

TITLE 11**MUNICIPAL OFFENSES¹****CHAPTER**

1. MISDEMEANORS OF THE STATE ADOPTED.
2. ALCOHOL.
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7. MISCELLANEOUS.
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9. LOITERING, ETC.
10. GAMBLING.

CHAPTER 1**MISDEMEANORS OF THE STATE ADOPTED****SECTION**

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted. All offenses against the state which are defined by state law to be misdemeanors are hereby designated and declared to be the laws and ordinances of the city and any violation of any such state law within the corporate limits is also a violation of this section. (1973 Code, § 12-1)

¹Municipal code references

Animal control: title 10.

Housing and utility codes: title 12.

Traffic offenses: title 15.

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

CHAPTER 2**ALCOHOL**¹**SECTION**

11-201. Public drinking and public display of alcoholic beverage prohibited.

11-201. Public drinking and public display of alcoholic beverage prohibited. It shall be unlawful for any person to drink any alcoholic beverage or visibly and openly possess, display, exhibit, or show an unsealed bottle containing any alcoholic beverage in any restaurant, eating place or tavern, or in the parking area of any drive-in restaurant, or on any public street, or sidewalk, or in any public park, playground, auditorium, theater, stadium, school, or school ground or in any other public place. (Ord. #__, 1983)

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

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

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-303. Engine compression braking devices prohibited in city.

11-301. 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, § 12-2)

11-302. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise within the city is unlawful. 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 unlawful.

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

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, 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 and phonographs. 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 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 and shouting. Yelling, shouting, hooting, whistling, or singing on the public street, 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 persons 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, or vehicle so out of repair, so loaded, or in such a 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 the proper city 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, and the 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 recorder which permit may be granted for a period not to exceed thirty (30) days while the while the emergency continues. If the recorder 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, and similar institutions. 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 it 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 for the purpose of attracting attention by creation of noise 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) None of the terms or prohibitions of this section shall apply to or be enforced against:

(a) City vehicles. Any vehicle of the city while engaged upon necessary public business.

(b) Public improvements. Excavations or repairs of bridges, streets, or highways, by or on behalf of the city, the county, or the state, during the night when the public welfare and convenience renders it impossible to perform such work during the day.

(c) Noncommercial 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 shall be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1973 Code, § 12-21)

11-303. Engine compression braking devices prohibited in city.

(1) All truck tractor and semi-trailers operating within the City of Newport shall conform to the visual exhaust system inspection requirements, 40 C.F.R 202.22, of the Interstate Motor Carriers Noise Emission Standards.

(2) A motor vehicle does not conform to the visual exhaust system inspection requirements referenced in subsection (1) of this section if inspection of the exhaust system of the motor carrier vehicle discloses that the system:

(a) Has a defect that adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements (small traces of soot on flexible exhaust pipe sections shall not constitute a violation); or

(b) Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust by gases); or

(c) Is equipped with a cut out, bypass, or similar device, unless such device is designed as an exhaust gas driven cargo unloading system.

(3) Violations of this section shall subject the offender to a fine of fifty dollars (\$50.00) per offense.

(4) This section shall be supplemental to other noise control ordinances and regulations of the city, and shall be effective upon its final passage. (Ord. #2006-16, Jan. 2007)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL**SECTION**

11-401. False emergency alarms.

11-402. Escape from jail.

11-401. 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, § 12-9)

11-402. Escape from jail.¹ It shall be unlawful for any person, while a prisoner in the city jail or otherwise in custody of and 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, § 12-10)

¹State law reference

Escape: Tennessee Code Annotated, § 39-16-605.

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Assault and battery; assault with a weapon.

11-502. Throwing missiles.

11-503. Weapons.

11-501. Assault and battery; assault with a weapon.¹ It shall be unlawful for any person to maliciously beat, strike, wound or otherwise inflict violence on another or to assault another with a lethal weapon, instrument or thing with intent to commit upon the person of another any bodily injury. (1973 Code, § 12-3)

11-502. Throwing missiles.² It shall be unlawful for any person to maliciously throw any stone, snowball, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person in any public or private way or place or enclosed or unenclosed ground. (1973 Code, § 12-8)

11-503. Weapons.³ (1) It shall be unlawful for any person in the city to carry in any manner on or about his person or in his portfolio or purse, with the intent of going armed, any razor, dagger, slingshot, black jack, chain, nightstick, pipe, stick, sword, cane, ice pick, spear, knuckles made of any metal or any hard substance, Bowie knife, switchblade knife, spring knife, throw blade knife, knife with a blade over four (4) inches in length or with an overall length of eight (8) inches, pistol, gun, revolver, or any like instrument unless the person is performing the official duties of a duly appointed police officer for the city, county, state or federal governments, or the armed forces of the United States, or is authorized by law to go armed.

(2) It shall be unlawful for any person in the city to discharge or fire a firearm unless the person is performing an official duty as a duly appointed police officer for the city, county, state or federal governments, or the armed forces of the United States. (1973 Code, § 12-19)

¹State law reference

Assaults: Tennessee Code Annotated, § 39-13-101 and § 39-13-102.

