

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. MISDEMEANORS OF THE STATE ADOPTED.
2. ENUMERATED.
3. SMOKING IN PUBLIC FACILITIES PROHIBITED.

CHAPTER 1

MISDEMEANORS OF THE 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 the Town of Livingston also. Any violation of any such law within the corporate limits is also a violation of this section. (1989 Code, § 10-101)

¹Municipal code references
Animal control: title 10.
Housing and utility codes: title 12.
Fireworks and explosives: title 7.
Traffic offenses: title 15.
Streets and sidewalks (non-traffic): title 16.

CHAPTER 2

ENUMERATED

SECTION

- 11-201. Assault and battery.
- 11-202. Disturbing the peace.
- 11-203. Disorderly houses.
- 11-204. Immoral conduct.
- 11-205. Obscene literature.
- 11-206. Indecent or improper exposure or dress.
- 11-207. Window peeping.
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- 11-210. Illegal voting.
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- 11-212. Escape from custody or confinement.
- 11-213. Resisting or interfering with a police officer.
- 11-214. Impersonating an officer.
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- 11-216. Air rifles, etc.
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- 11-218. Gambling.
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- 11-228. Malicious mischief.
- 11-229. Posting notices, etc.
- 11-230. Spitting.
- 11-231. Public drunkenness.
- 11-232. Alcoholic beverages in or near city park.
- 11-233. Drinking beer, etc., on streets, etc.
- 11-234. Antinoise regulations.

11-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1989 Code, § 10-201)

11-202. 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. (1989 Code, § 10-202)

11-203. 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. (1989 Code, § 10-203)

11-204. Immoral conduct. No person shall commit or 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. (1989 Code, § 10-204)

11-205. Obscene literature. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of loaning, selling or otherwise circulating or exhibiting, any book, pamphlet, ballad, or other written or printed paper containing obscene language, prints, pictures, or descriptions manifestly intended to corrupt the morals. (1989 Code, § 10-205)

11-206. 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. (1989 Code, § 10-206)

11-207. Window peeping. No person in the town shall look, peer, or peep into or be found loitering around or within view of, any window not on his own property with the intent of watching or looking through said window. (1989 Code, § 10-207)

11-208. 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. (1989 Code, § 10-208)

11-209. Disturbing the municipal court. It shall be unlawful for any person to create a disturbance of any trial before the municipal court by any distracting conduct, loud or unusual noise, or any indecorous, profane or blasphemous language. (1989 Code, § 10-209)

11-210. Illegal voting. It shall be unlawful for any unauthorized person to vote in any municipal election. (1989 Code, § 10-210)

11-211. Vote soliciting at polling places. It shall be unlawful for any person, including those authorized to be watchers or observers, to hand out or distribute cards, pamphlets, pictures or literature within one hundred and fifty feet (150') of any ballot box or voting machine during the time the polls are lawfully open on the day of any election or primary held in the city. It shall also be unlawful for any person to do any other act whatsoever within said limits and during said time for the purpose of attempting to influence the vote of any voter. (1989 Code, § 10-211)

11-212. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town 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. (1989 Code, § 10-212)

11-213. Resisting or interfering with a police officer. It shall be unlawful for any person to resist or in any way interfere with or attempt to interfere with any police officer while the latter is in the discharge or apparent discharge of his duty. (1989 Code, § 10-213)

11-214. Impersonating an officer. No person other than an official police officer of the town, shall wear the uniform, apparel, or badge, or carry the 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 town. (1989 Code, § 10-214)

11-215. 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 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 criminals. 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 and in arresting criminals and transporting and turning them over to the proper authorities 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 town. (1989 Code, § 10-215)

11-216. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, or "BB" gun, capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive or other force-producing means or method. (1989 Code, § 10-216)

11-217. Throwing of missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person in any public or private way or place. (1989 Code, § 10-217)

11-218. Gambling. 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. (1989 Code, § 10-218)

11-219. 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 keep or exhibit any gaming table or device for gaming. (1989 Code, § 10-219)

11-220. Possession of federal wagering stamp.¹ It shall be unlawful for any person within the corporate limits of the Town of Livingston, Tennessee, to possess a federal wagering stamp as provided by the provisions of the Revenue Act of 1951 enacted by the Congress of the United States. (1989 Code, § 10-220)

11-221. Jumping or hanging on motor vehicles. It shall be unlawful for any person to attempt to or to actually jump on or hang to any moving motor vehicle. (1989 Code, § 10-221)

11-222. False emergency alarms. It shall be unlawful for any person intentionally to 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. (1989 Code, § 10-222)

¹The provisions contained in this section were upheld by the Tennessee Supreme Court as being constitutional in the 1953 Chattanooga case of Deitch et al. v City of Chattanooga, 195 Tenn. 245.

