

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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CHAPTER 1

OFFENSES AGAINST THE PERSON

SECTION

11-101. Assault and battery.

11-101. Assault and battery. No person shall maliciously beat, strike, wound, or otherwise inflict violence on another; nor shall any person assault another with a lethal weapon, instrument or thing with intent to commit on the person of another any bodily injury where no considerable provocation appears or where the circumstances of the assault show malice. (1978 Code, § 10-201)

¹Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

- 11-201. Disturbing public gatherings or worship.
- 11-202. Noise--generally.
- 11-203. Enumerated.
- 11-204. Speechmaking in public places.

11-201. Disturbing public gatherings or worship. It shall be unlawful for any person to molest any lawful assemblage, or any congregation assembled for religious service, by making a noise, or by rude or indecent behavior or by the use of profane language. It shall be unlawful for any person to disturb any public performance given in the city, or otherwise interfere with the same by any disorderly conduct. (1978 Code, § 10-209)

11-202. Noise--generally. It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city. (1978 Code, § 10-215)

11-203. Enumerated. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this code, but said enumeration shall not be deemed to be exclusive, namely:

(1) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(2) Radios, phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 P.M. and 7:00 A.M. in such a

manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(4) Yelling, shouting, 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 persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(5) Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(6) Steam or electrical whistles. The blowing of any locomotive steam whistle or 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 city authorities.

(7) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(9) Loading, unloading. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(10) Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building 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 codes enforcement officer, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the codes enforcement officer 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 within 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, he may grant permission for such work to be done within 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 progress of the work.

(11) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(12) Hawkers, peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and, quiet of the neighborhood.

(13) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(14) Metal rails, pillars and columns, transportation thereof. The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(15) Pile drivers, hammers, etc. The operation between the hours of 10:00 P.M. and 7:00 A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

(16) Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise. (1978 Code, § 10-216)

11-204. Speechmaking in public places. It shall be unlawful for any person to make any public speech of any kind on the streets, alleys, or other public places in the city, without first having obtained a written permit from the chief of police, authorizing the use of said streets, alleys or other public places for such purpose. (1978 Code, § 10-223)

CHAPTER 3

FIREARMS, WEAPONS AND MISSILES

SECTION

- 11-301. Missiles; throwing.
- 11-302. Carrying weapons prohibited.
- 11-303. Exemptions.
- 11-304. Carrying knife with blade exceeding four inches.
- 11-305. Selling, disposing of dangerous weapons.
- 11-306. Selling, giving weapons to minor.
- 11-307. Unlawful weapons forfeited.
- 11-308. Disposition of confiscated weapons.
- 11-309. Firing, discharging weapon.

11-301. Missiles; throwing. Any person throwing stones, sticks, clubs, brickbats, or any other missile from a sling, by hand or otherwise within the city so as to endanger life, limb or property of any citizen, shall be guilty of a misdemeanor. (1978 Code, § 10-214)

11-302. Carrying weapons prohibited. Any person who shall carry in any manner whatever, with the intent to go armed, any razor, dirk, bowie knife or other knife of like form, shape or size, sword cane, ice pick, sling shot, blackjack, brass knucks, spanish stiletto, or a fountain pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, except the army or navy pistol which shall be carried openly in the hand, or any other dangerous weapon, shall be guilty of a misdemeanor. (1978 Code, § 10-245)

11-303. Exemptions. The provisions of § 11-302 shall not apply to any person employed in the army, air force, navy, or marine service of the United States, or to any officer or policeman while bona fide engaged in his official duties, in the execution of process, or while searching for or engaged in arresting criminals, nor to persons who may have been summoned by such officer or policeman in the discharge of his said duties, and in arresting criminals and transporting and turning them over to the proper authorities; nor shall said, provisions apply to any conductor of any passenger or freight train of any railroad while he is on duty. Persons who may be employed in the army, air force, navy, or marine service, as aforesaid, shall only carry such pistols as are prescribed by the army, air force and navy regulations. (1978 Code, § 10-246)