²State law reference

Throwing or casting missiles: Tennessee Code Annotated, § 39-14-413.

³State law reference

Weapons: Tennessee Code Annotated, § 39-13-1302.

CHAPTER 6

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

SECTION

11-601. Trespassing.

11-601. Trespassing. It shall be unlawful for any person to willfully, maliciously, wantonly or negligently injure, deface, destroy or remove real property or improvements thereto or movable or personal property, belonging to the city or to any person in the city. (1973 Code, § 12-4)

CHAPTER 7**MISCELLANEOUS****SECTION**

- 11-701. Spitting.
- 11-702. Conspiracy.
- 11-703. Posting notices, etc.
- 11-704. Curfew on persons under eighteen.
- 11-705. Disturbing the record's court.
- 11-706. Burials in other than cemeteries prohibited; establishment of new cemeteries.

11-701. Spitting. It shall be unlawful for any person to spit or expectorate on any sidewalk within the city. (1973 Code, § 12-17)

11-702. Conspiracy. It shall be unlawful for any persons within the city to assemble together and agree or conspire to do any unlawful act, with force or violence, against the property or person of another or against the peace of the city. (1973 Code, § 12-18)

11-703. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property in the city unless legally authorized to do so. (1973 Code, § 12-5)

11-704. Curfew on persons under eighteen. (1) It shall be unlawful for any person under the age of eighteen (18) years to be upon or remain on any street or other public place of the city after the hour of 12:00 midnight, unless accompanied by a parent, guardian, legal custodian or other person having the custody of the minor, or unless the person shall be a member of the armed forces.

(2) It shall be unlawful for any person under the age of fifteen (15) years to be upon or remain upon any street or public place of the city after the hour of 10:00 P.M., unless accompanied by a parent, guardian or legal custodian.

(3) No child or minor person shall be placed in confinement for a violation of this section until the child or minor person shall have first been taken to his home or place of residence to ascertain whether the parent, guardian or other legal custodian wishes to either refuse or accept responsibility for the child or minor.

(4) It shall be the duty of the recorder to determine the proper steps to be taken after the refusal or acceptance by the parent, guardian or legal custodian of minor thus charged, pursuant to subsection (3). (1973 Code, § 12-16)

11-705. Disturbing the recorder's court. It shall be unlawful for any person to create a disturbance of any trial before the recorder's court by any loud or unusual noise or any indecorous, profane or blasphemous language. (1973 Code, § 12-20)

11-706. Burials in other than cemeteries prohibited; establishment of new cemeteries. It shall be unlawful for any person to establish any graveyard or cemetery, public or private, or to bury any dead body within the city except within cemeteries already lawfully in existence or hereafter created or established by the board of mayor and aldermen. (1973 Code, § 12-22)

CHAPTER 8**OBSCENITY, MORALS****SECTION**

- 11-801. Disorderly houses.
- 11-802. Prostitution and lewdness.
- 11-803. Indecent or improper exposure or dress.
- 11-804. Window peeping.
- 11-805. Profanity, etc.

11-801. 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 breaches of the peace are carried on or permitted to the disturbance of others. (1973 Code, § 12-12)

11-802. Prostitution and lewdness. It shall be unlawful for any person to commit or offer or agree to commit or to 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. No person shall 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 to knowingly permit any person to remain in any place or building for any such purpose. (1973 Code, § 12-11)

11-803. 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 sex, or in any indecent or lewd dress, or to otherwise make any indecent exposure of his or her person. (1973 Code, § 12-15)

11-804. Window peeping.¹ It shall be unlawful for any person to look, peer, or peep into or be found loitering around or within view of, any window not on his own property with the intent of watching or looking through the window. (1973 Code, § 12-13)

11-805. Profanity, etc. It shall be unlawful for any person to use any vulgar, profane or indecent language in any public street or other public place or in any place of business open to public patronage. (1973 Code, § 12-14)

¹State law reference

Observation without consent: Tennessee Code Annotated, § 39-13-607.

CHAPTER 9**LOITERING, ETC.****SECTION**

11-901. Loitering.

11-901. Loitering. It shall be unlawful for any person to be found loitering or strolling in, about or upon any street, alley or other public way or public place or at any public gathering or assembly, or in or around any store, shop, or business or commercial establishment, or on any private property or place, without lawful business or while conducting himself in a lewd, wanton or lascivious manner in speech or behavior or while unable to reveal a visible means of support or give a satisfactory account of himself. (1973 Code, § 12-6)

CHAPTER 10**GAMBLING****SECTION**

11-1001. Gambling.

11-1001. 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. It shall be unlawful for any person to encourage, promote or assist any other person in gambling. It shall also be unlawful for any person to have in his possession any gambling table or other device whatever for the enticement of any person to gamble. (1973 Code, § 12-7)

¹State law reference

Gaming: Tennessee Code Annotated, § 39-17-501, et seq.