

## TITLE 11

MUNICIPAL OFFENSES<sup>1</sup>

## CHAPTER

1. MISDEMEANORS OF THE STATE ADOPTED.
2. ALCOHOL.
3. FIREARMS.
4. DISORDERLY CONDUCT AND NOISE ABATEMENT.
5. RESISTING ARREST.
6. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
8. FOREST STATE NATURAL AREA.
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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<sup>2</sup> adopted. Except where otherwise inconsistent with state law, all offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the Common Law to be misdemeanors are hereby designated and declared to be offenses against this town also. Any violation of any such law within the corporate limits is also a violation of this section.

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<sup>1</sup>Municipal code references

- Animals and fowls: title 10.
- Housing and utilities: title 12.
- Fireworks and explosives: title 7.
- Traffic offenses: title 15.
- Streets and sidewalks (non-traffic): title 16.

<sup>2</sup>State law reference

- For the definition of "misdemeanor," see Tennessee Code Annotated, sections 39-11-110 and 39-11-111.

## CHAPTER 2

ALCOHOL<sup>1</sup>

## SECTION

11-201. Drinking alcoholic beverages in public, etc.

11-202. Minors in beer places.

11-201. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open container of beer as defined in § 8-101(1), or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place not authorized by a special occasion permit for beer as allowed by § 8-207 or a special occasion permit for alcoholic beverages as allowed by § 8-106. In instances where a special occasion permit is not required, this provision is inapplicable to town properties subject to a lease which makes provision for the consumption of alcohol under circumstances described thereunder. (as amended by Ord. #2017-317, April 2017)

11-202. Minors in beer places. No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption.

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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 section 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

## CHAPTER 3

FIREARMS

## SECTION

11-501. Firearms

11-502. Hunting

11-503. Possession of firearms in town-owned properties.

11-301. Firearms. It shall be unlawful for any person to discharge firearms within the corporate limits of the Town of Walden, except when and where the discharge of a firearm is expressly authorized or permitted by state law and/or the regulations of the Tennessee Wildlife Commission. (Ord. #31, Feb. 1979, as replaced by Ord. #2019-326, March 2019 *Ch8\_10-29-19*)

11-502. Hunting. It shall be unlawful to hunt on any property owned, leased or otherwise controlled by the Town of Walden. Hunting on private property is controlled by and must comply with state law and/or the regulations of the Tennessee Wildlife Commission. (as added by Ord. #2019-326, March 2019 *Ch8\_10-29-19*)

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

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

(2) In general, persons who hold a valid handgun carry permit pursuant to Tennessee Code Annotated, § 39-17-1351 shall be able to lawfully possess a firearm on town-owned property. (as added by Ord. #2019-326, March 2019 *Ch8\_10-29-19*)

## CHAPTER 4

DISORDERLY CONDUCT AND NOISE ABATEMENT

## SECTION

11-401. Disturbing the peace.

11-402. Invasion of privacy.

11-403. Offensive noise.

11-401. Disturbing the peace. It shall be unlawful and a misdemeanor for any person to disturb, tend to disturb, or aide 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. (Ord. #45, Oct. 1979)

11-402. Invasion of privacy. It shall be unlawful and a misdemeanor for any person to spy, peer, or peep into any window of any residence or dwelling place that he does not occupy or to loiter around or within view of any such window with the intent of watching or looking through it. (Ord. #73, March 1982, as modified)

11-403. Offensive noise.

(1) General prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restriction of the following provisions.

(2) Horns or audible signaling devices on vehicles. No person shall sound any horn or audible signal device on any automobile, truck, motorcycle, bus, or other motorized vehicles, while not in motion, except as a danger signal, or while in motion except as a warning of danger.

(3) Exhaust. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine or internal combustion engine except through a muffler or other device that effectively prevents loud or explosive noises therefrom.

(4) Defective vehicles or loads. No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.

(5) Loading, unloading, unpacking. No person shall create loud and excessive noise in loading, unloading, or unpacking any vehicle.

(6) Radios, phonographs, sound amplification systems. No person shall use or operate or permit the use or operation of any radio, phonograph, television, musical instrument, paging system, or any other

machine or device for the production, reproduction, or amplification of sound in a distinct and loudly audible manner as to disturb the peace, quiet, or repose of another person.

(7) Participation in noisy parties or gatherings. No person shall participate in any party or other gathering or people giving rise to noise, disturbing the peace, quiet, or repose of another person.

