

TITLE 11

MUNICIPAL OFFENSES

CHAPTER

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CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted.¹ 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 town also. Any violation of any such law within the corporate limits is also a violation of this section. (1985 Code, § 10-101)

¹See sections 39-1-103 and 39-1-104 of the Tennessee Code Annotated for definitions of "misdemeanor."

CHAPTER 2

ALCOHOL¹

SECTION

11-201. Possessing alcoholic beverages on town property.

11-202. Drinking alcoholic beverages in public.

11-201. Possessing alcoholic beverages on town property. It shall be unlawful for any person to possess a can, bottle, or container of beer, wine, or any other alcoholic beverage, whether opened or unopened in or on any Town of Signal Mountain property unless the premises has been issued a permit and license for on-premises consumption of alcoholic beverages by the town council. Any violation of this section shall be punishable by a municipal fine of up to fifty dollars (\$50.00) and costs of court for each offense. (Ord. # 86-2, April 1986, as replaced by Ord. #2009-5, May 2009, and Ord. #2019-16, Oct. 2019 *Ch20_06-28-21*)

11-202. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or any other alcoholic beverage in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the premises has been issued a permit and license for on-premises consumption of alcoholic beverages by the town council. (1985 Code, § 10-202, as replaced by Ord. #2009-5, May 2009)

¹See title 8 of this code for detailed provisions governing the sale of alcoholic beverages within the town.

CHAPTER 3

AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-302. Coercing people not to work.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault and battery upon another person. (1985 Code, § 10-301)

11-302. 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. (1985 Code, § 10-302)

CHAPTER 4

GAMBLING, FORTUNE TELLING, ETC.

SECTION

- 11-401. Gambling prohibited.
- 11-402. Promotion of gambling.
- 11-403. Fortune telling, etc.

11-401. Gambling prohibited. 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. (1985 Code, § 10-401)

11-402. Promotion of gambling. 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. (1985 Code, § 10-402)

11-403. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1985 Code, § 10-403)

CHAPTER 5

FIREARMS

SECTION

11-501. Firearms

11-502. Hunting

11-503. Possession of firearms in town owned properties

11-501. Firearms. It shall be unlawful for any person to discharge firearms within the corporate limits of the Town of Signal Mountain, except when and where the discharge of a firearm is expressly authorized or permitted by state law and/or the regulations of the Tennessee Wildlife Commission. (1985 Code, § 10-501, as replaced by Ord. #2019-02, Jan. 2019 ***Ch19_8-26-19***)

11-502. Hunting. It shall be unlawful to hunt on any property owned, leased or otherwise controlled by the Town of Signal Mountain. Hunting on private property is controlled by and must comply with state law and/or the regulations of the Tennessee Wildlife Commission. (1985 Code, § 10-502, as replaced by Ord. #2019-02, Jan. 2019 ***Ch19_8-26-19***)

11-503. Possession of firearms in town owned properties. In accordance with Tennessee Code Annotated, § 39-17-1359, the following regulations shall be strictly enforced. Violations are punishable to the extent allowable under state law.

(1) Except as otherwise provided by state law, firearms shall be prohibited on any town owned or operated properties if in the possession of a person who does not hold a valid handgun carry permit issued or recognized by the State of Tennessee.

(2) In general, persons who hold a valid handgun carry permit pursuant to Tennessee Code Annotated, § 39-17-1351 shall be able to lawfully possess a firearm on town owned property.

(3) The town may restrict possession of firearms by a handgun carry permit holder if the following are provided at each public entrance to the property:

(a) Metal detection devices;

(b) At least one (1) law enforcement or private security officer who has been adequately trained to conduct inspections of persons entering the property by use of metal detection devices; and

(c) That each person who enters the property through the public entrance when the property is open to the public and any bag, package, and other container carried by the person is inspected by a law

enforcement or private security officer or an authorized representative with the authority to deny entry to the property.

(4) The possession of firearms including by a handgun carry permit holder is prohibited at the following locations:

(a) In the immediate vicinity of any town owned athletic field, park, or other similar public place during any school sponsored athletic event or other school-related activity;

(b) Buildings in which judicial proceedings take place including the Signal Mountain Town Hall, regardless of whether a judicial proceeding is in progress;

(c) Buildings that contain a law enforcement agency including the Signal Mountain Police and Fire Department buildings; and

(d) The Signal Mountain Public Library. (as added by ord. No. 91-12, and replaced by Ord. #2019-02, Jan. 2019 ***Ch19_8-26-19***)

CHAPTER 6

OBSCENITY, MORALS

SECTION

- 11-601. Disorderly houses.
- 11-602. Immoral conduct.
- 11-603. Obscene literature, etc.
- 11-604. Indecent or improper exposure or dress.
- 11-605. Window peeping.
- 11-606. Profanity, etc.

