

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PERSON.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
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8. MISCELLANEOUS.
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10. STATE CRIMINAL MISDEMEANORS

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
 11-102. Minors in beer places.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink, consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a permit and license for on premises consumption of such beverage. (1960 Code, § 10-236)

¹Municipal code references

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

²Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

State law reference

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

11-102. 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. (1960 Code, § 10-227, modified)

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

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers.

CHAPTER 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon another person. (1960 Code, § 10-201)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET**SECTION**

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1960 Code, § 10-202)

11-402. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

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

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

(c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the

quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

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

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(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) Town vehicles. Any vehicle of the town while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the town, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the board of mayor and aldermen. 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. (1960 Code, § 10-237)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-501. Escape from custody or confinement.

11-502. Impersonating a government officer or employee.

11-503. False emergency alarms.

11-504. Resisting or interfering with an officer.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1960 Code, § 10-210)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1960 Code, § 10-212)

11-503. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1960 Code, § 10-218)

11-504. Resisting or interfering with an officer. It shall be unlawful for any person to resist or in any way interfere with or attempt to interfere with any police officer or employee while the latter is in the discharge or apparent discharge of his duty. (1960 Code, § 10-211)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

- 11-601. Air rifles, etc.
11-602. Throwing missiles.
11-603. Discharge of firearms.

11-601. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1960 Code, § 10-214)

11-602. Throwing missiles. It shall be unlawful for any person maliciously to 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. (1960 Code, § 10-215)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1960 Code, § 10-213, modified)

CHAPTER 7

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC

SECTION

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

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

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

11-702. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1960 Code, § 10-226)

11-703. 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. (1960 Code, § 10-231)

11-704. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon.

CHAPTER 8**MISCELLANEOUS****SECTION**

11-801. Begging regulated.

11-802. Posting notices, etc.

11-803. [Deleted.]

11-804. Prohibited uses relative to municipal property.

11-801. Begging regulated. It shall be unlawful for any person to solicit alms or to otherwise "beg" within the corporate limits except when such person is acting for a church, school, or other eleemosynary, charitable, religious, social service or other public institution or organization, and then only after a written permit has been obtained from the recorder. This section shall not, however, apply to solicitations made at the regular services or meeting of religious organizations, etc., but is intended to regulate solicitations from the general public. (1960 Code, § 5-109)

11-802. Posting notices, etc. No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1960 Code, § 10-232)

11-803. [Deleted.] (1960 Code, § 10-230, as deleted by Ord. #03-005, Nov. 2003)

11-804. Prohibited uses relative to municipal property. (1) It shall be unlawful for any person to allow any livestock, including horses and cattle, upon municipal parks or the municipal cemetery.

(2) It shall be unlawful for any person to exercise, ride, or train horses in municipal parks or in any cemetery within the municipal limits of the Town of Wartrace.

(3) It shall be unlawful for any person to operate motorbikes, go-carts, three-wheeled or four-wheeled all-terrain vehicles in municipal parks or in any cemetery within the municipal limits of the Town of Wartrace.

(4) Any use that would be otherwise prohibited under this section may be allowed by special permit granted by the board of mayor and alderman, in accordance with any terms and conditions imposed by such special permit. Any request for use by special permit shall be made in writing to the Town of Wartrace at least five days prior to the regular monthly meeting of the board of mayor and aldermen preceding the date of such requested use.

(5) Any person violating this section shall upon due notice and conviction, therefore, be subject to a fine of not less than five dollars (\$5.00), nor

more than fifty dollars (\$50.00), and shall further be liable to pay for any damage done to municipal property or any such cemetery resulting from the violation of this section. (Ord. #92-009, Feb. 1993)

CHAPTER 9**CURFEW FOR MINORS****SECTION**

- 11-901. Purpose.
- 11-902. Definitions.
- 11-903. Curfew enacted; exceptions.
- 11-904. Parental involvement in violation unlawful.
- 11-905. Involvement by owner or operator of vehicle unlawful.
- 11-906. Involvement by operator or employee of establishment unlawful.
- 11-907. Giving false information unlawful.
- 11-908. Enforcement.
- 11-909. Violation of §§ 11-903, 11-904, 11-905, or 11-906 subsequent to previous warning punishable by fine.

11-901. Purpose. The purpose of this chapter is to

- (1) Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the town;
- (2) Promote the safety and well-being of minors, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activity, particularly unlawful drug activity, and to being victimized by older criminals; and
- (3) Foster and strengthen parental responsibility for children. (as added by Ord. #03-005, Nov. 2003)

11-902. Definitions. As used in this chapter, the following words have the following meanings:

- (1) "Curfew hours" means the hours of 12:00 A.M. through 6:00 A.M. each day.
- (2) "Emergency" means unforeseen circumstances, and the resulting condition or status, requiring immediate action to safeguard life, limb, or property. The word includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.
- (3) "Establishment" means any privately-owned business place within the town operated for a profit and to which the public is invited, including, but not limited to, any place of amusement or entertainment. The word "operator" with respect to an establishment means any person, firm, association, partnership (including its members or partners), and any corporation (including its officers) conducting or managing the establishment.
- (4) "Minor" means any person under eighteen (18) years of age who has not been emancipated under Tennessee Code Annotated, § 29-31-101, et seq.

