

**TITLE 11**

**MUNICIPAL OFFENSES<sup>1</sup>**

**CHAPTER**

1. MISDEMEANORS OF STATE ADOPTED.
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5. OFFENSES AGAINST THE PEACE AND QUIET.
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**CHAPTER 1**

**MISDEMEANORS OF STATE ADOPTED**

**SECTION**

11-101. Misdemeanors of the state adopted.

**11-101. Misdemeanors of the state adopted.** All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the Common Law to be misdemeanors are hereby 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. (1991 Code, § 11-101)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

**CHAPTER 2****ALCOHOL**<sup>1</sup>**SECTION**

11-201. Public drunkenness.

11-202. Drinking alcoholic beverages in public, etc.

11-203. Minors in beer places.

**11-201. Public drunkenness.** See Tennessee Code Annotated, § 39-17-310, et seq. (1991 Code, § 11-201)

**11-202. Drinking alcoholic beverages in public, 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. (1991 Code, § 11-202)

**11-203. Minors in beer places.** No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption. (1991 Code, § 11-203)

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<sup>1</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

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

11-301. Escape from custody or confinement.

11-302. Impersonating a government officer or employee.

11-303. False emergency alarms.

11-304. Resisting or interfering with city personnel.

**11-301. 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. (1991 Code, § 11-301)

**11-302. 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. (1991 Code, § 11-302)

**11-303. 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. (1991 Code, § 11-303)

**11-304. Resisting or interfering with city personnel.** It shall be unlawful for any person knowingly to 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. (1991 Code, § 11-304)

## CHAPTER 4

**OFFENSES AGAINST PROPERTY****SECTION**

11-401. Trespassing.

11-402. Malicious mischief.

11-403. Interference with traffic.

**11-401. Trespassing.** (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. 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> (1991 Code § 11-401)

**11-402. 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. (1991 Code, § 11-402)

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<sup>1</sup>Municipal code reference

Provisions governing peddlers and solicitors, etc.: title 9, chapter 1.

**11-403. 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. (1991 Code, § 11-403)

**CHAPTER 5**

**OFFENSES AGAINST THE PEACE AND QUIET**

**SECTION**

11-501. Disturbing the peace.

11-502. Anti-noise regulations.

**11-501. 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. (1991 Code, § 11-501)

**11-502. Anti-noise regulations.** (1) Preamble. The City Council of the City of Kingston finds that excessive sound or noise is detrimental to the physical, mental, and social well being of the citizens of the City of Kingston as well as to their comfort, living conditions, general welfare and safety and hereby declares it necessary to provide for more effective regulation of excessive sound or noise. It is the intent of this section to establish standards, regulations and enforcement procedures that will eliminate or reduce unnecessary and excessive sound and noise which is physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of business.

(2) Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(a) "A-weighted sound pressure level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network, as defined in American National Standard S1.4-1983 (R 1997). The level so read is designated dB(A).

(b) "Ambient noise" means the all-encompassing sound or noise associated with a given environment, being usually a composite of sounds from many sources near and far.

(c) "City" means City of Kingston.

(d) "Commercial use" means activity within or upon a premise where offices, clinics, kennels, shopping and service establishments exist and none of the gross floor area meets the definition of residential use, as set forth below.

(e) "DB(A)" means 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 (twenty (20) micronewtons per square meter).

(f) "Impulsive sound" means sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

(g) "Industrial use" means any activity within or upon a premise where manufacturing, processing or fabrication of goods or produces takes place.

(h) "Motor vehicle" means any motor required to be registered by the Department of Safety for the State of Tennessee, pursuant to Tennessee Code Annotated, title 55.

(i) "Person" means any individual, association, partnership, or corporation, and includes any officer or employee thereof.

(j) "Public premise" means all real property, including appurtenances thereon, which is owned or controlled by any public governmental entity and shall include streets, alleys, parks and navigable waterways, but shall not include real property leased to any non-governmental entity for residential, commercial or industrial use, as defined herein.

(k) "Real property boundary" means a line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person or entity from that owned by another person or entity, but not including intrabuilding real property divisions.

(l) "Residential use" means any premises lawfully used for human habitation under the ordinances of the City of Kingston and the laws of the State of Tennessee and shall include schools, churches, hospitals, nursing homes, and similar institutional facilities. For purposes of this section only, premises adjoining, adjacent to or opposite hospitals or nursing homes shall also be deemed residential use.

(m) "Sound pressure" means the average rate at which sound energy is transmitted through a unit area in a specified direction.

(n) "Sound pressure level meter" means an instrument used for measurement of the intensity of sound and accurately calibrated in decibels. Readings shall be made on a dB(A) scale.