11-304. Carrying knife with blade exceeding four inches. Any person who shall carry in any manner whatever, with the intent to go armed,

any pocket knife with a blade exceeding four (4) inches in length, shall be guilty of a misdemeanor. (1978 Code, § 10-247)

11-305. Selling, disposing of dangerous weapons. It is a misdemeanor to sell or offer to sell, or to bring into this city for the purpose of selling, giving away, or otherwise disposing of any knife or other prohibited weapon mentioned, in § 11-304; and the person guilty thereof, for each knife or other prohibited weapon shall be guilty of a misdemeanor; provided however, sales shall not be unlawful if conducted in accordance with Tennessee Code Annotated, § 39-6-1704. (1978 Code, § 10-248)

11-306. Selling, giving weapons to minor. Any person who sells, lends, or gives to any minor a pistol, bowie knife, dirk, hunter's knife, or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor. (1978 Code, § 10-249)

11-307. Unlawful weapons forfeited. Whenever any person is arrested by any lawful officer of the city, and the said person is found to have on his person, or about him in an unlawful manner any unlawful weapon, such as bowie knife, blackjack, knuckles, sling shots, pistols, burglar's tools, or any other weapon or device which is denominated as unlawful under the statutes of this state or provisions of this code, which he is by law prohibited from carrying, the said unlawful weapon or weapons shall become the property of the city. (1978 Code, § 10-250)

11-308. Disposition of confiscated weapons. All weapons confiscated under § 11-307 may be destroyed or otherwise disposed of under the supervision and order of the city judge; but it is expressly provided that in no event, shall said weapon be returned to the person arrested, or any of his relatives or friends, and it is further expressly provided that they shall not be sold or offered for sale in any part of the state, except that after a finding of guilty of unlawful possession of such weapon, the city judge may after the final conclusion of the case order the same to be sold to business concerns who handle similar items in their normal course of business. (1978 Code, § 10-251)

11-309. Firing, discharging weapon. (1) Prohibited. It shall be unlawful to fire, shoot or discharge any rifle, pistol, shotgun, other firearm, bow and arrow, spring, air or "BB" gun, or other dangerous weapon without a permit from the chief of police.

(2) Exceptions. The provisions of this section shall not apply to persons employed in the army, air force, navy or marine service of the United States, or to any law enforcement officer engaged in his official duties, in the execution of process, or while searching for or engaged in arresting criminals, nor to persons who may have been summoned by such officer in the discharge

of his said duties, and in arresting criminals and transporting and turning them over to the proper authorities; nor shall said provisions apply to any conductor of any passenger or freight train of any railroad, while he is on duty. (1978 Code, § 10-252)

CHAPTER 4

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

- 11-401. Trespassing on trains.
11-402. Trespassing.
11-403. Malicious mischief.
11-404. Interference with traffic.

11-401. 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. (1978 Code, § 10-226)

11-402. Trespassing. (1) Generally. 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 leave promptly the private premises of any person who requests or directs him to leave.

(2) Trespassing on business parking lots. (a) Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates a different meaning:

(i) "Business parking lot." Any privately owned parking lot providing free parking during business hours adjacent to any store, office building, commercial building or industrial building, for the convenience of employees, customers or patrons.

(ii) "Person." Any person, firm, corporation or association.

(b) Trespassing after hours. No person shall enter or stay on any business parking lot at any time that staying upon or entering the lot is prohibited by the owner, as shown by a sign on the lot. No person shall place or leave any vehicle on any business parking lot at any such time.

(c) Trespassing by entry upon or remaining on a business parking lot without legitimate business purpose during business hours. No person shall enter or stay upon any business parking lot at any time during business hours without a legitimate purpose having to do with the conduct of a business or businesses served by the lot, including but not

necessarily limited to parking to shop at the business, pick up or delivery of merchandise, or pick up or delivery of employees, customers or patrons of the business. This section is only applicable if a sign is posted so indicating.

