

## TITLE 11

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

#### CHAPTER

1. MISDEMEANORS OF THE STATE ADOPTED.
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3. FORTUNE TELLING, ETC.
4. OFFENSES AGAINST THE PERSON.
5. OFFENSES AGAINST THE PEACE AND QUIET.
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7. FIREARMS, WEAPONS AND MISSILES.
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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 defined by the Tennessee Code Annotated as offenses against the state are offenses against the City of Union City and all of such offenses are misdemeanors.

(2) Unless otherwise provided in the city code and/or by ordinance, all offenses declared unlawful by city ordinance or by the city code are misdemeanors. The term "city code" as used in this chapter means the Union City Municipal Code.

(3) All misdemeanors shall be subject to a monetary penalty of not more than fifty dollars (\$50.00).

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<sup>1</sup>Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

(4) If an offense continues from day to day, each day shall constitute a separate offense.<sup>1</sup> (Ord. #14-96, April 1996, modified)

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<sup>1</sup>State law reference

Tennessee Code Annotated: §§ 39-1-103 and 39-1-104.

**CHAPTER 2****ALCOHOL**<sup>1</sup>**SECTION**

11-201. Drinking beer, etc., on streets, etc.

11-202. Minors in beer places.

**11-201. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premises consumption. (1963 Code, § 10-228)

**11-202. Minors in beer places.** It shall be unlawful for the management of any place where beer is sold to allow any minor to loiter in or around, work in, make a purchase in or otherwise be in any place where beer is sold at retail for consumption on the premises unless accompanied by parents or eating food in a restaurant with service predominantly oriented to food. The burden of ascertaining the age of minor customers shall be upon the owner, operator and/or employee of such place of business. (1963 Code, §10-222)

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<sup>1</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

**CHAPTER 3****FORTUNE TELLING, ETC.****SECTION**

11-301. Fortune telling, etc.

**11-301. 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. (1963 Code, § 10-234)

**CHAPTER 4**

**OFFENSES AGAINST THE PERSON**

**SECTION**

11-401. Assault and battery.

**11-401. Assault and battery.** It shall be unlawful for any person to commit an assault or an assault and battery. (1963 Code, § 10-201)

## CHAPTER 5

OFFENSES AGAINST THE PEACE AND QUIET

## SECTION

11-501. Disturbing the peace.

11-502. Anti-noise regulations.

**11-501. 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. (1963 Code, § 10-202)

**11-502. 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 signal device on any automobile, motorcycle, bus, streetcar, or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any 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 persons 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, streetcar, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

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

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

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 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.

(1) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

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

(a) Municipal vehicles. Any vehicle of the municipality while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the municipality, the county, or the state, 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 city clerk. 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. (1963 Code, § 10-233)



## CHAPTER 6

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

- 11-601. Escape from custody or confinement.
- 11-602. Impersonating a government officer or employee.
- 11-603. False emergency alarms.
- 11-604. Resisting or interfering with a police officer.
- 11-605. Coercing people not to work.

**11-601. Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality 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. (1963 Code, § 10-209)

**11-602. Impersonating a government officer or employee.** No person other than an official police officer of the municipality 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 municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1963 Code, § 10-211)

**11-603. 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. (1963 Code, § 10-217)

**11-604. Resisting or interfering with a police officer.** It shall be unlawful for any person to resist or in any way interfere with or attempt to interfere with any police officer while the latter is in the discharge or apparent discharge of his duty. (1963 Code, § 10-210)

**11-605. 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. (1963 Code, § 10-230)

**CHAPTER 7****FIREARMS, WEAPONS AND MISSILES****SECTION**

11-701. Air rifles, etc.

11-702. Throwing missiles.

11-703. Weapons and firearms generally.

**11-701. Air rifles, etc.** It shall be unlawful for any person in the municipality 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, or other force-producing means or method. (1963 Code, § 10-213)

**11-702. Throwing missiles.** It shall be unlawful for any person to maliciously throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1963 Code, § 10-214)

**11-703. Weapons and firearms generally.** It shall be unlawful for any unauthorized person to discharge a firearm within the municipality. (1963 Code, § 10-212, modified)

## CHAPTER 8

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

11-801. Trespassing.

11-802. Trespassing on trains.

11-803. Trespassing on business or shopping center parking lots.

11-804. Malicious mischief.

11-805. Interference with traffic.

**11-801. Trespassing.** (1) The owner or person in charge of any privately owned lot or parcel of land or building or other structure within the corporate limits may post the same against trespassers;

(2) Notice of posting shall be by one and not more than five signs prominently displayed on the property;

(3) It shall be a misdemeanor 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;

(4) It shall be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person who fails or refuses to leave a privately owned lot or parcel of land or building or other structure upon the request of the owner or person in charge or occupant thereof; and

(5) It shall be a misdemeanor for a peddler, canvasser, solicitor, transient merchant, or other person to fail or refuse to leave a privately owned lot or parcel of land or building or other structure upon the request of the owner, person in charge, or occupant thereof. (1963 Code, 10-236)

**11-802. 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. (1963 Code, § 10-221)

**11-803. Trespassing on business or shopping center parking lots.**

(1) Trespassing on business or shopping center parking lot defined. For the purpose of administering this section, a person commits "trespass" who, knowing the person does not have the owner's effective consent to do so, enters or remains on a business or shopping center parking lot, or portion thereof. Knowledge that the person did not have the owner's effective consent may be inferred where notice against entering or remaining is given by:

(a) Fencing or other enclosure obviously designed to exclude intruders; or

(b) Posting of a sign reasonably likely to come to the attention of the intruders, such sign stipulating the days or times when the parking lot is closed to the public.