(8) Loudspeakers and amplifiers for advertising. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production, reproduction, or amplification of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle.

(9) Animals. No person shall keep any animal that disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise.

(10) Schools and churches. No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school or church when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

(11) Exemptions. This section shall not apply to any vehicle of the Town of Walden while engaged upon necessary public business, to excavations or repairs of bridges or streets by or on behalf of the town during the night hours, where the public safety and welfare requires it, or to the reasonable use of amplifiers or loudspeakers in the course of public addresses which are non-commercial in character. (Ord. # 129, March 1991)

## CHAPTER 5

RESISTING ARREST<sup>1</sup>

## SECTION

## 11-501. Resisting arrest.

11-501. Resisting arrest. It is an offense for a person to intentionally prevent or obstruct anyone known to the person to be a law enforcement officer, or anyone acting in a law enforcement officer's presence and at such officer's direction, from effecting a stop, frisk, halt, arrest or search of any person, including the defendant, by using force against the law enforcement officer or another. (Ord. #47, Nov. 1979, as modified)

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<sup>1</sup>State law reference  
Tennessee Code Annotataed, section 39-16-602.

## 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 alarms.

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 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.

11-602. Impersonating a government officer or employee<sup>1</sup>. 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.

11-603. False alarms. (1) Definitions. For the purpose of this chapter certain words and phrases shall be defined as herein set forth:

(a) "Subscriber" is any person, firm, corporation, partnership or entity who or which purchases, leases, contracts for, or obtains and installs or causes to be installed an alarm system located in the Town of Walden.

(b) "Alarm System" means any mechanical or electrical device that is arranged, designed, or used to signal the occurrence in the Town of Walden of a burglary, robbery, or other criminal offense, fire emergency or medical emergency requiring urgent attention, and to which police, fire or emergency medical personnel are expected to respond. Alarm systems include those through which public safety personnel are notified directly of such signals through automatic recording devices or are notified indirectly by way of third persons who monitor the alarm systems and who report such signals to the Hamilton County Sheriff's Dispatcher for transmittal on to the Police Department of the Town of Walden, or directly to such police department. Alarm systems also include those designed to register a signal which is so audible, visible, or in other ways perceptible outside a protected building,

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<sup>1</sup>State law reference

Tennessee Code Annotated, section 39-16-301.

structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located who in turn may notify the police of the signal. Alarm systems do not include those affixed to automobiles; furthermore, alarm systems do not include auxiliary devices installed by telephone companies to protect telephone equipment or systems which might be damaged or disrupted by the use of an alarm system. Alarms located in separate structures, which structures are located on contiguous property owned by one subscriber shall be considered as a single alarm system for the purposes of this chapter.

(c) "False Alarm" means an alarm system eliciting a response by the police when a situation requiring a response by the police does not in fact exist. False alarm does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered false alarms:

- (1) Criminal activity or unauthorized entry.
- (2) Earthquake causing structural damage to protected premises.
- (3) High winds sufficient to activate motion detection systems or causing physical damage to the protected premises.
- (4) Flooding of the protected premises due to overflow of natural drainage.
- (5) Lightning bolt causing physical damage to the protected premises.
- (6) Telephone line malfunction verified in writing to the Town of Walden by at least a first line telephone company supervisor.
- (7) Electrical service interruption verified in writing to the Town of Walden by the local power company.
- (8) Communication to the police department of the Town of Walden, before a unit is dispatched to investigate, clearly indicating that the alarm, resulted from authorized entry, authorized system test, or other non-criminal cause.

(2) Response to alarms. (a) Whenever an alarm is activated in the Town of Walden thereby requiring an emergency response to the location by the police, and of the police department of the Town of Walden responds, the police on the scene of the activated alarm system, shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.

(b) If the police personnel at the scene of the activated alarm system determine the alarm to be false, said officer shall make a report of the false alarm, a notification of which shall be mailed or delivered to



the subscriber at either the subscriber's address or the address of the property at which said alarm system is located, advising such subscriber of the false alarm.

(c) The Board of Mayor and Alderman of the Town of Walden or its designee shall have the right to inspect any alarm system on the premises to which a response has been made, and may cause an inspection of such system to be made at any reasonable time thereafter.

