

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.

CHAPTER 1

ALCOHOL²

SECTION

11-101. Minors in beer places.

11-101. Minors in beer places. No minor under twenty-one (21) years of age shall purchase or attempt to purchase beer at any place where beer is sold. (1972 Code, § 10-222, modified)

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).

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. (1972 Code, § 10-234, modified)

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. (1972 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. (1972 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 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 person 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 7:30 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 city manager granted for a period while the emergency continues not to exceed thirty (30) days. If the city manager 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 7:30 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 7:30 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 manager. Hours for the use of an amplified 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. (1972 Code, § 10-233)

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.

11-505. Coercing people not to work.

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 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. (1972 Code, § 10-209)

11-502. 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. (1972 Code, § 10-211)

11-503. 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. (1972 Code, § 10-217)

11-504. Resisting or interfering with an officer. It shall be unlawful for any person to resist or in any way interfere with any police officer while the latter is in the discharge or apparent discharge of his duty. (1972 Code, § 10-210)

11-505. 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. (1972 Code, § 10-230)

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 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. (1972 Code, § 10-213)

11-602. 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. (1972 Code, § 10-214)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1972 Code, § 10-212, modified)

CHAPTER 7

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

11-701. Trespassing on trains.

11-702. Trespassing on posted property; defacing or destroying trespass notices.

11-703. Malicious mischief.

11-704. Interference with traffic.

11-701. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1972 Code, § 10-221)

11-702. Trespassing on posted property; defacing or destroying trespass notices. The owner of any lot or parcel of land within the city may post the same against trespassers. It shall be unlawful for any person to enter, drive upon, or park any motor vehicle on any such posted lot or parcel of land without the consent of the owner. No person shall deface or destroy any trespass notice posted pursuant to this section without the consent of the owner. (1972 Code, § 10-235)

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. (1972 Code, § 10-225)

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 with the free passage of pedestrian or vehicular traffic thereon. (1972 Code, § 10-232)

CHAPTER 8

MISCELLANEOUS

SECTION

- 11-801. Abandoned refrigerators, etc.
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Posting notices, etc.
- 11-804. Curfew for minors.
- 11-805. Shoplifting.
- 11-806. Failure to appear.
- 11-807. Use of safety belts in passenger vehicles--violations--penalties--arrest--applicability.
- 11-808. Child passenger restraint systems--violations--penalties.
- 11-809. Trespass by motor vehicle.
- 11-810. Motor vehicle windows with tinting, reflecting or sun screen.
- 11-811. Transporting child in truck bed.
- 11-812. Crash helmet required for driver and passenger--exceptions.
- 11-813. Following too closely.

11-801. 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. (1972 Code, § 10-223)

11-802. 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. (1972 Code, § 10-231)

11-803. Posting notices, etc. No person shall 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. (1972 Code, § 10-226)

11-804. 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. Furthermore, no person having the legal care and custody of any such minor shall allow or permit such minor, while in his legal custody, to go or be upon any of the streets or other public places in the city after 11:00 P.M. unless there exists a reasonable necessity therefor. (1972 Code, § 10-224)

11-805. Shoplifting. (1) It is declared to be unlawful for any person to shoplift within the corporate limits of the City of Athens, Tennessee.

(2) Any person who shall wilfully take possession of any goods, wares, or merchandise offered for sale by any store or other mercantile establishment with the intent of converting the same to his own use without paying the purchase price thereof is guilty of shoplifting.

(3) Any person wilfully concealing unpurchased goods or merchandise of any store or other mercantile establishment, either on the premises or outside the premises of such store, shall be prima facie presumed to have so concealed such articles with the intention of converting the same to his own use without paying the purchase price thereof.

(4) The finding of such unpurchased goods or merchandise concealed upon such person or among the belongings of such person shall be prima facie evidence of wilful concealment, and if such person conceals, or causes to be concealed, such unpurchased goods or merchandise upon the person, or among the belongings of another, the finding of the same shall be prima facie evidence of wilful concealment on the part of the person so concealing such goods.