(2) Defense to prosecution for trespass. It is a defense to prosecution under this section that:

(a) The property was open to the public when the person entered and remained; and

(b) The person's conduct did not substantially interfere with the owner's use of the property; and

(c) The person immediately left the parking lot upon request by the owner, the owner's agent, or a law enforcement official.

(3) Property owner to provide notice to police chief. The Union City Police Chief shall not enforce this section at any privately owned parking lot unless and until the owner of such lot has provided a signed, written notification to the police chief containing the following information:

(a) The address or location of the parking lot.

(b) The days or times of day when the parking lot is to be closed to the public.

(4) Trespass prohibited. It shall be unlawful for any person or group of persons to enter upon the parking lot of any business or shopping center in violation of this section.

**11-804. Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1963 Code, § 10-225)

**11-805. 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. (1963 Code, § 10-232)

**CHAPTER 9****MISCELLANEOUS****SECTION**

- 11-901. Abandoned refrigerators, etc.
- 11-902. Caves, wells, cisterns, etc.
- 11-903. Posting notices, etc.
- 11-904. Curfew for minors.
- 11-905. Use of water from fire plugs.
- 11-906. Graham park; use of.
- 11-907. Disposal of waste in city declared a misdemeanor.
- 11-908. Disorderly houses.
- 11-909. Immoral conduct.
- 11-910. Obscene literature, etc.
- 11-911. Indecent exposure or dress.
- 11-912. Window peeping.
- 11-913. Gambling.
- 11-914. Promotion of gambling.
- 11-915. Basketball goals, etc., in public right-of-ways.
- 11-916. Public drunkenness.

**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. (1963 Code, § 10-223)

**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. (1963 Code, § 10-231)

**11-903. 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. (1963 Code, § 10-226)

**11-904. Curfew for minors.** It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 11:00 P.M. unless upon a legitimate errand or accompanied by a parent, guardian, or other adult person having lawful custody of such minor. (1963 Code, § 10-224)

**11-905. Use of water from fire plugs.** No person shall use the water from, or otherwise tamper with, any fire plug unless he shall have first obtained permission from the city clerk. (1963 Code, § 10-235)

**11-906. Graham park; use of.** (1) It shall be unlawful for any person to enter or use Graham Park in any area west of the east side of the woods in the park between the hours of 11:00 P.M. or the conclusion of the last organized event in the park, depending on which last occurs, and sunrise. Walkers and joggers can use the jogging track at the east end of the park at all hours of the day and night.

(2) It shall be unlawful for any person to unlock or remove the gates at the Main Street and Church Street entrances to Graham Park except as directed by the director of parks, the chief of police or the city manager. (Ord. #6-93, Aug. 1992)

**11-907. Disposal of waste in city declared a misdemeanor.**

(1) Definitions. (a) The term "waste" as used herein, includes all forms of waste as defined in the Tennessee Solid Waste Disposal Act (Tennessee Code Annotated, § 68-31-101, et seq.) and the Solid Waste Management Act of 1991 and all definitions of waste, irrespective of form or classification as made in both acts, are incorporated herein by reference thereto as fully and completely as if copied; and

(b) The term "container", as used herein, is any receptacle including, but not limited to, paper bags, which holds waste.

(2) Prohibitions. It shall be unlawful for any person to:

(a) Dispose of waste by means of a publicly or privately owned container or dumpster within the City of Union City if the person does not pay to the city a sanitation fee with the water bill or contract for waste collection or disposal; or

(b) Dispose of waste by means of a publicly or privately owned container or dumpster for another person, partnership or corporation who does not pay to the city a sanitation fee with the water bill or contract for waste collection or disposal.

(3) Violation and penalty. Violation of this section shall be a misdemeanor, and punished by a fine of not less than \$25.00 nor more than \$50.00. (Ord. #3-92, Aug. 1991)

**11-908. Disorderly houses.** It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarrelling, fighting or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person to knowingly visit any such house. (1963 Code, § 10-203)

**11-909. 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. (1963 Code, § 10-204)

**11-910. Obscene literature, etc.** It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of loaning, selling or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed or filmed matter containing obscene language, prints, pictures or descriptions manifestly intended to corrupt the morals. (1963 Code, § 10-205)

**11-911. Indecent or improper exposure or dress.** It shall be unlawful for any person to publicly appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or to otherwise make any indecent exposure of his or her person. (1963 Code, § 10-206)

**11-912. 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. (1963 Code, § 10-207)

**11-913. Gambling.** 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. (1963 Code, § 10-215)

**11-914. 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. The police shall seize and destroy any such table, device, ticket or paraphernalia. (1963 Code, § 10-216)

**11-915. Basketball goals etc. in public right-of-ways.** (1) No portable or fixed basketball goal or other athletic equipment shall be placed, erected, or maintained on or along the right-of-way of any public street within the municipal limits of the City of Union City so as to allow a person or persons to play within the street. The placement of any basketball goal or other athletic

equipment within a public right-of-way or the presence of persons within a public street playing basketball or other games on such goal or other athletic equipment shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of fifty dollars (\$50.00). (Ord. #6-04, Jan. 2004)

**11-916. Public drunkenness.** It shall be unlawful for any person to be drunk in a public place or in any other places open to public view. (1963 Code, § 10-227)