(d) Signs. The prohibitions set out in § 11-402(2)(b) and (c) shall be in effect at any business parking lot where the owner or person lawfully in charge has posted a sign or signs clearly stating the prohibitions. Signs must be placed so that they can be seen at all entrances or at prominent locations therein. Each sign invoking the prohibition of § 11-402(2)(b) may contain substantially the following language:

NO PARKING OR TRESPASSING BETWEEN

___ P.M. AND ___ A.M.

Each sign invoking the prohibition of both sections may contain substantially the following language:

NO PARKING OR TRESPASSING PERMITTED AT ANY TIME
EXCEPT ON BUSINESS.

NO PARKING OR TRESPASSING BETWEEN

___ P.M. AND ___ A.M.

(e) Exceptions. The following uses of a parking lot shall not be violations of this section:

(i) Temporary entrance to a business parking lot in an emergency or to avoid an accident.

(ii) Entrance by a law enforcement officer in the course of duty.

(iii) Entrance by fire, ambulance or other emergency personnel and equipment, in the course of duty.

(iv) Entrance by an owner, tenant, or employee of any owner or tenant of any establishment served by the parking lot.

(v) Entrance by any city inspector in the course of duty.

(f) Special events. The owner or person in charge of any parking lot may grant temporary permission to use the lot in a manner normally prohibited, by posting temporary signs or posters to that effect and by notifying the police department of the existence and duration of any such special permission.

(g) Penalty. Any person violating any provisions of this section shall be fined not more than one hundred dollars (\$100.00) for each

offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1978 Code, § 10-229)

11-403. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person wilfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1978 Code, § 10-228)

11-404. 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. (1978 Code, § 10-233)

CHAPTER 5**OBSCENITY, MORALS****SECTION**

11-501. Disorderly conduct.

11-502. Indecent exposure.

11-503. Obscene books, pictures, etc.

11-504. Prostitution and assignation defined.

11-505. Engaging in, aiding, abetting prostitution.

11-506. Procuring female for prostitution; receiving money from prostitutes.

11-501. Disorderly conduct. It shall be unlawful for any person in the city to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct or carriage; or by loud and unusual noises; or by unseemly, profane, obscene or offensive language; or by language calculated to provoke a breach of the peace; or by assaulting, striking or fighting another. It shall be unlawful for any person to permit any such conduct in, or upon, any house or premises under his management or control, so that others in the vicinity are disturbed thereby. It shall be unlawful for any person to set up or keep or permit upon his premises any person to be drunk, noisy or boisterous in his behavior to the annoyance of others. (1978 Code, § 10-208)

11-502. Indecent exposure. Any person found in a state of nudity, or making any indecent exposure of his or her body or any part or portion of his or her body shall be guilty of a misdemeanor. (1978 Code, § 10-212)

11-503. Obscene books, pictures, etc. If any person prints, publishes, imports, sells, offers for sale, or distributes, any book, pamphlet, ballad, or printed paper containing obscene language or obscene prints, pictures, or descriptions, manifestly tending to corrupt the morals, or introduce the same into any family, school, or place of education, or has the same in his possession for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school, or place of education, he shall be guilty of a misdemeanor. (1978 Code, § 10-217)

11-504. Prostitution and assignation defined. As used in §§ 11-505 through 11-506, the following words and terms shall have the following meanings:

(1) "Assignation" shall be construed to include the making of any appointment or engagement for prostitution or any act in furtherance of such appointment or engagement.