(5) A peace officer or merchant or a merchant's employee who has probable cause for believing that goods held for sale by the merchant have been unlawfully taken by a person and that he can recover them by taking the person into custody, may for the purpose of attempting to effect such a recovery, take the person into custody and detain him in a reasonable manner for a reasonable length of time. Such taking into custody and detention by a peace officer, merchant, or merchant's employee shall not render such police officer, merchant, or merchant's employee criminally or civilly liable for false arrest, false imprisonment, or unlawful detention. (1972 Code, § 10-236)

11-806. Failure to appear. Hereafter when a person violates any traffic ordinance, law, or regulation of the city, to prevent the violator's arrest and issuance of a warrant against him or her, said offender must sign an agreement to appear at the time and place indicated and waive the issuance and service of a warrant upon him or her.

If the offender signs said agreement and waiver as provided herein and then fails to appear for trial at the time and place designated, then the city court shall immediately issue a warrant against said offender for said offense committed, and an additional warrant for the offense of violating his or her agreement to appear as provided in said agreement. Said warrants shall then be served upon said offender as provided by law.

It is the intention of this section to adopt and comply with Tennessee Code Annotated, §§ 7-63-101 through 7-63-106, as amended. Said sections are here referred to and made a part hereof, i.e., making it an offense for an offender to sign an agreement to appear in city court for the violation of the city code, law or regulation, and then fail to do so. (1972 Code, § 10-237)

11-807. Use of safety belts in passenger vehicles--violations--penalties--arrest--applicability. (1) (a) No person shall operate a passenger motor vehicle on any highway, as defined in Tennessee Code Annotated, § 55-8-101(22), in the City of Athens unless such person and all passengers four (4) years of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

(b) No person four (4) years of age or older shall be a passenger in a passenger motor vehicle on any highway, as defined in Tennessee Code Annotated, § 55-8-101(22), in the City of Athens, unless such person is restrained by a safety belt at all times the vehicle is in forward motion.

(2) (a) The provisions of this section shall apply only to the operator and all passengers occupying the front seat of a passenger motor vehicle.

(b) If the vehicle is equipped with a rear seat which is capable of folding, the provisions of this section shall only apply to front seat passengers and the operator if the back seat is in the fold down position.

(3) As used in this section, unless specified otherwise, "passenger car" or "passenger motor vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating of eight thousand five hundred pounds (8,500 lbs.) or less, that is not used as a public or livery conveyance for passengers. "Passenger car" or "passenger motor vehicle" does not apply to motor vehicles which are not required by federal law to be equipped with safety belts.

(4) (a) A violation of this section is a civil offense punishable by a fine of up to fifty dollars (\$50.00). All proceeds from the fines imposed by this subsection (3) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible handicapped individuals as defined in Tennessee Code Annotated, § 49-11-602(3) who have been severely injured in motor vehicle accidents.

(b) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of ten dollars (\$10.00) for a first violation, and twenty dollars (\$20.00) on second and subsequent violations to the city court clerk.

(c) (i) Notwithstanding subdivision (4)(b) to the contrary, a person charged with a violation of subsection (9) may, in lieu of appearance in court, submit a fine of twenty dollars (\$20.00) to the city court clerk.

(ii) Notwithstanding any provision of subdivision (4)(a) to the contrary, the revenue generated by ten dollars (\$10.00) of the twenty dollar (\$20.00) fine under subdivision (4)(c)(i) for a person's first conviction under subsection (9) shall be deposited in the state general fund without being designated for any specific purpose. The remaining ten dollars (\$10.00) of such twenty dollar (\$20.00) fine for such person's first conviction under subsection (i) shall be deposited in the state general fund and designated for the

exclusive use of the division of vocational rehabilitation in accordance with subdivision (4)(a).

(iii) The revenue generated from such person's second or subsequent conviction under subsection (9) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation in accordance with subdivision (4)(a).

(5) No clerk's fee nor court costs, including, but not limited to, any statutory fees of officers, shall be imposed or assessed against anyone convicted of a violation of this section. No litigation tax levied pursuant to the provisions of Tennessee Code Annotated, title 67, chapter 4, part 6, shall be imposed or assessed against anyone convicted of a violation of this section.

(6) (a) A law enforcement officer observing a violation of this section shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this section.

(b) The department of safety shall not report any convictions under this section except for law enforcement or governmental purposes.

(7) In no event shall a violation of this section be assigned a point value for suspension or revocation of a license by the department of safety, nor shall such violation be construed as any other offense under the provisions of this title.

