

## CHAPTER 10

OFFENSES - MISCELLANEOUS<sup>1</sup>

## CHAPTER

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## CHAPTER 1

GENERALLY

## SECTION

10-101. Misdemeanors of the state adopted.

10-101. Misdemeanors of the state<sup>2</sup> adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or designated and declared to be offenses against this city also. Any violation of any such law within the corporate limits is also a violation of this section.

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<sup>1</sup>For offenses relating to animals and fowls, see title 3 in this code; for offenses relating to fireworks, etc., see title 7, chapter 4; for offenses relating to health and sanitation, see title 8; for traffic offenses, see title 9; for non-traffic offenses relating to streets and sidewalks, see title 12; for offenses relating to the city's vehicle license tax, see title 6, chapter 3.

<sup>2</sup>See Tennessee Code Annotated, sections 39-1-103 and 39-1-104 for the definition of a "misdemeanor."

## CHAPTER 2

OBSCEINITY, IMMORAL CONDUCT, PROFANITY, ETC.

## SECTION

- 10-201. Disorderly houses.
- 10-202. Immoral conduct.
- 10-203. Indecent or improper exposure or dress.
- 10-204. Window peeping.
- 10-205. Obscene literature, etc.
- 10-206. Profanity, etc.

10-201. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarrelling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person to knowingly visit any such house. (1953 code, ch. 14, sec. 50, modified)

10-202. Immoral conduct. No person shall commit, offer, or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose. (1953 code, ch. 14, sec. 54, modified)

10-203. Indecent or improper exposure or dress. It shall be unlawful for any person to publicly appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or to otherwise make any indecent exposure of his or her person. (1953 code, ch. 14, sec. 32)

10-204. Window peeping. No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy nor shall he loiter around or within view of any such window with the intent of watching or looking through it. (1953 code, ch. 14, sec. 56)

10-205. Obscene literature, etc. It shall be unlawful for any person to act in a lewd manner or use language or sing songs of a lewd or indecent nature, or exhibit, sell, offer for sale, or give away or keep in stock, any lewd picture, books, or other thing, or exhibit or perform any play, picture or other representation of a lewd, immoral or indecent nature. (1953 code, ch. 14, sec. 35)

10-206. Profanity, etc. No person shall use any profane, vulgar, or indecent language in or near any public street or other public place or in or around any place of business open to the use of the public in general.

## CHAPTER 3

ALCOHOL AND GAMBLING

## SECTION

10-301. Public drunkenness.

10-302. Gambling.

10-301. Public drunkenness.<sup>1</sup> See Tennessee Code Annotated, sections 39-6-925 et. seq, and title 33, chapter 8.

10-302. Gambling. It shall be unlawful for any person to:

(1) Knowingly permit in any house or tenement in his premises, under his control, any gambling table or gambling device at which any game of chance shall be played for money or property, or anything representing same, or for any person to bet, win or lose, or play for money, or property, either in specie, or by means of anything representing the same, at any such table or device, or at any game of chance.

(2) Expose in any street or upon any public ground, any table or device of any kind intended for playing a game of hazard or chance, nor shall any person play such game, or any other unlawful game, in any street or upon any public ground in the city.

(3) Encourage, aid, promote, or assist the playing at any game, or the making of any bet or wager, for money or valuable thing, or to possess, keep or exhibit for the purpose of gambling, any gaming table, device, ticket of any other gambling paraphernalia. (1953 code, ch. 14, sec. 26-31, modified)

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<sup>1</sup>For regulations prohibiting the sale of alcoholic beverages, including beer, see title 2 of this code.

## CHAPTER 4

LOITERING, PROWLING, VAGRANCY, TRESPASSING AND CURFEW

## SECTION

- 10-401. Loitering.  
 10-402. Prowling.  
 10-403. Vagrancy.  
 10-404. Trespassing.  
 10-405. Trespassing on trains.  
 10-406. Trespassing on or vandalizing cemetery.  
 10-407. Curfew for minors.

10-401. Loitering. It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, idle in, upon, or about any way or place customarily open to public use. (1953 code, ch. 14, sec. 38, modified)

10-402. Prowling. It shall be unlawful for any person to prowl or wander about the streets, alleys, or other public or private ways or places, or be found abroad at late or unusual hours in the night without any visual or lawful business and when unable to give a satisfactory account of himself.