11-601. Disorderly houses. (1) For the purposes of this section, a "disorderly house" shall mean any house or place in which people abide or to which they resort, to the disturbance of the neighborhood, for purposes which are injurious to the public morals, health, convenience or safety or in which illegal practices or violations of law are carried on or where loud and improper noises are made or where drunken, noisy persons congregate or that is so kept as to tend to corrupt the public morals or the general good order of the community.

(2) It shall be unlawful for any person in the town to keep or be in charge of a disorderly house or for any person to visit, occupy, or remain in a disorderly house.

(3) It shall be unlawful for the owner of any property in the town to rent the premises for the purpose of maintaining or operating a disorderly house thereon or to knowingly permit a disorderly house to be maintained or operated thereon. Evidence that a disorderly house is being maintained or operated by a tenant or occupant of any property shall be prima facie evidence that the maintenance and operation of the disorderly house is with the knowledge and permission of the owner of the property.

(4) The maintenance and operation of a disorderly house is declared to be a nuisance, in addition to being an offense, and is subject to be abated as such by appropriate proceedings. (1985 Code, § 10-601)

11-602. 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. (1985 Code, § 10-602)

11-603. Obscene literature, etc. It shall be unlawful for any person to knowingly sell, distribute, display, exhibit, possess with the intent to sell, distribute, display or exhibit; or to publish, produce, or otherwise create with the intent to sell, distribute, display or exhibit any obscene material. This section shall not be construed to permit the seizure or suppression of any material, obscene or otherwise, such seizure or suppression to be lawful only as expressly provided for by law. However, if the town attorney is of the opinion that this section is being violated, he may file a petition in a circuit, chancery, or criminal court in the county relating his opinion, and request the court to issue a temporary injunction enjoining the person named in the petition from removing the obscene material from the jurisdiction of the court pending an adversary hearing on the petition and further enjoining the person named in the petition from selling, distributing, displaying, or exhibiting the obscene material pending an adversary hearing on the petition. (1985 Code, § 10-603)

11-604. Indecent or improper exposure or dress. It shall be unlawful for any person publicly to appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or otherwise to make any indecent exposure of his or her person. (1985 Code, § 10-604)

11-605. 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. (1985 Code, § 10-605)

11-606. 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. (1985 Code, § 10-606)

CHAPTER 7

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

- 11-701. Escape from custody or confinement.
- 11-702. Resisting or interfering with an officer.
- 11-703. Impersonating a government officer or employee.
- 11-704. False emergency alarms.
- 11-705. Burglar and fire alarms.

11-701. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town 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. (1985 Code, § 10-701)

11-702. 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 town while such officer or employee is performing or attempting to perform his town duties. (1985 Code, § 10-702)

11-703. Impersonating a government officer or employee. No person other than an official police officer of the town 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 town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1985 Code, § 10-703)

11-704. 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. (1985 Code, § 10-704)

11-705. Burglar and fire alarms. It shall be unlawful to install or operate a burglar or fire alarm system without first giving written notice to the town public safety director of the name and telephone number of whoever assumes the responsibility for cutting off the alarm system when advised to do so by the town police or fire department.

It shall likewise be unlawful for the owner or operator of an alarm system not to keep said information current and correct relative to the telephone number and name of whoever has assumed said responsibility for cutting off the alarm system. It shall be unlawful for the owner or operator of the alarm

system not to provide the names and telephone numbers of persons who will be available to cut off the alarm on a twenty-four hour basis every day of the year.

Each time there is a false alarm, the police or fire department shall notify the owner, by written report, and the owner shall have ten (10) days from the date of receipt of such notice to clarify and correct the fault of the false alarm with the public safety director.

If the owner does not do this to the satisfaction of the public safety director, the latter may assess a fee against the owner on an annual (calendar) year basis as follows:

- (1) First Alarm-No Charge
- (2) Second Alarm-No Charge
- (3) Third Alarm-No Charge
- (4) Fourth Alarm and all subsequent alarms-\$25.00. (1985 Code, § 10-705, as replaced by Ord. #94-7, § 1, Oct. 1994; and amended by Ord. #97-9, § 1, Aug. 1997, and Ord. #98-23, July 1998)

CHAPTER 8

TRESPASSING, LOITERING, VAGRANCY, PROWLING, MISCHIEF, ETC.

SECTION

11-801. Trespassing.

11-802. Malicious mischief.

11-803. Loitering.

11-804. Prowling.

11-805. Vagrancy.

11-806. Removal of or damage to town property.

11-807. Climbing or rappelling on bluffs in the town.