(8) This section does not apply to:

(a) A passenger or operator with a physically disabling condition whose physical disability would prevent appropriate restraint in such safety seat or safety belt; provided, that such condition is duly certified in writing by a physician who shall state the nature of the handicap, as well as the reason such restraint is inappropriate;

(b) A passenger motor vehicle operated by a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier;

(c) Salespersons or mechanics employed by an automobile dealer who, in the course of their employment, test-drive a motor vehicle, if such dealership customarily test-drives fifty (50) or more motor vehicles a day, and if such test-drives occur within one (1) mile of the location of the dealership;

(d) Utility workers, water, gas and electric meter readers in the course of their employment;

(e) A newspaper delivery motor carrier service while performing the duties of a newspaper delivery motor carrier service; provided, that this exemption shall only apply from the time of the actual first delivery to the customer until the last actual delivery to the customer;

(f) A vehicle in use in a parade if operated at less than fifteen miles per hour (15 mph);

(g) A vehicle in use in a hayride if operated at less than fifteen miles per hour (15 mph); or

(h) A vehicle crossing a highway from one field to another if operated at less than fifteen miles per hour (15 mph).

(9) (a) Notwithstanding any provision of this section to the contrary, no person between sixteen (16) years of age and up to and through the age of seventeen (17) years of age, shall operate a passenger motor vehicle, or be a passenger therein, unless such person is restrained by a safety belt at all times the vehicle is in forward motion.

(b) Notwithstanding subdivision (2)(a), the provisions of this subsection (9) shall apply to all occupants between sixteen (16) years of age and eighteen (18) years of age occupying any seat in a passenger motor vehicle.

(c) Notwithstanding subdivision (6)(a), a law enforcement officer observing a violation of this subsection (9) shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this subsection (9).

(10) Notwithstanding the provisions of subsection (2), no person with a learner permit or an intermediate driver license shall operate a passenger motor vehicle in the City of Athens unless such person and all passengers between the ages of four (4) and seventeen (17) years of age are restrained by a safety belt at all times the vehicle is in forward motion.

The maximum penalty for a violation of this section shall be a civil fine not to exceed of fifty dollars (\$50.00). (as added by Ord. #931, Sept. 2005)

11-808. Child passenger restraint systems--violations--penalties.

(1) (a) Any person transporting any child, under one (1) year of age, or any child, weighing twenty pounds (20 lbs.) or less, in a motor vehicle upon a road, street or highway in the City of Athens is responsible for the protection of the child and properly using a child passenger restraint system in a rear facing position, meeting federal motor vehicle safety standards in the rear seat if available or according to the child safety restraint system or vehicle manufacturer's instructions.

(b) Notwithstanding the provisions of Tennessee Code Annotated, § 55-9-603, any person transporting any child, one (1) through three (3) years of age weighing greater than twenty pounds (20 lbs.), in a motor vehicle upon a road, street or highway of Tennessee is responsible for the protection of the child and properly using a child passenger restraint system in a forward facing position, meeting federal motor vehicle safety standards in the rear seat if available or according to the child safety restraint system or vehicle manufacturer's instructions.

(c) Notwithstanding the provisions of Tennessee Code Annotated, § 55-9-603, any person transporting any child, four (4)

through eight (8) years of age and measuring less than four feet, nine inches (4' 9") in height, in a passenger motor vehicle upon a road, street or highway of Tennessee is responsible for the protection of the child and properly using a belt positioning booster seat system, meeting federal motor vehicle safety standards in the rear seat if available or according to the child safety restraint system or vehicle manufacturer's instructions.

(d) (i) If a child is not capable of being safely transported in a conventional child passenger restraint system as provided for in this subsection (1), a specially modified, professionally manufactured restraint system meeting the intent of this subsection (1) shall be in use; provided, however, that the provisions of this subdivision (1)(d) shall not be satisfied by use of the vehicle's standard lap or shoulder safety belts independent of any other child passenger restraint system. A motor vehicle operator who is transporting a child in a specially modified, professionally manufactured child passenger restraint system shall possess a copy of the physician's signed prescription that authorizes the professional manufacture of the specially modified child passenger restraint system.

(ii) A person shall not be charged with a violation of this subsection (1) if such person presents a copy of the physician's prescription in compliance with the provisions of this subdivision (1)(d) to the arresting officer at the time of the alleged violation.