(2) "Prostitution" shall be construed to include the giving or receiving of the body for sexual intercourse for hire, or for licentious sexual intercourse without hire. (1978 Code, § 10-219)

11-505. Engaging in, aiding, abetting prostitution. It shall be unlawful to engage in, or to knowingly aid or abet in, prostitution or assignation or to procure or solicit or to reside in, enter, or remain in any vehicle, trailer, conveyance, place, structure, or building for the purpose of prostitution or assignation, or to keep or set up a house of ill fame, brothel or bawdy house, or to receive or direct any person for purposes of prostitution or assignation into any vehicle, trailer, conveyance, place, structure or building, or to permit any person to remain for the purpose of prostitution or assignation in any vehicle, trailer, conveyance, place, structure, or building, or to direct, take, or transport, or to offer or agree to take or transport, or to aid or assist in transporting or directing any person to any vehicle, conveyance, trailer, place, structure, or building, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution or assignation, or to lease or rent or contract to lease or rent any vehicle, trailer, conveyance, place, structure, or building, or part thereof, believing that it is intended to be used for any of the purposes herein prohibited, or to knowingly aid, abet, or participate in the doing of any of the acts herein prohibited. (1978 Code, § 10-220)

11-506. Procuring female for prostitution; receiving money from prostitutes. It shall be unlawful to procure a female inmate for a house of prostitution, or to cause, induce, persuade, or encourage by promise, threat, violence, or by any scheme or device, a female to become a prostitute or to remain in or become an inmate of a house of prostitution or to receive or give, or agree to receive or give any money or thing of value for procuring, or attempting to procure any female to become a prostitute or an inmate of a house of prostitution, or to knowingly accept, receive, levy, or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any woman engaged in prostitution, or to knowingly aid, abet, or participate in the doing of any of the acts herein prohibited. (1978 Code, § 10-221)

CHAPTER 6

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-601. Escape.

11-602. Obstructing, disobeying officers.

11-603. Coercing people not to work.

11-601. Escape. It shall be unlawful for any person, while a prisoner in the jail, or otherwise in custody of and confined by the city or a city officer, to escape or attempt to escape or to assist others to escape or attempt to escape from such custody or confinement. (1978 Code, § 10-210)

11-602. Obstructing, disobeying officers. It shall be unlawful to obstruct or resist the chief of police or any police or law enforcement officer of the city in the discharge of his duties, or to fail or refuse to obey all lawful orders of the chief of police or any police or law enforcement officer of the city, or to refuse to aid or assist any such officer when lawfully summoned. (1978 Code, § 10-218)

11-603. 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. (1978 Code, § 10-231)

CHAPTER 7

LOITERING, ETC.

SECTION

11-701. Loitering.

11-702. Loitering around banking institutions.

11-703. Curfew for minors.

11-704. Violation and penalty.

11-701. Loitering. (1) Purpose. The City of Sparta enacts this loitering section to address the problems of increasing crime, of obstruction of travel along public ways, of hindrance of ingress and egress to public and commercial buildings and of such other similar and related problems, and views this section as the most efficient means of pro-actively confronting these problems with limited enforcement officers and resources.

(2) Prohibited activities. It shall be unlawful for a person to "loiter" in violation of this section, provided that a person commits the act of "loitering" under this section if he or she:

(a) Remains or is in a place either at a time or in a manner that is not usual for law abiding individuals and that gives rise to a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity; or

(b) Remains, stands, sits, or lies upon any public or quasi public sidewalk, street, curb, crosswalk, walkway area, mall, or that portion of private property utilized for public use so as to unreasonably hinder or obstruct the ingress or egress of persons to a building open to the public, after first being warned of this section by a law enforcement officer, or after first being asked by a law enforcement officer to disperse, or where a "no loitering" sign or signs are posted.

(3) Enforcement guidelines. To assist in determining whether a justifiable and reasonable alarm or immediate concern is present in accordance with this section, it is relevant to consider whether the person potentially in violation of that section takes flight upon the appearance of law enforcement officers, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. If circumstances so permit, law enforcement officers should afford persons potentially violating this section an opportunity to dispel any alarm or immediate concern which otherwise would be warranted.

11-702. Loitering around banking institutions. (1) Purpose. The City of Sparta enacts this section to address the particular vulnerability to crime of law-abiding citizens utilizing ATM's, night deposit boxes, and other 24-hour banking conveniences during times when banking institutions are not open for their regular course of business.