- (5) "Parent" means:
- (a) A person who is a minor's biological or adoptive parent and who has legal custody of the minor, including either parent if custody is shared under a court order or agreement;
 - (b) A person who is the biological or adoptive parent with whom a minor regularly resides;
 - (c) A person judicially appointed as the legal guardian of a minor; and/or
 - (d) A person eighteen (18) years of age or older standing in loco parentis (as indicated by authorization by a parent as defined in this definition for the person to assume the care or physical custody of the minor, or as indicated by any other circumstances).
- (6) "Person" means an individual and not a legal entity.
- (7) "Public place" means any place to which the public or a substantial portion of the public has access, including, but not limited to: streets, sidewalks, alleys, parks, and the common areas of schools, hospitals, apartment houses or buildings, office buildings, transportation facilities, and shops.
- (8) "Remain" means:
- (a) To linger or stay at or upon a place or
 - (b) To fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator, or other person in control of that place.
- (9) "Temporary care facility" means a non-locked, non-restrictive shelter at which a minor may wait, under visual supervision, to be retrieved by a parent. A minor waiting in a temporary care facility may not be handcuffed or secured by handcuffs or otherwise to any stationary object. (as added by Ord. #03-005, Nov. 2003)

11-903. Curfew enacted; exceptions. It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the town, to remain in any motor vehicle operating or parked on any public place within the town, or to remain in or upon the premises of any establishment within the town, unless:

- (1) The minor is accompanied by a parent; or
- (2) The minor is involved in an emergency; or
- (3) The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop; or
- (4) The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or
- (5) The minor is attending an activity supervised by adults and sponsored by a school, religious, or civic organization, by a public organization or agency, or by a similar organization, or the minor is going to or returning from such an activity without detour or stop; or

(6) The minor is on a errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the name, signature, address, and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; or

(7) The minor is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and freedom of assembly. (as added by Ord. #03-005, Nov. 2003)

11-904. Parental involvement in violation unlawful. It is unlawful for a minor's parent knowingly to permit, allow, or encourage a violation of § 11-903 of this chapter. (as added by Ord. #03-005, Nov. 2003)

11-905. Involvement by owner or operator of vehicle unlawful. It is unlawful for a person who is the owner or operator of a motor vehicle knowingly to permit, allow, or encourage a violation of § 11-903 of this chapter using the motor vehicle. (as added by Ord. #03-005, Nov. 2003)

11-906. Involvement by operator or employee of establishment unlawful. It is unlawful for the operator or any employee of an establishment knowingly to permit, allow, or encourage a minor to remain on the premises of the establishment during curfew hours. It is a defense to prosecution under this section that the operator or employee promptly notified law enforcement officials that a minor was present during curfew hours and refused to leave. (as added by Ord. #03-005, Nov. 2003)

11-907. Giving false information unlawful. It is unlawful for any person, including a minor, knowingly to give a false name, address, or telephone number to any law enforcement officer investigating a possible violation of § 11-903 of this chapter. Each violation of this section is punishable by a maximum fine of fifty dollars (\$50.00). (as added by Ord. #03-005, Nov. 2003)

11-908. Enforcement. (1) Minors. Before taking any enforcement action, a law enforcement officer who is notified of a possible violation of § 11-903 shall make an immediate investigation to determine whether or not the presence of the minor in a public place, motor vehicle, or establishment during curfew hours is a violation of that section. If the investigation reveals a violation and the minor has not previously been issued a warning, the officer shall issue a verbal warning to the minor to be followed by a written warning mailed by the police department to the minor and his/her parent(s). If the minor has previously been issued a warning for a violation, the officer shall charge the minor with a violation of § 11-903 and shall issue a citation requiring the minor

to appear in court. In either case, the officer shall, as soon as practicable, release the minor to his/her parent(s) or place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours so the parent(s) may retrieve the minor. If a minor refuses to give an officer his/her name and address or the name and address of his/her parent(s), or if no parent can be located before the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a crisis center or juvenile shelter and/or may be taken to a judge or juvenile intake officer of the juvenile court to be dealt with as required by law.

(2) Others. If an officer's investigation reveals that a person has violated § 11-903, 11-904, 11-905, or 11-906 of this chapter and the person has not been issued a warning with respect to a violation, the officer shall issue a verbal warning to the person to be followed by a written warning mailed by the police department to the person. If there has been a previous warning to the person, the officer shall charge the person with a violation and issue a citation directing the person to appear in court. (as added by Ord. #03-005, Nov. 2003)

11-909. Violation of §§ 11-903, 11-904, 11-905, or 11-906 subsequent to previous warning punishable by fine. A violation of §§ 11-903, 11-904, 11-905, or 11-906 subsequent to receiving a verbal warning as provided in § 11-908 is punishable by a maximum fine of fifty dollars (\$50.00) for each violation. (as added by Ord. #03-005, Nov. 2003)

CHAPTER 10**STATE CRIMINAL MISDEMEANORS****SECTION**

11-1001. Certain misdemeanors under state law.

11-1002. Maximum penalty.

11-1001. Certain misdemeanors under state law. (1) All criminal offenses against the State of Tennessee which are defined by state law to be misdemeanors punishable by a fine of fifty dollars (\$50.00) or less, or confinement for a period of thirty (30) days or less, or both, are hereby adopted by reference into the Municipal Code of the Town of Wartrace, Tennessee as if incorporated herein verbatim, are designated and declared to be offenses under the laws and ordinances of the Town of Wartrace, and any such offense committed within the corporate jurisdiction of the Town of Wartrace is an offense against the Town of Wartrace and a violation of this section.

(2) It shall be an offense against the Town of Wartrace and a violation under this section for any person to do or cause to be done any act which shall be declared a misdemeanor against the State of Tennessee punishable by a fine of fifty dollars (\$50.00) or less, or confinement for a period of thirty (30) days or less, or both, by legislation hereafter passed, whenever such act is committed within the corporate jurisdiction of the Town of Wartrace, after such state legislation has become effective and in force and effect upon the inhabitants of the State of Tennessee. (as added by Ord. #06-004, June 2006)

11-1002. Maximum penalty. The maximum penalty for violations under § 11-101 is a civil fine not in excess of fifty dollars (\$50.00). (as added by Ord. #06-004, June 2006)