(iii) A person charged with a violation of this subsection (1) may, on or before the court date, submit a copy of the physician's prescription and evidence of possession of a specially modified, professionally manufactured child passenger restraint system to the court. If the court is satisfied that compliance was in effect at the time of the violation, the charge for violating the provisions of this subsection (1) may be dismissed.

(2) All passenger vehicle rental agencies doing business in the City of Athens shall make available at a reasonable rate to those renting such vehicles an approved restraint as described in subsection (1).

(3) (a) A violation of this section is a civil offense punishable by a fine of up to fifty dollars (\$50.00).

(b) In addition to or in lieu of the penalty imposed under subdivision (3)(a), persons found guilty of a first offense of violating this section may be required to attend a court approved offenders' class designed to educate offenders on the hazards of not properly transporting children in motor vehicles. A fee may be charged for such classes sufficient to defray all costs of providing such classes.

(4) Prior to the initial discharge of any newborn child from a health care institution offering obstetrical services, such institution shall inform the

parent that use of a child passenger restraint system is required by law. Further, the health care institution shall distribute to the parent related information provided by the department of safety.

(5) (a) (i) Notwithstanding the provisions of Tennessee Code Annotated, § 55-9-603, any person transporting any child, nine (9) through twelve (12) years of age, or any child through twelve (12) years of age, measuring four feet, nine inches (4' 9") or more in height, in a passenger motor vehicle upon a road, street or highway of Tennessee is responsible for the protection of the child and properly using a seat belt system meeting federal motor vehicle safety standards. It is recommended that any such child be placed in the rear seat if available.

(ii) Notwithstanding the provisions of Tennessee Code Annotated, § 55-9-603, any person transporting any child, thirteen (13) through fifteen (15) years of age, in a passenger motor vehicle upon a road, street or highway of Tennessee is responsible for the protection of the child and properly using a passenger restraint system, including safety belts, meeting federal motor vehicle safety standards.

(b) A person charged with a violation of this subsection (5) may, in lieu of appearance in court, submit a fine of fifty dollars (\$50.00) to the clerk of the court which has jurisdiction of such offense within the county in which the offense charged is alleged to have been committed.

(c) No litigation tax levied pursuant to the provisions of Tennessee Code Annotated, title 67, chapter 4, part 6, shall be imposed or assessed against anyone convicted of a violation of this subsection (5), nor shall any clerk's fee or court costs, including but not limited to any statutory fees of officers, be imposed or assessed against anyone convicted of a violation of this subsection (6).

(d) (i) Notwithstanding any provision of subsection (5) to the contrary, the revenue generated by ten dollars (\$10.00) of the fifty dollar (\$50.00) fine under subdivision (5)(b) for a person's first conviction under this subsection (5), shall be deposited in the state general fund without being designated for any specific purpose. The remaining forty dollars (\$40.00) of such fifty dollar (\$50.00) fine for a person's first conviction under this subsection (5) shall be deposited to the child safety fund in accordance with Tennessee Code Annotated § 55-9-602(f).

(ii) The revenue generated from such person's second or subsequent conviction under this subsection (5) shall be deposited to the child safety fund in accordance with Tennessee Code Annotated, § 55-9-602(f).

(e) Notwithstanding any provision of law to the contrary, no more than one (1) citation may be issued for a violation of this

subsection (5) per vehicle per occasion. If the driver is neither a parent nor legal guardian of the child and the child's parent or legal guardian is present in the vehicle, the parent or legal guardian is responsible for ensuring that the provisions of this subsection (5) are complied with. If no parent or legal guardian is present at the time of the violation, the driver is solely responsible for compliance with this subsection (5).

(6) As used in this section, unless specified otherwise, "passenger motor vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating of ten thousand pounds (10,000 lbs.) or less, that is not used as a public or livery conveyance for passengers. "Passenger motor vehicle" does not apply to motor vehicles which are not required by federal law to be equipped with safety belts.