11-801. 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 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. (1985 Code, § 10-801)

11-802. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to wilfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1985 Code, § 10-802)

11-803. 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. (1985 Code, § 10-803)

11-804. 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. (1985 Code, § 10-804)

11-805. Vagrancy. It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, willfully to neglect to apply himself to some honest occupation. (1985 Code, § 10-805)

11-806. Removal of or damage to town property. It shall be unlawful for any person to remove, destroy, mutilate or deface any tree, shrub, plant, fern,

flower or other plant growth, stones, mineral, soil, structures, fences, or buildings on Town property. (1985 Code, § 10-806, as amended by ord. No. 92-16)

11-807. Climbing or rappelling on bluffs in the town. It shall be unlawful for any person to climb on or rappel from any bluff or rock formation located on publically owned municipal property within the Town of Signal Mountain. Duly authorized rescue personnel are exempted during training or rescue operations. (as added by Ord. #92-10, and replaced by Ord. #2013-04, Feb. 2013)

CHAPTER 9

DANGEROUS CONDITIONS ON PROPERTY

SECTION

11-901. Abandoned refrigerators, etc.

11-902. Caves, wells, cisterns, etc.

11-903. Fires endangering woodlands.

11-901. 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. (1985 Code, § 10-901)

11-902. 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. (1985 Code, § 10-902)

11-903. Fires endangering woodlands.¹ It shall be unlawful for any person to start a fire so as to endanger or destroy woodlands within the town. (1985 Code, § 10-903)

¹See title 7, chapter 2 for regulations governing open burning within the town.

CHAPTER 10

AGAINST THE PEACE AND QUIET

SECTION

- 11-1001. Disturbing the peace.
- 11-1002. Anti-noise regulations.
- 11-1003. Declared unnecessary noises enumerated.
- 11-1004. Non-vehicular noises restricted.
- 11-1005. Vehicular noise regulations.
- 11-1006. Excessive noise from motor vehicles.
- 11-1007. Exemptions.

11-1001. 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. (1985 Code, § 10-1001, as replaced by Ord. #2010-16, Oct. 2010)

11-1002. Anti-noise regulations. (1) The making, creation or permitting of any unreasonably loud, disturbing or unnecessary noise in the town which may disturb the peace and quiet of residential neighbors is prohibited.

(2) The making, creating or permitting of any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual or which either steadily or intermittently annoys, disturbs, injures or endangers the comfort, repose, peace or safety of any individual is prohibited.

(3) To assist in applying uniform standards for the enforcement of noise problems within the town, the following standards shall apply:

(a) Within all residential zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, between designated hours is in excess of:

(i) 7:00 A.M. to 9:00 P.M.:

(A) Continuous airborne sound which has a sound level of 60 dbAs.

(B) Impulsive sound in air with an impulsive sound level of 80 dbAs.

(ii) 9:00 P.M. to 7:00 A.M.:

(A) Continuous airborne sound which has a sound level of 50 dbAs.

(B) Impulsive sound in air with an impulsive sound level of 70 dbAs.

(b) Within all commercial zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, between designated hours is in excess of:

- (i) 7:00 A.M. to 9:00 P.M.:
 - (A) Continuous airborne sound which has a sound level of 65 dbAs.
 - (B) Impulsive sound in air with an impulsive sound level of 80 dbAs.
- (ii) 9:00 P.M. to 7:00 A.M.:
 - (A) Continuous airborne sound which has a sound level of 55 dbAs.
 - (B) Impulsive sound in air with an impulsive sound level of 80 dbAs. (1985 Code, § 10-1002, as amended by Ord. #18, July 1999, and replaced by Ord. #2010-16, Oct. 2010)

11-1003. Declared unnecessary noises enumerated. The following acts, among others, are declared to be loud or disturbing or unnecessary noises in violation of this chapter even if the noises referred to do not violate the standard noise level for the town.

- (1) Horns, signal devices and the like. (a) The sounding of any horn or signal device of any automobile, motorcycle, bus or other vehicle:
 - (i) While not in motion or unless minimal by use of a key fob, except as a danger signal that another vehicle is approaching apparently dangerously; or
 - (ii) If in motion:
 - (A) After or as brakes are being applied and deceleration of the vehicle is intended;
 - (B) Before passing another vehicle as a signal of intent to so pass;
 - (C) Where state motor vehicle statutes require the sounding of such a horn or signaling device; or
 - (D) When otherwise necessary as a danger signal.
- (b) Wherever the sounding of any horn or signal device is permitted or required such sound shall not be unreasonably loud or harsh and shall not be for an unreasonable duration of time.
- (2) Animals and birds. The keeping of any animal or bird which, by causing frequent or long-continued noise, disturbs the comfort and repose of any person in their vicinity.
- (3) Defect in vehicle or noisy load. The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (4) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle engine except through a muffler or other device which meets the standards established for such devices by applicable state laws and regulations.

(5) Mechanical devices. The use of mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced to the extent required by state laws and regulations.

