

## TITLE 11

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

#### CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
4. FIREARMS, WEAPONS AND MISSILES.
5. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
6. MISCELLANEOUS.

#### CHAPTER 1

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

#### 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 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 within the municipality unless the place has a beer permit and license. (1970 Code, § 10-234)

**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. (1970 Code, § 10-228)

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<sup>1</sup>Municipal 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.

<sup>2</sup>Municipal 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).

## CHAPTER 2

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-201. Disturbing the peace.

11-202. Anti-noise regulations.

11-203. Engine compression braking devices.

**11-201. 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. (1970 Code, § 10-202)

**11-202. Anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise within the corporate limits 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 signal device on any automobile, motorcycle, bus, streetcar, 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 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 persons 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 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, 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 5:00 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 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) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) City 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, during the night season, when the public welfare and convenience renders it impossible 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. (1970 Code, § 10-235)

**11-203. Engine compression braking devices.** (1) All truck tractors and semitrailers, as defined in Tennessee Code Annotated, § 55-8-101, operating within the city limits of Rockwood shall conform to the visual exhaust system inspection requirements of 40 CFR 202.22 of the Interstate Motor Carriers Noise Emission Standards.

(2) A truck tractor or semitrailer does not conform to the visual exhaust system inspection requirements referenced in subsection (1) of this section if a visual inspection of the exhaust system of the truck, tractor or semitrailer, including the exhaust system and/or muffler for engine compression braking device, discloses that the said exhaust system and/or muffler.

(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. (as added by Ord. #12-06, Aug. 2015)

**CHAPTER 3****INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL****SECTION**

11-301. False emergency alarms.

11-302. Coercing people not to work.

**11-301. 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. (1970 Code, § 10-223)

**11-302. Coercing people not to work.** It shall be unlawful for any person in association or agreement with one or more persons to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside, or upon the streets, approaches, or places adjacent thereto, for the purpose of inducing any such other person by compulsion, threats, coercion, intimidation, acts of violence or by otherwise putting such person in fear, to quit his employment, or to refrain from seeking or freely entering into any lawful employment. (1970 Code, § 10-221)

## CHAPTER 4

### FIREARMS, WEAPONS AND MISSILES

#### SECTION

11-401. Air rifles, etc.

11-402. Throwing missiles.

11-403. Discharge of firearms.

**11-401. Air rifles, etc.** It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, or "BB" gun capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1970 Code, § 10-216)

**11-402. 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 in any public or private way or place. (1970 Code, § 10-217)

**11-403. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. A violation of this chapter shall subject the offender to a penalty under the general penalty clause of this code.

## CHAPTER 5

### TRESPASSING AND INTERFERENCE WITH TRAFFIC

#### SECTION

- 11-501. Trespassing.
- 11-502. Trespassing on trains.
- 11-503. Interference with traffic.
- 11-504. Violation and penalty.

**11-501. Trespassing.** (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>1</sup>

**11-502. Trespassing on trains.** It shall be unlawful for any minor or other 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

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<sup>1</sup>Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1970 Code, § 10-227)

**11-503. 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.

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



## CHAPTER 6

### MISCELLANEOUS

#### SECTION

11-601. Abandoned refrigerators, etc.

11-602. Caves, wells, cisterns, etc.

11-603. Posting notices, etc.

11-604. Curfew for minors.

11-605. Violation and penalty.

11-606. Panhandling.

**11-601. 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 or otherwise sealing the door in such a manner that it cannot be opened by any child.

**11-602. 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.

**11-603. Posting notices, etc.** No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property within the corporate limits unless legally authorized to do so. (1970 Code, § 10-231)

**11-604. Curfew for minors.** It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 11:00 P.M. unless upon a legitimate errand or accompanied by a parent, guardian, or other adult person having lawful custody of such minor. (1970 Code, § 10-229)

**11-605. Violation and penalty.** A violation of this chapter shall subject the offender to a penalty under the general penalty clause of this code.

**11-606. Panhandling.** (1) Definitions. The following terms shall be defined as set forth below:

(a) "Solicit" and "solicitation" means any request in person while in a public place, for an immediate grant of money, goods or any other form of gratuity from another person when the person making the request is not known to the other person who is the subject of such request.

(b) "Public place" means a publicly owned building and premises appurtenant thereto, any public park, sidewalk or other right-of-way open to the general public, including alleys, bridges, buildings, driveways, parking lots, parks, plazas and streets. "Public place" also means private property open to the public where the owner or occupant does not consent to solicitation.

(2) Improper solicitation. It is unlawful for any person to solicit in the following places during the following conditions:

(a) Soliciting while intentionally or knowingly causing the individual being solicited to reasonably fear imminent bodily injury;

(b) Soliciting while intentionally, knowingly or recklessly causing bodily injury to the solicited individual;

(c) Soliciting while intentionally or knowingly causing physical contact with the solicited individual, and a reasonable person would regard the contact as extremely offensive or provocative;

(d) Soliciting while blocking the path of the individual being solicited, so that the individual cannot reasonably enter a public place or vehicle;

(e) Soliciting while following or accompanying the solicited individual without the solicited individual's consent after the solicited individual has declined to donate money or something else of value;

(f) Soliciting within twenty feet (20') of an automatic teller machine or public entrance to a bank, credit union, savings and loan association or licensed check cashing business, during the hours of operation of such business;

(g) Soliciting on any private property in which there is any type of written notice prohibiting solicitation and/or panhandling;

(h) Soliciting on any other private property, unless the person soliciting has obtained prior permission from the owner or occupant; or

(i) Soliciting after 8:00 P.M. and before 7:00 A.M. during any dates on which Daylight Savings Time is in effect, or after 7:00 P.M. and before 7:00 A.M. during any dates on which Daylight Savings Time is not in effect.

(3) False or misleading solicitation. It shall be unlawful for any person to knowingly make any false or misleading representation in the course of solicitation. False or misleading representation includes, but is not limited to, the following:

(a) Stating the donation is needed to meet a specific need, when the solicitor already has sufficient funds or assets to meet that need and does not disclose this fact;

(b) Stating that the donation is needed to meet a need which does not exist;

(c) Stating that the solicitor is from out of town and stranded, when such is not true;

(d) Wearing a military uniform or other indication of military service when the solicitor is neither a present nor former member of the service indicated;

(e) Wearing or displaying any indication of physical disability when the solicitor does not actually suffer the disability indicated;

(f) Using any makeup or device to simulate any deformity, handicap or illness;

(g) Stating that the solicitor is homeless when the solicitor is not homeless;

(h) Stating that the donation is for food or shelter, but in reality will be used for alcoholic beverages, illegal drugs, drugs obtained without a prescription or illegal contraband; or

(i) Offering to sell a tangible object for a price when such tangible object is actually offered free of charge to the general public.

(4) Penalty. Any person found violating any provision of this section shall be punishable by a penalty of up to ten dollars (\$10.00) for each violation. Each act of solicitation shall be a separate and independent violation. (as added by Ord. #12-81, Jan. 2022 **Ch4\_06-20-22**)