The maximum penalty for a violation of this section shall be a civil fine not in excess of fifty dollars (\$50.00). (as added by Ord. #931, Sept. 2005)

11-809. Trespass by motor vehicle. (1) Any person who drives, parks, stands, or otherwise operates a motor vehicle on, through or within a parking area, driving area or roadway located on privately owned property which is provided for use by patrons, customers or employees of business establishments upon such property, or adjoining property or for use otherwise in connection with activities conducted upon such property or adjoining property, after such person has been requested or ordered to leave the property or to cease doing any of the foregoing actions commits a civil offense. A request or order under this section may be given by a law enforcement officer or by the owner, lessee, or other person having the right to the use or control of the property, or any authorized agent or representative thereof, including, but not limited to, private security guards hired to patrol the property.

(2) As used in this section, "motor vehicle" includes an automobile, truck, van, bus, recreational vehicle, camper, motorcycle, motor bike, moped, go-cart, all terrain vehicle, dune buggy, and any other vehicle propelled by motor.

(3) A property owner, lessee or other person having the right to the use or control of property may post signs or other notices upon a parking area, driving area or roadway giving notice of this section and warning that violators will be prosecuted; provided, that the posting of signs or notices shall not be a requirement to prosecution under this section and failure to post signs or notices shall not be a defense to prosecution hereunder.

The maximum penalty for a violation of this section shall be a civil fine not in excess of fifty dollars (\$50.00). (as added by Ord. #931, Sept. 2005)

11-810. Motor vehicle windows with tinting, reflecting or sun screen.

(1) (a) It is lawful for any person to operate, upon a public highway, street or road, any motor vehicle registered in this state, in which any window, which has a visible light transmittance equal to, but not less than, that specified

in the Federal Motor Vehicle Safety Standard No. 205, has been altered, treated or replaced by the affixing, application or installation of any material which:

(i) Has a visible light transmittance of less than thirty-five percent (35%); or

(ii) With the exception of the manufacturer's standard installed shade band, reduces the visible light transmittance in the windshield below seventy percent (70%).

(b) Any person who installs window tinting materials for profit, barter, or wages and/or commissions is defined as a "professional installer" for the provisions of this section, and it is unlawful for a professional installer to apply tinting materials to any vehicle so as to cause that vehicle to be in violation of this section.

(c) All professional installers of window tinting materials shall supply and shall affix to the lower right corner of the driver's window an adhesive label, the size and style of which shall be determined by the commissioner of safety, which includes:

(i) The installer's business name; and

(ii) The legend "Complies with Tennessee Code Annotated, § 55-9-107."

(d) All professional installers of window tinting materials shall supply each customer with a signed receipt for each vehicle to which tinting materials have been applied which includes:

(i) Date of installation;

(ii) Make, model, paint color and license plate number and state;

(iii) The legend "Complies with Tennessee Code Annotated, § 55-9-107, at date of installation"; and

(iv) The legend "This receipt shall be kept with vehicle registration documents."

(e) The owner of any vehicle in question has the burden of proof that such vehicle is in compliance with the provisions of this section.

(f) Any vehicle model permitted by federal regulations to be equipped with certain windows tinted so as to not to conform to the specifications of subdivision (1)(a)(i) is exempt from subdivision (1)(a)(i) with respect to those certain windows. Likewise, vehicles bearing commercial license plates or government service license plates that are used for law enforcement purposes shall be exempt from the specifications of subdivision (1)(a)(i) for those windows rearward of the front doors. This subsection (1) shall not be constructed in any way to exempt the front door windows of any vehicle of any kind from the specifications of subdivision (1)(a)(i).

(2) (a) Notwithstanding the provisions of subdivision (1)(a) to the contrary, any person with a medical condition that is adversely affected by ultraviolet light may submit a statement to the commissioner from

that person's physician certifying that the person has a medical condition which requires reduction of light transmission in the windows of such person's vehicle in excess of the standards established in subsection (1). The commissioner shall submit the certified statement to the department's medical review board for evaluation. If the review board finds the exemption warranted, it shall recommend that the commissioner authorize the exemption, and the degree of tinting exemption which is appropriate. The commissioner shall then supply a certificate or decal, indicating the degree of exemption, to the applicant who shall display it in the motor vehicle.

(b) Any applicant aggrieved by a decision of the medical review board or the commissioner may appeal in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The appeal may be made to the chancery court of the county where the aggrieved applicant resides at the option of the applicant.

(3) It is probable cause for a full-time, salaried police officer of this state to detain a motor vehicle being operated on the public roads, streets or highways of this state when such officer has a reasonable belief that the motor vehicle is in violation of subdivision (1)(a), for the purpose of conducting a field comparison test.

