

## TITLE 11

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

#### CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET AND OTHER NUISANCES.
3. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
4. FIREARMS, WEAPONS AND MISSILES.
5. MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
6. MISCELLANEOUS.
7. USE OF TOBACCO PRODUCTS IN CITY-OWNED FACILITIES.
8. LITTER AND DISTRIBUTION OF CERTAIN UNSOLICITED PRINTED MATERIALS.
9. CURFEW FOR MINORS.

#### CHAPTER 1

#### ALCOHOL<sup>2</sup>

#### SECTION

11-101. Drinking beer, etc., on streets, etc.

**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. (1996 Code, § 11-101)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Residential and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

<sup>2</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 2****OFFENSES AGAINST THE PEACE AND QUIET AND OTHER  
NUISANCES****SECTION**

- 11-201. Definitions.
- 11-202. Restrictions.
- 11-203. Declared unnecessary noises enumerated.
- 11-204. Nonvehicular noises restricted.
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- 11-206. Exemptions.
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- 11-208. Nuisance caused by dust, odors and airborne pollutants.
- 11-209. Prevailing standards.
- 11-210. Severability.
- 11-211. Nuisance injunction.
- 11-212. Penalty.

**11-201. Definitions.** As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) "City." The City of Sevierville, Tennessee.
- (2) "dbAs." Decibels shown in a reading on the dbA scale.
- (3) "Decibel." A unit for measuring the volume of a sound equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals per square meter.
- (4) "Sound level meter." An instrument used for measurement of the intensity of sound and accurately calibrated in decibels. Readings shall be made on a dbA scale.
- (5) "Sound pressure." The average rate at which sound energy is transmitted through a unit area in a specified direction.
- (6) "Vehicular." Pertaining to motor vehicles required to be registered by the Division of Motor Vehicles for the State of Tennessee. (1996 Code, § 11-301, modified)

**11-202. Restrictions.**

- (1) The making, creation or permitting of any unreasonably loud, disturbing or unnecessary noise in the City is prohibited.
- (2) The making, creating or permitting of any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual or which either steadily or intermittently annoys, disturbs, injures or endangers the comfort, repose, peace or safety of any individual is prohibited.

- (3) The following standards shall apply:
- (a) Residential zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, is in excess of:
- (i) 7:00 A.M. to 10:00 P.M.:
    - (A) Continuous airborne sound which has a sound level of fifty-five (55) dbAs.
    - (B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs.
  - (ii) 10:00 P.M. to 7:00 A.M.:
    - (A) Continuous airborne sound which has a sound level of fifty (50) dbAs.
    - (B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs.
- (b) Industrial and commercial zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, is in excess of:
- (i) 7:00 A.M. to 10:00 P.M.:
    - (A) Continuous airborne sound which has a sound level of sixty-five (65) dbAs.
    - (B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs.
  - (ii) 10:00 P.M. to 7:00 A.M.:
    - (A) Continuous airborne sound which has a sound level of fifty-five (55) dbAs.
    - (B) Impulsive sound in air with an impulsive sound level of eighty (80) dbAs. (1996 Code, § 11-302)

**11-203. Declared unnecessary noises enumerated.** The following acts, among others, are declared to be loud or disturbing or unnecessary noises in violation of this chapter even if the noises referred to do not violate the standard noise level for the City.

- (1) Horns, signal devices and the like.
- (a) The sounding of any horn or signal device of any automobile, motorcycle, bus or other vehicle:
- (i) While not in motion, except as a danger signal that another vehicle is approaching apparently dangerously; or
  - (ii) If in motion:
    - (A) After or as brakes are being applied and deceleration of the vehicle is intended;
    - (B) Before passing another vehicle as a signal of intent to so pass;
    - (C) Where state motor vehicle statutes require the sounding of such a horn or signaling device; or

(D) When otherwise necessary as a danger signal.

(b) Wherever the sounding of any horn or signal device is permitted or required such sound shall not be unreasonably loud or harsh and shall not be for an unreasonable duration of time.

(2) Animals and birds. The keeping of any animal or bird which, by causing frequent or long-continued noise, disturbs the comfort and repose of any person in their vicinity.

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

(4) Steam 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 danger.

(5) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle engine except through a muffler or other device which meets the standards established for such devices by applicable state laws and regulations.

(6) Mechanical devices. The use of mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(7) Schools, courts, churches, and hospitals. The creation of any loud or excessive noise on any street adjacent to any school or institution of learning or judicial court while the same are in session or on any street adjacent to any hospital, which noise unreasonably interferes with the workings of such institutions; this restriction shall be in force only if signs are displayed in such streets indicating the same is a school, hospital, or court street or quiet zone.