11-223. Loitering. It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, or idle in, upon, or about any way or place customarily open to the use of the public in general. (1989 Code, § 10-223)

11-224. 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 visible or lawful business and when unable to give a satisfactory account of himself. (1989 Code, § 10-224)

11-225. Vagrancy. Vagrants are prohibited in public ways and places within the corporate limits. (1989 Code, § 10-225)

11-226. Trespassing on trains. It shall be unlawful for any minor or other 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. (1989 Code, § 10-226)

11-227. 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. (1989 Code, § 10-227)

11-228. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, wantonly or negligently to damage, deface, destroy, conceal, or remove any real or personal property which does not belong to him. (1989 Code, § 10-228)

11-229. Posting notices, etc. No person shall fasten, in any way, any showcard, poster, or other advertising device upon any public or private property within the corporate limits unless legally authorized to do so. (1989 Code, § 10-229)

11-230. Spitting. It shall be unlawful for any person to spit or expectorate upon any street or sidewalk or upon the floors or grounds of any public building within the town. (1989 Code, § 10-230)

11-231. Public drunkenness. See the Tennessee Code Annotated, sections 39-6-925, et seq.; see also title 33, ch. 8. (1989 Code, § 10-231, modified)

11-232. Alcoholic beverages in or near city park. It shall be unlawful to possess or consume beer or any alcoholic beverages within the boundaries of the Livingston City Park of Livingston, Tennessee, or on lands or public use areas reasonably close thereto, and conviction of a violation of this ordinance shall be punishable as a small offense or other misdemeanor of this code. (1989 Code, § 10-232)

11-233. 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 in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place within the town unless the place has a beer permit and license. (1989 Code, § 10-232)

11-234. 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 and noise 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 loud speakers 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 persons 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, street car, 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 5:00 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 recorder which permit may be granted for a period not to exceed thirty (30) days while the emergency continues. If the recorder shall 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 for the purpose of attracting attention by creation of noise 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) City vehicles. Any vehicle of the town while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets or highways by or on behalf of the town, the county, or the state, during the night season, 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 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. (1989 Code, § 10-233)

CHAPTER 3

SMOKING IN PUBLIC FACILITIES PROHIBITED

SECTION

- 11-301. Purpose.
- 11-302. Definitions.
- 11-303. Prohibitions.
- 11-304. Designation of smoking and non-smoking areas.
- 11-305. Posting of signs.
- 11-306. Exceptions.
- 11-307. Enforcement and appeal.
- 11-308. Penalties.

11-301. Purpose. The purpose of this chapter is to prohibit the smoking of tobacco, or any weed or plant, in or at any public facility or other certain public property frequented by the public except in designated smoking areas. (Ord. #2009-1-1, March 2009)

11-302. Definitions. For the purposes of this chapter, the following words shall have the meaning as stated:

- (1) "Smoke" or "smoking" means the carrying of a lighted pipe, cigar, cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind.
- (2) "Public facility" means:
 - (a) Any enclosed area facility which is owned, operated, leased or under the control of the town of Livingston to which the public is invited or in which the public is permitted; including, but not limited to theaters, waiting rooms, reception areas, education facilities, and areas in which city employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, and conference rooms; or
 - (b) Any sports pavilion, sports stadium, public swimming pool, public park and any other similar place which is owned, operated, leased or under the control of the town of Livingston where members of the --public and minor children assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.
- (3) "Private office" means any enclosed room normally occupied by two (2) or fewer individuals and not generally open to the public. (Ord. #2009-1-1, March 2009)

11-303. Prohibitions. No person shall, in or at a public facility as defined above, smoke except in the designated smoking area(s) of such public facility. (Ord. #2009-1-1, March 2009)

11-304. Designation of smoking and non-smoking areas.

(1) Non-smoking areas may be designated at public facilities by the person in charge.

(2) Smoking areas may be designated at public facilities by the person in charge; except in public conveyances, theaters, auditoriums, public assembly rooms, meeting rooms, restrooms, elevators, libraries, museums or galleries which are open to the public or any other place where smoking is prohibited by the fire marshal or by other law, ordinance or regulation. In areas where smoking is permitted, existing physical barriers and ventilation systems shall be used to minimize the effect of smoke in adjacent nonsmoking areas. It shall be the responsibility of the mayor to provide smoke-free areas for non-smokers within or at existing facilities to the maximum extent possible. (Ord. #2009-1-1, March 2009)

11-305. Posting of signs. Signs which designate smoking or non-smoking areas established by this chapter shall be clearly, sufficiently, and conspicuously posted in every room, building, or other place so covered by this chapter. The manner of such posting including the wording, size, color, design, and place of posting whether on the walls, doors, tables, counters, stands or elsewhere shall be at the discretion of the person having control of such room, building, facility or other place so long as clarity, sufficiency, and conspicuousness are apparent in communicating the intent of this chapter. (Ord. #2009-1-1, March 2009)

11-306. Exceptions. Notwithstanding any other provision of this chapter, non-smoking areas shall not be required in private offices, meeting and assembly rooms rented to guests, areas and rooms while in use for private social functions, and jails. (Ord. #2009-1-1, March 2009)

11-307. Enforcement and appeal. The person in charge of any facility defined herein shall post or cause to be posted all "No Smoking" and "designated smoking area" signs required by this chapter. Employees working in such facility shall be required to orally inform persons violating this chapter of the provision thereof. The duty to inform such visitor shall arise when such employee becomes aware of such violation.

(2) It shall be the responsibility of the mayor to disseminate information concerning the provisions of this chapter to employees.

(3) The person in charge of any facility subject to this chapter may apply to the board of mayor and aldermen for an exemption or modification of the provisions of this chapter due to unique or unusual circumstances or conditions. (Ord. #2009-1-1, March 2009)

11-308. Penalties. Any person violating any provision of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty of not less

than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (Ord. #2009-1-1, March 2009)