(3) Standards. (a) No person shall cause, suffer, allow or permit sound from any source which, when measured from the real property boundary of the source of the sound, is in excess of the following standards:

(i) Residential use. (A) When the offending sound emanates from a residential use between the hours of 7:00 A.M. and 10:00 P.M., sound which has an A-weighted sound pressure level of 65 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(B) When the offending sound emanates from a residential use between the hours of 10:00 P.M. and 7:00 A.M., sound which as an A-weighted sound pressure level of

60 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(ii) Commercial use. (A) When the offending sound emanates from a commercial use between the hours of 7:00 A.M. and 10:00 P.M., sound which has an A-weighted sound pressure level of 80 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(B) When the offending sound emanates from a commercial use between the hours of 10:00 P.M. and 7:00 A.M., sound which has an A-weighted sound pressure level of 75 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(iii) Industrial use. (A) When the offending sound emanates from an industrial use, continuous or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(B) No person shall cause, suffer, allow or permit from any source within a public premise any airborne sound which, when measured from the source of the sound, has an A-weighted sound pressure level in excess of 65 dB(A), or any impulsive sound which has an A-weighted sound pressure level of 80 dB(A). This subsection shall not apply to legitimate government operations.

(C) Sound, whether continuous or impulsive, shall be measured at approximately five feet (5') above grade, using a slow meter response setting and using a windscreen when appropriate.

(4) Loud, unusual or unnecessary sounds and noises prohibited; criteria; other prohibited noises. (a) Consistent with other provisions of this section, and in addition thereto, it shall be unlawful for any person within the limits of the city to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary sound or noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.

(b) The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to the following:

- (i) The frequency of the sound or noise;
- (ii) The intensity of the sound or noise;

- (iii) Whether the nature of the sound or noise is usual or unusual;
- (iv) Whether the origin of the sound or noise is natural or unnatural;
- (v) The frequency and intensity of the ambient sound or noise, if any;
- (vi) The proximity of the sound or noise to residential sleeping facilities;
- (vii) The nature and land use of the area within which the sound or noise emanates;
- (viii) The population density of the inhabitation of the area within which the sound or noise emanates;
- (ix) The time of the day the sound or noise occurs;
- (x) The duration of the sound or noise; and
- (xi) Whether the sound or noise is recurrent, intermittent, or constant.

(c) The following acts are declared to be unreasonably loud, unusual or unnecessary sound or noises in violation of this section, even if the sound or noises referred to do not violate the sound level standards set forth in this section.

(i) Horns and signaling devices on vehicles. The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicles 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 signaling device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(ii) Bands and musical instruments. The use by any person, group or band of any musical instrument, radio set, television set or other instrument, machine or device for amplifying, producing or reproducing sound in such a manner as to disturb the peace and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are in the vehicle, room, chamber, outdoor facility or in the vicinity in which such instrument, machine or device is operated and who are voluntary listeners thereto.

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

(iv) Drums and other attention-attracting devices. The use of any drum or other instrument or device for the purpose of attracting attention by creation of sound or noise to any performance, show or sale.

(v) Animals and birds. The keeping of any animal or bird which, by frequent barking, howling, crying, singing or causing any other frequent or long-continued noise, disturbs the comfort and repose of any person in the vicinity.

(vi) Sound trucks. The use or operation on or upon the public streets in the city or on driveways or throughways owned by or leased to the City of Kingston of any device known as a sound truck, or any loudspeaker, sound amplifier or other instrument of any kind or character which emits therefrom loud raucous noises and is attached to and upon any vehicle operated or standing upon the city streets or on driveways or throughways owned by or leased to the City of Kingston.

(vii) 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.

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

(ix) Fireworks. The use of any combustible novelty or recreational items generating a whistle or loud report.

(5) Noise from motor vehicle audio equipment. Consistent with other provisions of this section, and in addition thereto, no person shall use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on the public streets of the City of Kingsport, property owned by or leased to the City of Kingston, or within a public park, within a public parking lot or on any other public premise within the city, which is audible to a person of normal hearing sensitivity more than fifty feet (50') from such vehicle, nor shall any person use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than fifty feet (50') outside the real property boundary of said property. Words and phrases need not be discernible for said sound to be audible, and said sound shall include bass reverberation.

(6) Continuing violations. Each violation of this section shall be considered a separate offense, and any violation continuing more than one half (1/2) hour or recurring within one half (1/2) hour shall be considered a separate offense for each half hour of violation.

(7) No warning required. Nothing contained in this section shall be construed as requiring any warning to any person before the enforcement of the provisions of this section.