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

(9) Devices attached to buildings. The sounding of any bell, gong or device attached to any building or premises, particularly during the hours between 11:00 P.M. and 7:00 A.M., which disturbs the quiet or repose of any persons in the vicinity of the devices. This rule shall not apply if the bell, gong or device is sounded as a warning of danger.

(10) Trains, vehicles and buses. The unnecessary or prolonged blowing or sounding of any horn, whistle, bell or other device attached to any train, locomotive, motor vehicle, bus or truck while passing through the City or while loading passengers or freight within the City.

(11) Loudspeakers and amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other vehicles for advertising or other commercial purposes, except where a specific license or permit is received from the Police Department.

(12) Construction or repair of buildings. Construction, demolition, repair, paving or alteration of buildings or streets or excavation when conducted

between the hours of 7:00 P.M. and 7:00 A.M. (9:00 A.M. on Sundays), except in emergencies. (1996 Code, § 11-303)

**11-204. Nonvehicular noises restricted.** No person shall use or operate any facility, machine or instrument or produce or cause to be produced any sound in the City, when the same shall produce noise, the sound-pressure level of which measured at the point of annoyance complained of shall exceed the standard noise level of the City established for that location and time of day. In measuring noises to determine if the standard noise level of the City has been exceeded, the measurement shall be measured on the A-weighting of an accurate sound-level meter. The background sound level is defined as the sound present when the offending noise source is silenced. (1996 Code, § 11-304)

**11-205. Vehicular noise regulations.**

(1) No person shall operate, within the limits of the City, any vehicle which will emit noise which will exceed the standard noise level of the City established for the size vehicle when used under ordinary circumstances. For noncommercial vehicles, the standard noise level of the City is hereby established as follows:

<u>Type of vehicle</u>	<u>Maximum noise level (dbAs)</u>
Vehicle other than motorcycles	76
Motorcycles	82

(2) Measurements shall be taken fifty feet (50') from the source. (1996 Code, § 11-305)

**11-206. Exemptions.** Exemptions from noise level limits shall be as follows:

(1) Emergency construction, repair, pavings demolition, or alteration of a street or building. Permission of the City Administrator shall be proof that such emergency exists.

(2) Emergency activities of municipal, county, state, or federal government agencies and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare are involved.

(3) Warning devices on authorized emergency vehicles and on vehicles used for traffic safety purposes.

(4) Attendant on-site noise connected with the actual performance of sporting events, parades, auctions, fairs and festivals.

(5) Power lawn mowers, when operated between the hours of 8:00 A.M. (9:00 A.M. on Sundays) and 10:00 P.M.

(6) Air conditioners that increase the background or ambient noise level no more than five (5) dbAs. (1996 Code, § 11-306)

**11-207. Sound measurements.** Sound measurements shall be made with a sound-level meter. (1996 Code, § 11-307)

**11-208. Nuisance caused by dust, odors and airborne pollutants.** Within the City of Sevierville, the following is hereby declared to be a nuisance: The creation of dust, fumes, airborne pollutants, or odors by the operation of motor vehicles, racing cars, amusement rides, rides or other motor driven contrivances, where the dust, fumes, airborne pollutants, or odors are carried beyond the boundaries or property line of the property whereon the above enumerated vehicles and/or motor driven contrivances may be operated in such quantities as to do any of the following:

- (1) Interferes with the reasonable enjoyment of any property; or
- (2) Affects a person's health or ability to breathe by reason of air that contains dust, fumes, airborne pollutants or odors; or
- (3) Leaves any visible or detectable dust, residue, or the residue of dust, and/or airborne pollutants on or over any property in the City; or
- (4) Limits or restricts visibility upon public roadways within the City.

No person, firm or proper corporation shall cause any such nuisance, as aforescribed, anywhere in the City of Sevierville. (Ord. #2005-024, Oct. 2005)

**11-209. Prevailing standards.** Whenever any provision of this chapter conflicts with any other applicable municipal, county, state or federal ordinance or statute, the higher standard shall prevail. (1996 Code, § 11-308)

**11-210. Severability.** The provisions of this chapter are severable. If any provision of this chapter or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or applications. (1996 Code, § 11-309)

**11-211. Nuisance injunction.** Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided in this chapter, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction. (1996 Code, § 11-310)

**11-212. Penalty.** Any person, firm or corporation violating any provision of this chapter shall be fined no less than five dollars (\$5.00) nor more than fifty

dollars (\$50.00) for each offense, and a separate offense shall be deemed committed on each day or during or on which a violation occurs or continues. (1996 Code, § 11-311)

**CHAPTER 3****INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL****SECTION**

11-301. Impersonating a government officer or employee.

11-302. False emergency alarms.

**11-301. Impersonating a government officer or employee.** No person other than an official Police Officer of the City 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 City. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1996 Code, § 11-402)

**11-302. False emergency alarms.**<sup>1</sup> 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. (1996 Code, § 11-403)

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<sup>1</sup>Municipal code reference  
False alarms: title 20.