(3) Excessive false alarms & fines to be assessed. (a) If any alarm system produces four (4) false alarms during any twelve (12) month period, the Police Department of the Town of Walden shall provide written notice of the fact, which shall be given by certified mail or delivery to the subscriber asking the subscriber to take corrective action in regard to false alarms and informing the subscriber that any further false alarms received from that subscriber's alarm system within the twelve (12) month period shall subject that subscriber to fine as a violation of this chapter of the Town of Walden.

(b) Subscribers installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed non-false alarms. The grace period shall cease thirty (30) days after installation of or modification to an alarm system.

(c) It shall be unlawful for any subscriber of an alarm system located within the Town of Walden to have more than four (4) false alarms from that alarm system during any twelve (12) month period. Every person convicted of a violation of this chapter as the subscriber of any alarm system located in the Town of Walden producing a fifth (5th), sixth (6th), or more false alarms, within any twelve (12) month period, shall be fined the following amounts:

Fifth False Alarm - Twenty-five Dollars (\$25.00)

Sixth False Alarm and above - Fifty Dollars (\$50.00)

(Ord. #125, Oct. 1990, as modified)

## CHAPTER 7

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

## SECTION

11-701. Trespassing.

11-702. Malicious mischief.

11-703. Interference with traffic.

11-701. Trespassing.<sup>1</sup> (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.<sup>2</sup>

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<sup>1</sup>State law reference

Subsections (1) through (4) of this section were taken substantially from Tennessee Code Annotated, section 39-14-405.

<sup>2</sup>Municipal code reference

11-702. 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.

11-703. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon.

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(...continued)

Provisions governing peddlers: title 9, chapter 1.

CHAPTER 8<sup>1</sup>FOREST STATE NATURAL AREA<sup>2</sup>

## SECTION

11-801. Trespassing on the Forest State Natural Area.

11-802. Regulations governing the Forest State Natural Area.

11-801. Trespassing on the Forest State Natural Area. Any person trespassing on the Falling Water Falls State Natural Area premises without written permission from the Tennessee Department of Conservation or the board of mayor and aldermen or town recorder of the Town of Walden shall be guilty of a misdemeanor. (Ord. #42, Aug. 1979)

11-802. Regulations governing the Forest State Natural Area. The following regulations governing the use of that portion of Falling Water Forest State Natural Area are hereby adopted by the Town of Walden, Tennessee.

(1) Collecting, injury or disturbance of plants, animals (living or dead), rocks, minerals, fossils or artifacts, or the alteration or removal of any object or objects from the Natural Area is strictly prohibited unless authorized by permit. The above objects include but are not limited to flowers, cones or other fruits, eggs, nests, driftwood, soil, rocks, mineral formations, phenomena of crystallization, artifacts, relics, historic or prehistoric features. Hunting and fishing is prohibited.

(2) The destruction, defacement, removal or disturbance in any manner of any building, sign, equipment, monument, statue, marker, or structure within the Natural Area is prohibited.

(3) Visitors must remain on designated trails at all times (unless conducting scientific research by permit or on educational field trips.)

(4) No person may litter or deposit trash within the Natural Area.

(5) Camping and the kindling of fires within the Natural Area is prohibited.

(6) Picnicking within the Natural Area is prohibited.

(7) The riding of horses within the Natural Area is prohibited.

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<sup>1</sup>See title 15, chapter 6, section 15-613 concerning vehicles parked in the Forest State Natural Area.

<sup>2</sup>Permit information is available from the State Natural Areas Administrator, Tennessee Department of Conservation, Division of Planning and Development, 2611 West End Avenue, Nashville, Tennessee, 37203, phone (615) 741-1061.

(8) The use of off-road vehicles, motorcycles or bicycles within the Natural Area is prohibited.

(9) Pets are discouraged but are permitted within the Natural Area if kept on a leash at all times.

(10) No person shall bring into, possess, carry, serve, or drink alcoholic beverages within the Natural Area.

(11) No person shall conduct himself in a disorderly manner or disturb the peace or good order of the Natural Area.

(12) Permission<sup>1</sup> must be obtained before entering caves or engaging in rock or mountain climbing, hanggliding and other high risk recreational pursuits.

(13) The use of metal or mineral detecting devices within the Natural Area is prohibited.

(14) The carrying and/or use of firearms in the Natural Area is prohibited.

(15) The use of the Natural Area is limited to daylight hours. Being in the Natural Area between the hours of sunset and the following sunrise is prohibited. (Ord. #29, Jan. 1979, as amended by Ord. #34, April 1979)

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<sup>1</sup>Permit information is available from the State Natural Areas Administrator, Tennessee Department of Conservation, Division of Planning and Development, 2611 West End Avenue, Nashville, Tennessee, 37203, phone (615) 741-1061.