(8) Exceptions. None of the terms or prohibitions contained in this section shall apply to or be enforced against:

(a) Any vehicle of the city or a public utility while engaged in necessary public business.

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

(c) Emergency activities of the city, the county, or the state 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 is involved.

(d) Any special event authorized by the city pursuant to the law, rules and regulations of the city, including but not limited to city sponsored or permitted parades or public events.

(e) Excavation, construction, demolition, repair, paving or alteration of buildings or streets. This exception shall not apply to such excavation, construction, demolition, repair, paving or alteration of buildings or streets in a residential use between the hours of 6:00 P.M. and 7:00 A.M. except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector. 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, 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 progress of the work.

(f) Use of domestic power equipment (including but not limited to power lawn mowers, leaf blowers, trimmers, snowblowers, tillers, saws, sanders, drills, or similar devices) between 8:00 A.M. and 9:00 P.M.

(g) Attendant on-site sounds connected with the actual performance of organized sporting events on school campuses and in publicly owned parks or facilities.

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

(i) Amplified and unamplified bells and chimes on schools, public buildings and other places of assembly.

(j) Use of motor vehicles for the collection and/or compacting of refuse, except that such vehicles shall not operate between 10:00 P.M. and 7:00 A.M. in a residential use.

(k) Cleaning and maintenance of parking lots and access roadways held open to the public, but only when such activities are not feasible between 7:00 A.M. and 10:00 P.M.

(l) Any aircraft in flight subject to federal law regarding noise control and any helicopter in the act of landing or taking off, if such landing or taking off is approved.

(m) Air conditioning and refrigeration units appurtenant to a permanent structure, so long as the unit or any of its component parts is not so out of repair as to create loud or unnecessary grating, grinding, rattling or other noise.

(n) Human sounds emanating from children twelve (12) years of age or under, including but not limited to speech and utterances of laughter, cries, and sounds associated with play.

(o) Security alarms on structures or motor vehicles, except that such alarms must terminate operation within five (5) minutes after activation for continuous airborne sound and within fifteen (15) minutes for impulsive sound unless otherwise provided in this code.

(9) Special noise permits. (a) The City of Kingston shall, upon proper application, grant special permits for limited exceptions from the provisions of this section.

(b) Special noise permits shall be issued only for events occurring on Friday, Saturday, or a federally recognized holiday, and shall be effective only between the hours of 7:00 A.M. and 10:00 P.M. Special noise permits shall be limited to a single day, and no more than two (2) permits shall be issued to any premises in any twelve (12) month period, regardless of any change in ownership of the premises.

(c) Any person seeking a special noise permit pursuant to this section shall file an application with the city clerk. The application shall contain specific information regarding the nature of the event for which the permit is sought, including the anticipated duration of the event, the address of the premises for which the permit is sought, the name (and address, if different from the premises for which the permit is sought) of the person seeking the permit, an acknowledgment of responsibility of the applicant for any violations of this section resulting from noncompliance with the terms of the permit, and the signature of the applicant. Said application shall be filed no less than three (3) business days prior to the effective date of the permit. No permit shall be issued by the city clerk unless the application has been approved in writing by the Kingston Police Department.

(d) Upon receipt of a properly executed and signed application, the City of Kingston shall issue a special noise permit to the applicant,

which permit shall exempt the premises specified in the permit from the provisions of this section for the date specified in the permit, except that sound emitted from the premises shall in no way exceed the standards set forth in this section by more than 10 dB(A).

(e) Non-compliance with any conditions of the permit or any of the provisions of this section shall invalidate the permit and subject the applicant and any other person on the premises to all provisions of this section.

(f) The permit shall be displayed prominently on the premises covered by the permit. (1991 Code, § 11-502, as replaced by Ord. #12-10-9, Nov. 2012)

**CHAPTER 6****OFFENSES AGAINST PUBLIC HEALTH, SAFETY OR WELFARE****SECTION**

- 11-601. Air rifles, etc.
- 11-602. Throwing missiles.
- 11-603. Discharge of firearms.
- 11-604. Gambling.
- 11-605. Abandoned refrigerators, etc.
- 11-606. Caves, wells, cisterns, etc.
- 11-607. Posting notices, etc.
- 11-608. Curfew for minors.
- 11-609. Interfering with radio or television reception.
- 11-610. Weapons on city property.

**11-601. 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 bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1991 Code, § 11-601)

**11-602. Throwing missiles.** It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1991 Code, § 11-602)

**11-603. Discharge of firearms.** (1) It shall be unlawful for any person to discharge firearms within the corporate limits of the city. Notwithstanding any other provisions in this section to the contrary, nothing in this section is intended to prohibit the discharge or firing of firearms:

(1) When the discharge of firearms is made by a person authorized under the laws of the State of Tennessee and the United States to discharge firearms in connection with duties that person is authorized by those laws to perform;

(2) When the discharge of firearms is made by a person in the activity of hunting, but only to the extent that hunting is conducted strictly in accordance with the laws, rules, and regulations of the State of Tennessee governing the right of citizens to hunt within the municipal limits of the city.

