standing in loco parentis (as indicated by authorization by a parent as defined in this definition for the person to assume the care or physical custody of the minor, or as indicated by any other circumstances).

(6) "Person" means an individual and not a legal entity.

(7) "Public place" means any place to which the public or a substantial portion of the public has access, including, but not limited to: streets, sidewalks, alleys, parks, and the common areas of schools, hospitals, apartment houses or buildings, office buildings, transportation facilities, and shops.

(8) "Remain" means:

(a) To linger or stay at or upon a place; or

(b) To fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator, or other person in control of that place.

(9) "Temporary care facility" means a non-locked, non-restrictive shelter at which a minor may wait, under visual supervision, to be retrieved by a parent. A minor waiting in a temporary care facility may not be handcuffed or secured by handcuffs or otherwise to any stationary object.

11-1003. Curfew enacted; exceptions. It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the town, to remain in any motor vehicle operating or parked on any public place within the town, or to remain in or upon the premises of any establishment within the town, unless:

(1) The minor is accompanied by a parent; or

(2) The minor is involved in an emergency; or

(3) The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop; or

(4) The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or

(5) The minor is attending an activity supervised by adults and sponsored by a school, religious, or civic organization, by a public organization or agency, or by a similar organization, or the minor is going to or returning from such an activity without detour or stop; or

(6) The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the name, signature, address, and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's

destination(s) and the hours the minor is authorized to be engaged in the errand; or

(7) The minor is involved in interstate travel through, or beginning or terminating in, the Town of Gordonsville; or

(8) The minor is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and freedom of assembly.

11-1004. Parental involvement in violation unlawful. It is unlawful for a minor's parent knowingly to permit, allow, or encourage a violation of § 11-1003 of this chapter.

11-1005. Involvement by owner or operator of vehicle unlawful. It is unlawful for a person who is the owner or operator of a motor vehicle knowingly to permit, allow, or encourage a violation of § 11-1003 of this chapter using the motor vehicle.

11-1006. Involvement by operator or employee of establishment unlawful. It is unlawful for the operator or any employee of an establishment knowingly to permit, allow, or encourage a minor to remain on the premises of the establishment during curfew hours. It is a defense to prosecution under this section that the operator or employee promptly notified law enforcement officials that a minor was present during curfew hours and refused to leave.

11-1007. Giving false information unlawful. It is unlawful for any person, including a minor, knowingly to give a false name, address, or telephone number to any law enforcement officer investigating a possible violation of § 11-1003 of this chapter. Each violation of this section is punishable by a maximum fine of fifty dollars (\$50.00).

11-1008. Enforcement. (1) Minors. Before taking any enforcement action, a law enforcement officer who is notified of a possible violation of § 11-1003 shall make an immediate investigation to determine whether or not the presence of the minor in a public place, motor vehicle, or establishment during curfew hours is a violation of that section. If the investigation reveals a violation and the minor has not previously been issued a warning, the officer shall issue a verbal warning to the minor to be followed by a written warning mailed by the police department to the minor and his/her parent(s). If the minor has previously been issued a warning for a violation, the officer shall charge the minor with a violation of § 11-1003 and shall issue a citation requiring the minor to appear in court. In either case, the officer shall, as soon as practicable, release the minor to his/her parent(s) or place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours so the parent(s) may retrieve the minor. If a minor refuses to give an officer his/her name and address

or the name and address of his/her parent(s), or if no parent can be located before the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a crisis center or juvenile shelter and/or may be taken to a judge or juvenile intake officer of the juvenile court to be dealt with as required by law.

(2) Others. If an officer's investigation reveals that a person has violated §§ 11-1003, 11-1004, 11-1005, or 11-1006 of this chapter and the person has not been issued a warning with respect to a violation, the officer shall issue a verbal warning to the person to be followed by a written warning mailed by the police department to the person. If there has been a previous warning to the person, the officer shall charge the person with a violation and issue a citation directing the person to appear in court.

11-1009. Violations punishable by fine. A violation of §§ 11-1003, 11-1004, 11-1005, or 11-1006 subsequent to receiving a verbal warning as provided in § 11-1008 is punishable by a maximum fine of fifty dollars (\$50.00) for each violation.