(2) Prohibited activities. It shall be unlawful for any person to loiter, congregate or gather on the property of any banking institution during the part of the day in which such institution is not open to the public for carrying on substantially all of its banking functions if such loitering, congregating, or gathering could create a concern for the safety of person(s) using or likely to use the banking premises.

11-703. Curfew for minors. (1) Purpose. The City of Sparta enacts this section for each and all of the following purposes:

- (a) To combat the increase in juvenile crime committed during late-night hours;
- (b) To decrease the amount of crime committed against juveniles during late-night hours;
- (c) To reduce the peer pressure on minors to stay out during hours when they are most at risk to both commit crime and have crime committed against them;
- (d) To maximize the efficient use of enforcement officers in the field;
- (e) To assist parents in securing the safety of their children.

(2) Prohibited activities. It shall be unlawful for any minor under the age of sixteen (16) years to be or remain in or upon public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, or vacant lots or other unsupervised places, between the hours of 11:00 P.M. and 4:30 A.M. the following day, unless such minor comes within one of the following exceptions:

- (a) The minor is accompanied by a parent, legal guardian, or person with legal custody;
- (b) The minor is accompanied by an adult authorized by the parent, legal guardian, or person with legal custody to take the parent's place in accompanying the minor for a designated period of time, for a specific purpose, and within a specified area;
- (c) The minor is in direct route to or from a school sponsored activity, a religiously sponsored activity, or a civic organizationally sponsored activity;
- (d) The minor is in direct route to or from his/her place of employment immediately prior to or subsequent to such employment or is engaged in employment-related activities;
- (e) The minor is in a motor vehicle and engaged in interstate travel;
- (f) The minor is on the sidewalk of his residence or on the sidewalk of the residence of either a next-door neighbor, so long as the neighbor does not object to the minor's presence; or
- (g) The minor is involved in an emergency.

(3) Parental responsibility. It shall be unlawful for the parent, legal guardian, or person with legal custody of a minor under the age of sixteen (16) years to knowingly permit such minor to violate the terms of this section. If the parent, legal guardian or person with legal custody of a minor in violation of this section refuses to become responsible for the observance of this section, then it shall be the duty of the judge hearing the case to inquire into the familial conditions and circumstance of such minor and to cause the proper proceedings to be had as are authorized by law if necessary to secure the legally required parental care and safety of the minor.

11-704. Violation and penalty. Violation of this chapter shall be a civil offense punishable under the provisions of the general penalty clause of the Sparta Municipal Code.

CHAPTER 8

MISCELLANEOUS

SECTION

- 11-801. Buildings; damaging, defacing.
- 11-802. Cemeteries; damaging markers, monuments, plants, etc.
- 11-803. Gasoline tanks and pumps; location.
- 11-804. Sawdust and refuse from woodworking plants; disposal.
- 11-805. Abandoned refrigerators, etc.
- 11-806. Caves, wells, cisterns, etc.
- 11-807. Deleted.
- 11-808. Mechanical amusement devices; pinball machines.
- 11-809. Sunday motion pictures.

11-801. Buildings; damaging, defacing. Any person who shall damage or deface any public or private building or structure within the city shall be guilty of a misdemeanor. (1978 Code, § 10-202)

11-802. Cemeteries; damaging markers, monuments, plants, etc. Any person who wilfully and maliciously injures, defaces, removes, or destroys any tomb, monument, gravestone, or other memorial of the dead, or any fence or enclosure about the same; or wilfully cuts, breaks, removes, or injures any tree, shrub, or plant within such enclosure, or about the grave or tomb, is guilty of a misdemeanor. (1978 Code, § 10-203)

11-803. Gasoline tanks and pumps; location. It shall be unlawful to install or maintain any tanks or pumps for the storage or distribution of gasoline or other oil products on the streets or walks of any street or alley within three hundred (300) feet of the public square in the city. (1978 Code, § 10-211)

11-804. Sawdust and refuse from woodworking plants; disposal.