10-403. Vagrancy. It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, to wilfully neglect to apply himself to some honest occupations. (1953 code, ch. 14, sec. 65, modified)

10-404. 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 also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.<sup>1</sup> (1953 code, ch. 14, sec. 64, modified)

10-405. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or

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<sup>1</sup>For other provisions governing peddlers and solicitors see title 5, chapters 2 and 3 of this code.

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.

10-406. Trespassing on or vandalizing cemetery. It shall be unlawful for any person to:

(1) Trespass in, or, over on any cemetery within the corporate limits.

(2) Remove, tip over, throw down, mark, deface or otherwise injure any monument or tombstone within any such cemetery, or to dig into or disturb any grave within such cemetery or in any way injure any of the buildings or fence erected for the benefit or protection of such cemetery or burial ground. (1953 code, ch. 14, sec. 13, modified)

10-407. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between the hours of 11:00 P.M. and 5:00 A.M., unless upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor, or unless such child is employed at a place and under conditions that require him to be on the streets during prohibited hours and said child has in his possession written permission from the parent or guardian to be so employed. (1953 code, ch. 14, sec. 14, modified)

## CHAPTER 5

WEAPONS, FIREARMS AND MISSILES

## SECTION

- 10-501. Weapons and firearms generally.  
10-502. Air rifles, etc.  
10-503. Throwing of missiles.

10-501. Weapons and firearms generally. It shall be unlawful for any person 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 the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the city. (1953 code, ch. 14, sec. 21 and 66, modified)

10-502. Air rifles, etc. It shall be unlawful for any person in the city 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. (1953 code, ch. 14, sec. 9, modified)

10-503. Throwing of 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.

## CHAPTER 6

OFFENSES AGAINST THE PERSON, PEACE AND CITY OPERATIONS

## SECTION

- 10-601. Assault and battery.
- 10-602. Disturbing the peace.
- 10-603. Anti-noise regulations.
- 10-604. Coercing people not to work.
- 10-605. Malicious mischief.
- 10-606. False emergency alarms.
- 10-607. Escape from custody or confinement.
- 10-608. Resisting or interfering with an officer.
- 10-609. Impersonating a government officer or employee.
- 10-610. Interference with traffic.
- 10-611. Obtaining a license, privilege, or permit by fraud.
- 10-612. Posting notices, etc.

10-601. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery against any person. (1953 code, ch. 14, sec. 7)

10-602. 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 this control. (1953 code, ch. 14, sec. 17, modified)

10-603. 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, street-car, 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 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 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 7:00 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 and 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) Noise 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.

(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) Municipal 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 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 recorder. 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.

10-604. 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.

10-605. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to wilfully, maliciously, or wantonly damage, deface, destroy, conceal,

tamper with, remove, or withhold real or personal property which does not belong to him. (1953 code, ch. 14, sec. 49, modified)

10-606. 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 an act.

10-607. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city 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.

10-608. Resisting or interfering with an officer. It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties.

10-609. 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 other government officer or employee.

10-610. 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.

10-611. Obtaining a license, privilege, or permit by fraud. (1) It is hereby declared to be unlawful for any person, partnership, corporation, association or any other entity or business to obtain, aid in obtaining, or attempt, in any way, to obtain a license, permit or privilege of any kind from the City of Kenton, Tennessee, or its employees or officers by or through the use of, or attempted use of, any false representation, false statements or any type of misrepresentation whatsoever.

(2) Any license, permit, or privilege obtained by use of any means listed in this section will be a void license, permit, or privilege and considered as never having been issued and the holder thereof considered as not having any license, permit, or privilege.

10-612. Posting notices, etc. 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. (1953 code, ch. 14, sec. 2 and 4, modified)

## CHAPTER 7

OTHER OFFENSES

## SECTION

- 10-701. Abandoned refrigerators, etc.  
10-702. Caves, wells, cisterns, etc.  
10-703. Fortune telling, etc.  
10-704. Wearing masks.

10-701. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discharged refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door.

10-702. 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.

10-703. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers.

10-704. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of sixteen (16) years on Halloween so long as they are engaged in no unlawful acts.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person or group to whom a permit has been issued by the city recorder to employ a mask as a part of a bona fide theatrical performance.

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(RESERVED FOR FUTURE USE)