## CHAPTER 4

### FIREARMS, WEAPONS AND MISSILES

#### SECTION

11-401. Air rifles, etc.

11-402. Weapons and firearms generally.

**11-401. Air rifles, etc.** It shall be unlawful for any person in the City of Sevierville 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. (1996 Code, § 11-501)

**11-402. Weapons and firearms generally.** It shall be unlawful for any persons to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument, except as hereinafter set forth. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality, except as hereinafter set forth.

(1) Persons who possess a valid handgun carry permit issued by the State of Tennessee may carry a handgun in accordance with the permit and applicable Tennessee laws governing the carrying of a handgun.

(2) It shall not be unlawful to discharge a firearm within the City of Sevierville when such discharge of a firearm takes place within an indoor firing range that complies with the following:

(a) The indoor firing range is constructed in an area zoned for which such activity would be a lawful use.

(b) The use, occupancy, and construction of the indoor firing range, shall conform to any and all applicable building codes adopted by the City of Sevierville and State of Tennessee.

(c) The design and construction of the firing range shall totally confine all ammunition rounds discharged, within the building, and same being done in a controlled manner. The design and construction of the indoor firing range shall be certified by a registered engineer in the State of Tennessee. The certified plans shall include the specifications for the construction of bullet baffles/traps, ceilings, exterior and interior walls and floors. The certified plan shall state what type and caliber of ammunition the range is designed to totally confine.

(d) In addition to the foregoing design and construction criteria, the indoor firing range building shall comply with all applicable rules and regulations of the Environmental Protection Agency and OSHA standards for indoor ventilation, emissions into the atmosphere, indoor sound levels,

lead containment, outside sound noises standards and that meet sound criteria of the City of Sevierville.

(e) The firing range shall by signage, display the types and calibers of ammunition for which the building is designed and constructed for being discharged within it.

(3) It shall be unlawful for any person within an indoor firing range to discharge ammunition that exceeds the certified design and construction specifications for the firing range. (Ord. #2005-003, March 2005)

**CHAPTER 5**

**MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC**

**SECTION**

11-501. Interference with traffic.

**11-501. 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. (1996 Code, § 11-602)

**CHAPTER 6****MISCELLANEOUS****SECTION**

11-601. Caves, wells, cisterns, etc.

11-602. Posting notices, etc.

11-603. Littering.

11-604. Regulation of aviation.

**11-601. 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. (1996 Code, § 11-702)

**11-602. Posting notices, etc.**<sup>1</sup> 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. (1996 Code, § 11-703)

**11-603. Littering.** A person commits an offense who:

(1) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;

(2) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway; or

(3) Negligently discharges sewage, minerals, oil products or litter into any public waters or lakes within the City. (1996 Code, § 11-705)

**11-604. Regulation of aviation.** It shall be unlawful for any person or persons to ascend, descend, or cause to descend or alight, take off or land, within or upon any area within the corporate limits of the City of Sevierville any aircraft, except for take-offs and landings at an airport facility being designated as a public general aviation airport facility and being listed in the United States Government Flight Information Publication Airport/Facility Directory, Southeast U.S., which is effective at such time as the take-off and landing takes place; except for law enforcement, emergency medical services, or public safety personnel in the exercise of their official duties and responsibilities; or except in a situation requiring a documented emergency landing. Military aircraft in

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<sup>1</sup>Municipal code reference  
Regulation of signs: § 9-102.

the performance of public information and public relations activities shall require the prior approval of the Board of Mayor and Aldermen to land and take-off at non-authorized locations. (Ord. #2011-030, Dec. 2011)

## CHAPTER 7

### USE OF TOBACCO PRODUCTS IN CITY-OWNED FACILITIES

#### SECTION

- 11-701. Purpose.
- 11-702. Definitions.
- 11-703. Prohibitions.
- 11-704. Posting of signs.
- 11-705. Penalty for violations.

**11-701. Purpose.** The declared purpose of this chapter is to prohibit the smoking of tobacco products in City-owned facilities. (1996 Code, § 11-801)

**11-702. Definitions.**

(1) "City-owned facility" means any enclosed area or facility which is owned, operated, leased or under the control of the City of Sevierville to which the public is invited or in which the public is permitted; including, but not limited to theaters, waiting rooms, reception areas, recreational facilities, meeting rooms, hallways, work areas, employee lounges, and conference rooms.

(2) "Smoking of tobacco products" means the carrying of a lighted pipe, or lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind. (1996 Code, § 11-802)

**11-703. Prohibitions.**

(1) No person shall smoke tobacco products in any City-owned facility.

