

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. MISCELLANEOUS.
4. MISDEMEANORS OF THE STATE.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
 11-102. Deleted.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place within the city unless the place has an appropriate permit and/or license. (2000 Code, § 11-101)

11-102. Deleted. (2000 Code, § 11-102, as deleted by Ord. #52-17, Sept. 2016 *Ch1_12-13-18*)

¹Municipal code references

- Animals and fowls: title 10.
- Fireworks and explosives: title 7.
- Residential and utilities: title 12.
- Streets and sidewalks (non-traffic): title 16.
- Synthetic drugs: title 11, chapter 8.
- Traffic offenses: title 15.

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**OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-201. Disorderly conduct.

11-202. Anti-noise regulations.

11-201. Disorderly conduct. (1) A person commits an offense who, in a public place and with intent to cause public annoyance or alarm:

(a) Engages in fighting or in violent or threatening behavior;

(b) Refuses to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or

(c) Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose.

(d) Between the hours of 11:00 P.M. and 7:00 A.M.

(2) A person also violates this section who makes unreasonable noise that prevents others from carrying on lawful activities.

(3) A violation of this section is a Class C misdemeanor.

11-202. Anti-noise regulations. Subject to the provisions of this section the creating of any unreasonably loud, disturbing, and unnecessary noise within the corporate limits 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, streetcar, 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, 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 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, 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 city 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 weekdays, 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, sale or display of merchandise.

(l) 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) City vehicles. Any vehicle of the city 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 city, the county, or the state, when the public welfare and convenience renders it impossible to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the city clerk. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit.(2000 Code, § 11-202)

CHAPTER 3**MISCELLANEOUS****SECTION**

11-301. Curfew for minors.

11-302. Begging.

11-303. Misuse of public water fountains.

11-304. Penalty for violation of civil emergency orders.

11-305. Maintenance of dilapidated buildings, stagnant water, weeds, etc.

11-306. Camping on public property.

11-301. 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 for or accompanied by a parent, guardian, or other adult person having lawful custody of such minor. (2000 Code, § 11-603)

11-302. Begging. It shall be unlawful for any person to go along the streets or from house to house for the purpose of begging, soliciting, accepting, or receiving alms or charitable funds for his own personal use or disposition. (2000 Code, § 11-605)

11-303. Misuse of public water fountains. Where public water drinking fountains or spigots have been installed on the streets, it shall be unlawful for any person to use such fountains or spigots for bathing purposes, or for any person to spit in or on them, or to place any foreign matter whatever in them. (2000 Code, § 11-606)

11-304. Penalty for violation of civil emergency orders. Any person who violates any of the provisions or orders issued by the city manager, pursuant to the authority vested in him by virtue of Tennessee Code Annotated, title 38, chapter 9, during any proclaimed civil emergency shall be guilty of a misdemeanor. (2000 Code, § 11-607)

11-305. Maintenance of dilapidated buildings, stagnant water, weeds, etc.¹ It shall be unlawful for any person to allow any dilapidated building, stagnant water, or weeds to stand on his property. Furthermore, no person shall maintain or allow any open pools of water or other unfenced hazards on his property. (2000 Code, § 11-609)

¹Municipal code reference

Property maintenance regulations: title 13.

11-306. Camping on public property. (1) "Camping" means the erection or use of temporary structures such as tents, tarps, and other temporary shelters for living accommodation activities such as sleeping, or making preparations to sleep. "Camping" includes, but is not limited to, the laying down of bedding for the purpose of sleeping, storing personal belongings, making any fire, doing any digging or earth breaking or carrying on cooking activities, whether by fire or the use of artificial means such as a propane stove or other heat-producing portable cooking equipment.

(2) It is an offense for a person to engage in the activity of camping on property owned, leased, or controlled by the City of Elizabethton that is not specifically designated for use as a camping area by the City of Elizabethton, including but not limited to, any public right-of-way (including public sidewalks), public walking and biking trails and public parks. (as added by Ord. #56-21, Aug. 2020 *Ch2_03-11-21*)

CHAPTER 4**MISDEMEANORS OF THE STATE****SECTION**

11-401. Adoption of Class C state misdemeanors as municipal ordinances.

11-401. Adoption of Class C state misdemeanors as municipal ordinances. Pursuant to the authority granted to municipalities by Tennessee Code Annotated § 16-18-302(a) by the Tennessee General Assembly during the 2006 Legislative Session, the City of Elizabethton hereby adopts and ratifies, as though copied verbatim herein, together with all future amendments of state law, these State of Tennessee Criminal Misdemeanors currently or hereafter classified as Class C Misdemeanors. (2000 Code, § 11-701)