(1) Required. A persons operating sawmills or other woodworking plants within the city are required to burn or remove from the city all sawdust and other refuse created by such mills.

(2) Supervision. The burning or removal of such sawdust or other refuse shall be under the supervision of the police and fire departments of the city, and shall be carried out under the rules and regulations set out by the police and fire departments. (1978 Code, § 10-222)

11-805. 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. (1978 Code, § 10-227)

11-806. 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. (1978 Code, § 10-232)

11-807. Deleted. (1978 Code, § 10-234, as deleted by Ord. #21-941, Nov. 2021 *Ch14_04-21-22*)

11-808. Mechanical amusement devices, pinball machines.

(1) Defined. The term "mechanical amusement device" shall mean any machine or device which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally, for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machines and all games, operations, or transactions similar thereto under whatever name they may be indicated.

(2) Minors prohibited. It shall be unlawful for any person under eighteen (18) years of age to play on any mechanical amusement device or for the owner, keeper or person in charge of any premises to allow any person under the age of eighteen (18) to play on any such device. (1978 Code, § 10-272)

11-809. Sunday motion pictures. (1) It shall be lawful for any motion picture show or theatre to operate in the city on Sundays between the hours of 1:00 P.M. and 6:00 P.M. and from 8:00 P.M. to 11:30 P.M.

(2) It shall be unlawful to operate any motion picture show or theatre in the city on Sundays except between the hours specified in subsection (1) hereof. (1978 Code, § 10-273)

CHAPTER 9**ADVERTISING SIGNS, HANDBILLS, ETC.****SECTION**

- 11-901. Untrue, misleading or deceptive advertising generally.
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11-901. Untrue, misleading or deceptive advertising generally.

Any person who, with intent to sell, purchase or in any way dispose of, or to contract with reference to merchandise, securities, real estate, service, employment, money, credit or anything offered, by such person, directly or indirectly, to the public for sale, purchase, loan, distribution or the hire of personal services, or with intent to increase the consumption of or to contract with reference to any merchandise, real estate, securities, money, credit, loan, service or employment, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, or to make any loan, or makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in the city, in a newspaper, magazine or other publication, or in the form of a book, notice, handbill, poster, sign, bill, circular, pamphlet, letter, placard, card, label or over any radio or television station, or in any other way similar or dissimilar to the foregoing, an advertisement, announcement or statement of any sort regarding merchandise, securities, real estate, money, credit, service, employment or anything so offered for use, purchase, loan or sale, or the interest, terms or conditions upon which such loans will be made to the public, which advertisement contains any

assertion, representation or statement of fact which is untrue, misleading or deceptive, shall be guilty of a misdemeanor. (1978 Code, § 10-253)

11-902. Placing banners, festoons, etc., across streets. It shall be unlawful for any person to hang, place, stretched or to keep stretched, across any street of the city any banner, electric or floral festoon, or sign of any kind, without the written permission of the mayor. (1978 Code, § 10-254)

11-903. Height, length of signs projecting over sidewalks. Signs shall be at least nine (9) feet in the clear between the lowest point in any projection and the sidewalk immediately below and shall not occupy more than two-thirds (2/3) of the width of the sidewalk measured from the building, except that when such sign is fourteen (14) feet or more in clearance above a sidewalk immediately below, it may extend out to the full width of the sidewalk for a distance not to exceed ten (10) feet measured from the building, provided it clears all utility lines. (1978 Code, § 10-255)

11-904. Height of signs over alleys, highways, and streets. Except as otherwise provided in the zoning ordinance, signs over alleys, public highways and streets shall have a minimum of twenty (20) feet of clearance above the ground. (1978 Code, § 10-256)

11-905. Attaching signs to tree branches, street lights, utility poles. No sign shall be attached, erected, or permitted to hang from branches of trees or any street light or utility pole. (1978 Code, § 10-257)