(6) Schools, courts, and churches. The creation of any loud or excessive noise on any street adjacent to any school or institution of learning, church or judicial court while the same are in session, which noise unreasonably interferes with the workings of such institutions; this restriction shall be in force only if signs are displayed in such streets indicating the same is a school, church, or court street or quiet zone.

(7) Loading or unloading of vehicles; opening or destruction of boxes. The creation of a loud or excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates, and containers. Commercial refuse collection is prohibited between the hours of 10:00 P.M. and 7:00 A.M.

(8) Devices attached to buildings. The sounding of any bell, gong or device attached to any building or premises, particularly during the hours between 10:00 P.M. and 7:00 A.M., which disturbs the quiet or repose of any persons in the vicinity of the devices. This rule shall not apply if the bell, gong or device is sounded as a warning of danger.

(9) Vehicles and buses. The unnecessary or prolonged blowing or sounding of any horn, whistle, bell or other device attached to any motor vehicle, bus or truck while passing through the town or while loading passengers or freight within the town.

(10) Loudspeakers and amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other vehicles for advertising or other commercial purposes.

(11) Construction or repair of buildings. Construction, demolition, repair, paving or alteration of buildings or streets or excavation when conducted between the hours of 7:00 P.M. and 7:00 A.M. (8:00 A.M. on Saturdays and Sundays), except in emergencies. Property owners making repairs and/or alterations on their own property of residence may work until 9:00 P.M. (as added by Ord. #2010-16, Oct. 2010)

11-1004. Non-vehicular noises restricted. No person shall use or operate any facility, machine or instrument or produce or cause to be produced any sound in the town, when the same shall produce noise, the sound-pressure level of which, measured at the point of annoyance complained of, shall exceed the standard noise level of the town established for that location and time of day. In measuring noises to determine if the standard noise level of the town has been exceeded, the measurement shall be measured on the A-weighting of an accurate sound-level meter. The background or ambient sound level is defined as the sound present when the offending noise source is silenced. (as added by Ord. #2010-16, Oct. 2010)

11-1005. Vehicular noise regulations. (1) No person shall operate, within the limits of the town, any vehicle which will emit noise which will exceed the standard noise level of the town established for the type vehicle when used under ordinary circumstances. For vehicles, the standard noise level of the town is hereby established as follows:

| <u>Type of vehicle</u> | <u>Maximum noise level (dbAs)</u> |
|--------------------------------|-----------------------------------|
| Vehicle other than motorcycles | 76 |
| Motorcycles | 82 |

(2) Measurements shall be taken fifty feet (50') from the source. (as added by Ord. #2010-16, Oct. 2010)

11-1006. Excessive noise from motor vehicles. (1) No person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway within the town, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loudspeaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle. For the purpose of this section "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet, however, words or phrases need not be discernible and such sound shall include bass reverberation.

(2) This section shall not be applicable to emergency or public safety vehicles, vehicles owned or operated by a municipal or county government or any utility company, for sound emitted unavoidably during a job-related operation, school or community sponsored activities, or any motor vehicle used in an authorized public activity, such as a parade. (as added by Ord. #2010-16, Oct. 2010)

11-1007. Exemptions. Exemptions from noise level limits shall be as follows:

(1) Emergency construction, repair, pavings demolition, or alteration of a street or building. Permission of the town administrator shall be proof that such emergency exists.

(2) Emergency activities of municipal, county, state, or federal government agencies and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare are involved.

(3) Warning devices on authorized emergency vehicles and on vehicles used for traffic safety purposes.

(4) Attendant on-site noise connected with the actual performance of sporting events, parades, auctions, fairs and festivals.

(5) Power lawn mowers and other lawn care equipment, when operated between the hours of 8:00 A.M. (9:00 A.M. on Saturdays and Sundays) and 9:00 P.M.

(6) Air conditioners that increase the background or ambient sound level no more than five (5) dbAs. (as added by Ord. #2010-16, Oct. 2010)

CHAPTER 11

LITTERING, POSTING NOTICES, ETC.

SECTION

11-1101. Littering prohibited.

11-1102. Unauthorized posting of notices.

11-1101. Littering prohibited. No person shall throw, place, or deposit unsubscribed newspapers, handbills, advertisement sheets, posters, litter, garbage, or trash on public or private property including vehicles of all types within the limits of the Town of Signal Mountain, Tennessee, except in garbage receptacles for collection or in an official town dumpster. (1985 Code, § 10-1101, as amended by Ord. #93-6, § 1, Jan. 1993)

11-1102. Unauthorized posting of notices. No person shall fasten in any way any showcard, poster, newspaper, news letter or other advertising device upon any United States mailbox, or post supporting same, unless such person obtains written permission from the owner of the mailbox and post. (1985 Code, § 10-1102, as repealed by Ord. #93-1, § 1, Jan. 1993, and added by Ord. #2000-5, April 2000)