## CHAPTER 9

CURFEW FOR MINORS

## SECTION

- 11-901. Curfew for minors between the age of seventeen and eighteen.
- 11-902. Curfew for minors age sixteen and below.
- 11-903. Parental control.
- 11-904. Exceptions.
- 11-905. Enforcement.

11-901. Curfew for minors between the age of seventeen and eighteen. It is unlawful for any minor between seventeen (17) and eighteen (18) years of age to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the Town of Walden during the following time frames:

- (1) Monday through Thursday between the hours of eleven o'clock p.m. (11:00 p.m.) to six o'clock a.m. (6:00 a.m.).
- (2) Friday through Sunday between the hours of twelve o'clock (12:00) midnight to six o'clock a.m. (6:00 a.m.). (Ord. #97-186, § 1, April 1997)

11-902. Curfew for minors age sixteen and below. It is unlawful for any minor sixteen (16) years of age and under to remain in or upon any public street, highway, park vacant lot, establishment or other public place within the Town of Walden during the following time frames:

- (1) Monday through Thursday between the hours of ten o'clock p.m. (10:00 p.m.) to six o'clock a.m. (6:00 a.m.).
- (2) Friday through Sunday between the hours of eleven o'clock p.m. (11:00 p.m.) to six o'clock a.m. (6:00 a.m.). (Ord. #97-186, § 2, April 1997)

11-903. Parental control. It is unlawful for a parent or guardian of a minor to knowingly permit or allow a minor child below the age of eighteen to be or remain upon any street or establishment under circumstances not constituting an exception to, or otherwise beyond the scope of sections 11-901 and 11-902. The term "knowingly" includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. The term "knowingly" is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It is not a defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor child (Ord. #97-186, § 3, April 1997)

11-904. Exceptions. The following are valid exceptions to the operation of the curfew:

- (1) At any time, if a minor is accompanied by such minor's parent or guardian;
- (2) When accompanied by an adult authorized by a parent or guardian of such minor to take such parent or guardian's place in accompanying the minor for a designated period of time and purpose within a specified area;
- (3) Until the hours of twelve-thirty a.m. (12:30 a.m.), if the minor is on an errand as directed by such minor's parent;
- (4) If the minor is legally employed, for the period from forty-five (45) minutes before to forty-five (45) minutes after work, while going directly between the minor's home and place of employment. This exception shall also apply if the minor is in a public place during the curfew hours in the course of the minor's employment. To come within this exception, the minor must be carrying written evidence of employment which is issued by the employer;
- (5) Until the hours of twelve-thirty a.m. (12:30 a.m.) if the minor is on the property of or the sidewalk directly adjacent to the place where such minor resides or the place immediately adjacent thereto, if the owner of the adjacent building does not communicate an objection to the minor and the law enforcement officer;
- (6) When returning home by a direct route from (and within thirty (30) minutes of the termination of) a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception does not apply beyond one o'clock a.m. (1:00 a.m.);
- (7) In the case of reasonable necessity, but only after such minor's parent has communicated to law enforcement personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including place or origin and destination. A copy of such communication, or the record thereof, an appropriate notation of the time it was received and of the names and addresses of such parent or guardian and minor constitute evidence of qualification under this exception;
- (8) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. A minor shall show evidence of the good faith of such exercise and provide notice to the city officials by first delivering to the appropriate law enforcement authority a written communication, signed by such minor, with the minor's home address and telephone number, addressed to the mayor of the county specifying when, where and in what manner the minor will be on the streets at night during hours when the curfew is still otherwise applicable to the minor in the exercise of a First Amendment right specified in such communication; and
- (9) When a minor is, with parental consent, in a motor vehicle engaged in good faith interstate travel.

Each of the foregoing exceptions, and the limitations are severable. (Ord. #97-186, § 4, April 1997)

11-905. Enforcement. When any child is in violation of this section, the apprehending officer shall act in one (1) of the following ways:

(1) In the case of a first violation, and if in the opinion of the officer such action would be effective, take the child to the child's home and warn and counsel the parents or guardians;

(2) Issue a summons to the child and/or parents or guardians to appear at the Walden municipal court; or

(3) Bring the child into the custody of the Hamilton County Juvenile Court for disposition. (Ord. #97-186, § 5, April 1997)