11-906. Sound trucks regulated. It is unlawful for any person, as owner, employee, principal or agent, to operate, drive, or move along any of the public streets, avenues, alleys or thoroughfares of the city any truck, automobile, wagon or other vehicle, in which is operated any radio, phonograph, loudspeaker, or other mechanical sound producing or amplifying device, for the purpose of advertising or making any kind of announcement to the public, unless a permit has been issued the operator of such vehicle by the chief of police which permit shall designate the streets on which the vehicle shall operate and the time when operation is permissible. There shall be no fee required for such permit. (1978 Code, § 10-258)

11-907. Handbills and bill posting--purposes. To protect the people against the nuisance of and incident to the promiscuous distribution of handbills and circulars, particularly commercial handbills, as herein defined, with the resulting detriment and danger to public health and safety, the public interest, convenience and necessity requires the regulation thereof and to that end the purposes of this chapter are specifically declared to be as follows:

(1) To protect the people against the unlawful activities or operation of dissolute persons of criminal habits or tendencies, representing themselves as solicitors, canvassers or handbill distributors, by requiring the registration of all such solicitors, canvassers or handbill distributors, together with the names of their employers.

(2) To protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter.

(3) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills.

(4) To preserve to the people their constitutional right to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by distinguishing between the nuisance created by the promiscuous distribution of advertising and commercial circulars and their right to deliver noncommercial handbills to all who are willing to receive the same. (1978 Code, § 10-259)

11-908. Definitions. The following words, terms and phrases, when used in §§ 11-908 through 11-919, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Billposter" shall mean and include any person engaging in the business for hire of posting, fastening, nailing, or otherwise affixing any written, painted or printed matter of any kind, or other form or reproduction thereof (hereinafter called "sign"), containing a message or information of any kind whatsoever, to any outdoor billboard, or to or upon any bridge, fence, pole, post, sidewalk, tree, or to or upon the exterior of any structure except that the terms of this definition shall not apply to nor include any such sign mounted on, fastened to, or suspended from the outside of any building or other structure, in accordance with and authorized by any provisions of an ordinance or statute, either for any public convenience or use, or regulating the construction or use of so-called outdoor display signs, whether such display signs are illuminated or not.

(2) "Commercial handbill" shall mean and include any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:

(a) Which advertises for sale any merchandise, product, commodity, or thing; or

(b) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or

(c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of this city; or

(d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor; or

(e) Which is not covered by the definition of sign in this section.

(3) "Handbill distributor" shall mean and include any person engaging or engaged in the business for hire or gain of distributing commercial or noncommercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

(4) "Newspaper" shall mean and include any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

(5) "Noncommercial handbill" shall mean and include any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the aforesaid definitions of a sign, or a commercial handbill, or a newspaper.

(6) "Private premises" shall mean and include any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

(7) "Public place" shall mean and include any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and any and all public parks, squares, spaces, plazas, grounds and buildings. (1978 Code, § 10-260)

11-909. Posting prohibited in certain places, on certain things.

No person shall post, stick, stamp, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, to or upon any sidewalk, crosswalk, curb or curbstone, flagstone, or any other portion or part of any public way or public place, or any lamp post, electric light, telegraph or telephone pole, or railway structure, hydrant, shade tree or tree-box, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge or viaduct, or other public structure or building, or upon any pole, box or fixture of the fire alarm system, except such as may be authorized or required by the laws of the United States, or State of Tennessee, and the ordinances of the city. (1978 Code, § 10-261)

11-910. Throwing, passing out handbills in public places.

