

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PERSON.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
8. MISCELLANEOUS.

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 have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an

¹Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

appropriate permit and/or license for on premises consumption of such beverage. (1986 Code, § 10-229)

11-102. Minors in beer places. No person under the age of eighteen (18) shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1986 Code, § 10-222)

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

11-201. Fortune telling, etc.

11-201. 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. (1986 Code, § 10-234)

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 upon another person. (1986 Code, § 10-201)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1986 Code, § 10-202)

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, truck, 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, 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 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 person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper town 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.

(l) Loudspeakers or amplifiers on vehicles. The use of a sound amplification system, which includes mechanical loudspeakers or amplifiers, on a vehicle, either moving or standing, at a volume that is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) Town vehicles. Any vehicle of the town 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 town, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1986 Code, § 10-233, as amended by Ord. #160, _____)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

- 11-501. Escape from custody or confinement.
- 11-502. Impersonating a government officer or employee.
- 11-503. False emergency alarms.
- 11-504. Resisting or interfering with an officer.
- 11-505. Coercing people not to work.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the 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. (1986 Code, § 10-209)

11-502. 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. (1986 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person intentionally to 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. (1986 Code, § 10-217)

11-504. Resisting or interfering with an officer. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1986 Code, § 10-210)

11-505. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from

entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1986 Code, § 10-230)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Weapons and firearms generally.

11-601. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, bow and arrow or other force-producing means or method. (1986 Code, § 10-213, as amended by Ord. #188, Nov. 1995)

11-602. Throwing missiles. It shall be unlawful for any person to throw any stone, snowball, bottle, or any other missile maliciously upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1986 Code, § 10-214)

11-603. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. (1986 Code, § 10-212)

CHAPTER 7**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC****SECTION**

- 11-701. Trespassing.
- 11-702. Trespassing on trains.
- 11-703. Malicious mischief.
- 11-704. Interference with traffic.

11-701. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1986 Code, § 10-226)

11-702. 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 the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1986 Code, § 10-221)

11-703. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1986 Code, § 10-225)

11-704. 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. (1986 Code, § 10-232)

CHAPTER 8

MISCELLANEOUS

SECTION

- 11-801. Abandoned refrigerators, etc.
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Posting notices, etc.
- 11-804. Curfew for minors.
- 11-805. Violation and penalty.
- 11-806. Flow of water from drains or ditches.
- 11-807. Halloween ordinance.
- 11-808. "Spook houses" or "Halloween houses."

11-801. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1986 Code, § 10-223)

11-802. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1986 Code, § 10-231)

11-803. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1986 Code, § 10-227)

11-804. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between 11:00 P.M. and 5:00 A.M. unless upon a legitimate errand, or accompanied by a parent, guardian, or other adult person having lawful custody of such minor. (1986 Code, § 10-224)

11-805. Violations and penalty. Any person found guilty of violating any of the offenses in this title other than § § 11-806 through 11-808 shall be punished by a civil penalty of up to \$50. (Ord. #161, _____)

11-806. Flow of water from drains or ditches. Property owners are required to keep drains, ditches, streams etc. open so there will be no

interference with the normal flow of water in same, nor the flow of water caused by rains wherein an abundance of water may be required to flow therein.

In the event any property owner or resident does not correct a situation within thirty (30) days after due notice, in writing, by the town, the town may by contract do same for and on behalf of the property owner and attach the costs of same against the property in the event the owner does not pay same otherwise. (1986 Code, § 10-235)

11-807. Halloween ordinance. (1) (a) It shall be unlawful for any minor, under the age of 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 city limits of South Carthage after 8:00 P.M. on October 31st, or any day designated as the day to celebrate "Halloween," unless accompanied by a parent or legal guardian.

(b) Any person found guilty of violating this ordinance shall be fined not less than \$5.00 and no more than \$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 or any property not belonging to said person within the city limits of South Carthage, Tennessee, between the hours of 6:00 o'clock P.M. and 6:00 A.M., eggs, with the intent to throw some 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 \$10.00 per egg.

(d) Any person found guilty of throwing any egg or eggs shall be fined \$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 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 city to wear a traditional holiday costume.

Any person found guilty of violating this subsection shall be fined not less than \$5.00 and no more than \$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 \$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.

(6) It shall be unlawful for any two 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 city or person or property of another against the peace and to the terror of others, or to make any move or preparation therefor, or being present at such meeting or assembly to fail to endeavor to prevent the commission of or perpetration of such unlawful acts.

It shall be unlawful for groups to march on the streets or by motorcade without having a special permit or permission from the mayor.

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

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

(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 buildings, or on 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 in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties.

Any person found guilty of violating this offense shall be fined a maximum of \$50.00. (1986 Code, § 10-236)

11-808. "Spook houses" or "Halloween houses." (1) Purpose. This section is enacted to protect, preserve and promote the health, safety, welfare,

peace and quietness for the citizens of South Carthage, Tennessee, through the reduction, control and prevention of excess noise and to provide for the safety of its residents by avoiding possible excessive traffic and crowds on streets and public ways during parts of the year.

(2) Public nuisance. "Spook houses" or "Halloween houses" are declared to be a public nuisance by reason of being detrimental to the general health, safety, welfare, peace and quiet of the community and the use or occupancy of any building, structure or dwelling within the corporate limits of the town for such purposes is prohibited.

(3) Violation a misdemeanor. Any person either owning or leasing a building, structure or dwelling within the corporate limits of the town or any person occupying same as an owner, lessor, lessee, invitee, or guest shall prima facie be guilty of a misdemeanor and upon conviction shall be liable for a fine of not more than \$25.00. Each violation shall constitute a separate offense.

(4) Civil action. Notwithstanding any other provision of this section or any other ordinance, statute or remedy, the town may as an alternative procedure for the abatement of the nuisance seek appropriate relief in the Chancery Court of Smith County.

(5) Remedies not exclusive. No part of this section may be deemed to be a limitation or restriction on the authority of the town to eliminate or abate a nuisance but shall be deemed as an enlargement of existing authority. (1986 Code, § 10-237)