(3) By anyone within a legally established shooting range, shooting gallery, firearm training facility or a parcel of land exceeding five (5) or more acres where precautions have been taken to insure the protection of human life and property.

(2) The violation of this section is a civil offence, punishable under the general penalty provision of this municipal code of ordinances. (1991 Code, § 11-603)

**11-604. Gambling.** (1) Gambling prohibited. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing.

(2) Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (1991 Code, § 11-604)

**11-605. 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 or otherwise sealing the door in such a manner that it cannot be opened by any child. (1991 Code, § 11-605)

**11-606. 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. (1991 Code, § 11-606)

**11-607. Posting notices, etc.** No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1991 Code, § 11-607)

**11-608. Curfew for minors.** It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 12:00 midnight unless accompanied by a parent, guardian or other adult person having lawful custody of such minor. (1991 Code, § 11-608)

**11-609. Interfering with radio or television reception.** It shall be unlawful for any person to operate, within the corporate limits, any electrical apparatus, wires, device, machine, or equipment which causes interference with radio or television reception when such interference can be reasonably prevented by means of repairs, adjustments, the installation of corrective appliances, or other practicable alterations. (1991 Code, § 11-609)

**11-610. Weapons on city property.** (1) No person shall bring onto, or have in his or her possession while on city property, a weapon, whether or not such weapon is concealed or unconcealed, or loaded or unloaded.

(2) Definitions. For the purposes of the interpretation and application of this ordinance, the following words shall have the indicated meanings:

(a) "City property." City property shall mean any property owned or leased by, or otherwise in the possession of, the city, and used for city purposes. Such property shall include, but is not limited to, city hall, schools and any other educational facilities, fire and police stations, courts, jails and other detective facilities, auditoriums and civic buildings, hospitals and other curative institutions, equipment service and storage facilities, supply facilities, public utility facilities, land fills, and recreational facilities, and motor and other vehicles.

(b) "Weapon." Weapon shall include any and all of the following instruments, implements and devices:

(i) Bombs, grenades, rockets or mines designed to be loaded with any explosive, incendiary, or poisonous gas, whether or not loaded with an explosive, incendiary or poisonous gas;

(ii) Firearms of every kind and description designed to fire and propel a projectile, including but not limited to, rifles, shotguns, machine guns, and handguns, whether or not such firearm is loaded or unloaded. This definition shall include antique firearms and firearms that are not immediately capable of firing and propelling a projectile.

(c) Switchblade knives, which means any knives that have a blade that opens automatically by hand pressure applied to a button or other device on any part of the knife or by inertia or gravity;

(d) Knuckles, which means any instrument, implement or device that consists of finger rings or guards made of metal or any other hard substance that is designed, made or adapted for the purpose of inflicting bodily harm or death by striking the person with a hand or fist enclosed in such knuckles;

(e) Any other device, instrument, or implement especially made, designed, altered or adapted for the purpose of inflicting bodily injury or death by striking a person with the instrument.

(3) Exceptions. Of the ordinance to prohibit the carrying of weapons on the property of the City of Kingston is hereby amended to read as follows:

(a) Federal, state or local law enforcement officers authorized by their political subdivision to carry a firearm or to have in their possession any other weapon in the course of their employment under the laws of the United States and the State of Tennessee and its political subdivisions is exempt from the application of this section. However, this exemption shall only apply to the weapon or weapons the law

enforcement officer is entitled under the applicable law to carry or have in his or her possession.

(b) Any provision in this section notwithstanding, the possession and use of the ceremonial cannon at Fort Southwest Point or on any other city property and the possession and use of weapons by persons engaged solely in re-enactments of battles at Fort Southwest Point and/or as a part of parades or funeral or national holiday ceremonies is exempt from the application of this section.

(4) Pursuant to Tennessee Code Annotated, § 39-17-1359, notice of this prohibition shall be posted in prominent locations, including all entrances primarily used by persons entering the premises. The sign shall be of a size that is plainly visible to the average person entering the building, premises or property and shall contain language substantially similar to the following:

Pursuant to § 39-17-1359, the owner/operator of this property has banned weapons on this property, or within this building or this portion of this building. Failure to comply with this prohibition is punishable as a criminal act under state law and may subject the violator to a fine of not more than five hundred dollars (\$500.00). (1991 Code, § 11-610)