It shall be unlawful for any person to deposit, throw, scatter or cast any commercial handbill in or upon any public place within this city; and it shall also be unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; provided however, that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill in any public place to any person willing to accept such noncommercial handbill. (1978 Code, § 10-262)

11-911. Placing handbills in vehicles.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handling, transmitting or distributing of any noncommercial handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same. (1978 Code, § 10-263)

11-912. Distributing handbills on uninhabited, vacant premises.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (1978 Code, § 10-264)

11-913. Distributing handbills on posted property.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a

conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or to have their right of privacy disturbed, or to have any such handbills left upon such premises. (1978 Code, § 10-265)

11-914. Distributing handbills on inhabited private premises. No person shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or any other person then present in or upon such private premises; provided however, that in case of inhabited private premises which are not posted as provided in this chapter, the aforesaid person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited, private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or elsewhere, except that mailboxes may not be so used when so prohibited by federal postal laws or regulations. (1978 Code, § 10-266)

11-915. Names, addresses to be shown on handbills. It shall be unlawful for any person to distribute, deposit, scatter, hand out or circulate any commercial or noncommercial handbills in any place, under any circumstances, which does not have printed on the cover, front or back thereof, the name and address of the following:

(1) The person who printed, wrote, compiled or manufactured the same.

(2) The person who caused the same to be distributed; provided however, that in case of a fictitious person or club, in addition to such fictitious name, the true names and addresses of the owners, managers or agents of the person sponsoring said handbill shall also appear thereon. (1978 Code, § 10-267)

11-916. Permits. (1) It shall be unlawful for any person to engage in the business of a billposter for hire or as a handbill distributor for hire, or for any person to distribute commercial or noncommercial handbills, without first complying with the terms of this chapter and all other relevant laws and regulations; provided, that nothing contained herein shall apply to any person advertising his business or activity upon his own premises, if such business or activity is regularly established at a definite location in the city, and also if a license has been obtained therefor, if such license be required under the terms of any applicable law or ordinance.

(2) Any person desiring to engage, as principal, either in the business of a billposter for hire, or in the business of distributing commercial or noncommercial handbills for hire, shall make application to and receive from the

chief or police or recorder a permit in the manner and for the period prescribed by the terms of this chapter and by all relevant provisions of this code. Such applicant shall make written application to the chief of police or recorder upon a form or forms provided for such purpose by the chief of police or recorder. Such form shall contain, among other things that may be required, the name, the business address, and a brief description of the nature of the business to be conducted by the applicant, the probable number of agents and employees so to be engaged, together with a request for a permit for the period for which the applicant seeks to engage in such business.

(3) Without excluding other just grounds for revocation, the board of mayor and aldermen may revoke any permit obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a permit by means of false or fraudulent representations, or for violation of this chapter, or any other grounds specified by law. No permit issued under this chapter shall be transferable.

(4) Persons acting for permittees, as agents or employees, in the posting or distributing of any such signs or handbills, shall not be required to obtain a permit but each such person shall comply with each and all of the other provisions hereof, and be subject thereto. (1978 Code, § 10-268)

11-917. Exemptions. The provisions of this chapter shall not be deemed to apply to the distribution of mail by the United States, nor to newspapers as defined in this chapter. (1978 Code, § 10-269)

11-918. Permitting prohibited matter on premises. It shall be unlawful for the owner, lessee, occupant or agent of premises to permit any person, whether permitted or acting under the terms of this chapter, or otherwise, to post, affix or otherwise attach to any building, structure or fixture located upon such premises, whether such fixture be natural or artificial, any poster or handbill containing any matter prohibited by the terms of this chapter. (1978 Code, § 10-270)

11-919. Offensive handbills, signs prohibited. It shall be unlawful for any person to post, to hand out, distribute or transmit any sign, or any commercial or noncommercial handbill:

(1) Which may reasonably tend to incite riot or other public disorder, or which advocates disloyalty to or the overthrow of the Government of the United States or of this state by means of any artifice, scheme, or violence, or which urges any unlawful conduct, or encourages or tends to encourage a breach of the public peace or good order of the community; or

(2) Which is offensive to public morals or decency, or which contains blasphemous, obscene, libelous or scurrilous language. (1978 Code, § 10-271)