(4) It is a civil offense for the operator of a motor vehicle to refuse to submit to the field comparison test when directed to do so by a full-time, salaried police officer, or for any person to otherwise violate any provisions of this section.

(5) The commissioner of safety shall establish a standardized method and procedure by which law enforcement officers can readily, and with reasonably accuracy, conduct a field comparison test to determine if a motor vehicle's windows are in compliance with this section.

The maximum penalty for a violation of this section shall be a civil fine not in excess of fifty dollars (\$50.00). (as added by Ord. #931, Sept. 2005)

11-811. Transporting child in truck bed. (1) A person commits an offense who, on the streets of any municipality, roads of any county, or the highways of this state, transports a child under six (6) years of age in the bed of a truck with a manufacturer's ton rating not exceeding three-quarter (3/4) ton and having a pickup body style.

(2) (a) A person commits an offense who, on any interstate defense highway or state highway, transports a child between six (6) years of age and under twelve (12) years of age in the bed of a truck with a manufacturer's ton rating not exceeding three-quarter (3/4) ton and having a pickup body style.

(b) A city or county may prohibit, by ordinance or resolution, a person from transporting a child between six (6) years of age and under twelve (12) years of age in the bed of a truck with a manufacturer's ton

rating not exceeding three-quarter (3/4) ton and having a pickup body style on city or county roads or highways.

(3) The provisions of this section do not apply to a person transporting such child in the bed of such vehicle when such vehicle is being used as part of an organized parade, procession, or other ceremonial event, and when such vehicle is not exceeding the speed of twenty miles per hour (20 mph).

(4) The provisions of this section do not apply when the child being transported is involved in agricultural activities.

(5) A violation of (1) or (2)(a) is a civil offense.

The maximum penalty for a violation of this section shall be a civil fine not in excess of fifty dollars (\$50.00). (as added by Ord. #931, Sept. 2005)

11-812. Crash helmet required for driver and passenger--exceptions. (1) The driver of a motorcycle, motorized bicycle, as defined in chapter 8 of this title, or motor-driven cycle, and any passenger on any of these, shall be required to wear either a crash helmet meeting federal standards contained in 49 CFR § 571.218, or, if such driver or passenger is twenty-one (21) years of age or older, a helmet meeting the following requirements:

(a) Except as provided in subdivisions (1)(b)-(d), the helmet shall meet federal motor vehicle safety standards specified in 49 CFR § 571.218;

(b) Notwithstanding any provision in 49 CFR § 571.218 relative to helmet penetration standards, ventilation airways may penetrate through the entire shell of the helmet; provided, that no ventilation airway shall exceed on and on-half inches (1 ½") in diameter;

(c) Notwithstanding any provision in 49 CFR § 571.218, the protective surface shall not be required to be a continuous contour; and

(d) Notwithstanding any provision in 49 CFR § 571.218 to the contrary, a label on the helmet shall be affixed signifying that such helmet complies with the requirements of the American Society for Testing Materials (ASTM), the Consumer Product Safety Commission (CPSC), the Southern Impact Research Center (SIRC), or the Snell Foundation.

(2) This section does not apply to persons riding:

(a) Within an enclosed cab;

(b) Motorcycles that are fully enclosed, have three (3) wheels in contact with the ground, weigh less than one thousand five hundred pounds (1,500 lbs.) and have the capacity to maintain posted highway speed limits;

(c) Golf carts; or

(d) In a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years or older.

The maximum penalty for a violation of this section shall be a civil fine not in excess of fifty dollars (\$50.00). (as added by Ord. #931, Sept. 2005)

11-813. Following too closely. (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle towing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle towing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle towing another vehicle from overtaking or passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision does not apply to funeral processions.

(4) No motor truck of more than one and one-half (1 ½) ton rated capacity shall approach any other motor truck of like or greater capacity proceeding in the same direction on any of the highways of this state without the corporate limits of any municipality at a distance nearer than three hundred feet (300'), except in overtaking and passing such other trucks, or unless one (1) or both of such trucks shall have come to a stop or except in rendering assistance to a disabled or partly disabled truck.

(5) a violation of this section is a civil offense.

The maximum penalty for a violation of this section shall be a civil fine not in excess of fifty dollars (\$50.00). (as added by Ord. #931, Sept. 2005)