(2) The person in charge of any City-owned facility, employees of same or other City official shall be required to orally inform persons violating this chapter of the provisions thereof. The duty to inform such violator shall arise when above named individual becomes aware of such violations.

(3) Anyone smoking contrary to this chapter after a warning to cease smoking, shall be deemed to be in violation of this chapter. (1996 Code, § 11-803)

**11-704. Posting of signs.**

(1) Signs which indicate NO SMOKING shall be clearly, sufficiently, and conspicuously posted in all facilities covered by this chapter.

(2) The manner of such posting shall be at the discretion of the person having control of such City facility. (1996 Code, § 11-804)

**11-705. Penalty for violations.** Any person violating the NO SMOKING provision of this chapter shall be guilty of an offense and upon

conviction shall pay a penalty of no more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (1996 Code, § 11-805)

## CHAPTER 8

**LITTER AND DISTRIBUTION OF CERTAIN  
UNSOLICITED PRINTED MATERIALS****SECTION**

11-801. Distribution on sidewalks, streets, or other public places.

11-802. Distribution on private premises.

11-803. Exception.

11-804. Violation and penalty.

**11-801. Distribution on sidewalks, streets, or other public places.**

(1) No person shall throw or deposit or cause to be thrown or deposited any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, placard, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature in or upon any sidewalk, street or other public place within the City limits of the City of Sevierville, Tennessee.

(2) This section shall in no way prohibit or impede the distribution of any otherwise lawful, printed material in public places to those who consent to accepting such printed material.

(3) This section shall in no way prohibit or impede any person or business from depositing printed material in designated places. (1996 Code, § 11-901)

**11-802. Distribution on private premises.**

(1) No person shall throw or deposit or cause to be thrown or deposited any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, placard, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature in or upon any private premises unless such material includes a notice identifying the source of the material and the mailing address and telephone number that the occupant or owner of the private property may use to request that future deliveries cease. The publisher, printer or distributor of such materials which cause the afore-described material to be thrown or deposited upon private premises two (2) or more times within any thirty (30) day period shall also enclose a pre-addressed postcard every six (6) months identifying the source of the material, so that the occupant may mail to the publisher or printer to request that the publisher or printer cease future deliveries. The pre-addressed postcard shall also include a telephone number of the publisher or printer of the material.

(2) Any person throwing or depositing or causing to be thrown or deposited material set forth in subsection (1) above upon private property after the owner or occupant has notified, either in writing or verbally, the printer, publisher or distributor that deliveries of the material set forth in subsection (1)

above shall cease being made to the address(es) set forth or identified by the owner or occupant, shall be in violation of this chapter.

(3) No person shall throw or deposit or cause to be thrown or deposited any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, placard, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature in or upon any private premises if material that was previously delivered by that person or caused to be thrown or deposited previously is visible on the premises.

(4) Any person throwing or depositing, or causing to be thrown or deposited, any material in violation of subsection (3) above shall be entitled to notice, either in writing or verbally, that a delivery prohibited by subsection (3) has occurred. Any person throwing or depositing, or causing to be thrown or deposited, any such material upon the same premises, after having received notice of a delivery prohibited by subsection (3) at that premises, shall be in violation of this chapter; provided, however, that there shall be no violation if such delivery is made with the express permission of the premises resident. (1996 Code, § 11-902)

**11-803. Exception.** The above sections do not apply to mail delivered by the United States Postal Service. (1996 Code, § 11-903)

**11-804. Violation and penalty.** Any person, including the publishers, printers and distributors of the materials referenced in the above sections, violating any provision of this chapter shall be fined no less than five dollars (\$5.00), nor more than fifty dollars (\$50.00) for each separate offense, and a separate offense shall be deemed committed for each and every separate throwing, depositing, causing to be thrown or deposited, each separate piece of material, item or matter set forth in any provision of this chapter and further that separate offense(s) shall be deemed committed on each day in which a violation occurs. (1996 Code, § 11-904)

**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. Violations 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 City;
- (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.  
(Ord. #2011-029, Dec. 2011)

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

- (1) "Curfew hours" means the hours of 12:30 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 City 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 who 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. (Ord. #2011-029, Dec. 2011)

**11-903. Curfew enacted: exceptions.** It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the City, to remain in any motor vehicle operating or parked on any public place within the City, or to remain in or upon the premises of any establishment within the City, 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 an 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 involved in interstate travel through, or beginning or terminating in, the City of Sevierville; or

(8) 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. (Ord. #2011-029, Dec. 2011)

**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. (Ord. #2011-029, Dec. 2011)

**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. (Ord. #2011-029, Dec. 2011)

**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. (Ord. #2011-029, Dec. 2011)

**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). (Ord. #2011-029, Dec. 2011)

**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. (Ord. #2011-029, Dec. 2011)

**11-909. Violations 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. (Ord. #2011-029, Dec. 2011)