

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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CHAPTER 1

ALCOHOL²

SECTION

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

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 unless the place has an appropriate permit and/or license for on premises consumption. (1982 Code, § 10-216)

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

OFFENSES AGAINST THE PERSON

SECTION

11-201. Assault and battery.

11-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon another person. (1982 Code, § 10-203)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

- 11-301. Disturbing the peace.
- 11-302. Unlawful noises enumerated.
- 11-303. Noise generally.
- 11-304. Disturbing lawful assemblies generally.
- 11-305. Disturbing religious congregations or schools.

11-301. Disturbing the peace. It shall be unlawful for any person to disturb the peace of others by violent, profane, indecent, offensive, or boisterous conduct or language, or by conduct calculated to provoke violence or a violation of the law. (1982 Code, § 10-212)

11-302. Unlawful noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this code, but said enumeration shall not be deemed to be exclusive, namely:

(1) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(2) Radios, phonographs, etc. The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or other place in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(3) Loudspeakers, amplifiers for advertising. The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public

streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(4) Yelling, shouting, 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 persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

(5) Animals, birds, etc. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.

(6) Steam or electrical whistles. The blowing of any locomotive steam whistle or 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.

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

(8) Defects in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, or loaded in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise.

(9) Loading and unloading. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(10) Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building 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 recorder, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the recorder 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 within 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 within 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.

(11) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.

(12) Hawkers, peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

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

(14) Metal rails, pillars, and columns--transportation thereof. The transportation of rails, pillars, or columns of iron, steel, or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(15) Pile drivers, hammers, etc. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noise.

(16) Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise. (1982 Code, § 10-206)

11-303. Noise generally. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the city. (1982 Code, § 10-205)

11-304. Disturbing lawful assemblies generally. It shall be unlawful to disturb or disquiet any congregation or lawful assemblage by rude, noisy, or indecent conduct or by unseemly words or gestures. (1982 Code, § 10-214)

11-305. Disturbing religious congregations or schools. It shall be unlawful for any person to disturb or disquiet any congregation or assembly met for religious worship or any school, by indecent or lewd conduct, or by boisterous or profane discourse within or near such place of worship, assembly, or school. (1982 Code, § 10-215)

CHAPTER 4

FIREARMS, WEAPONS AND MISSILES

SECTION

- 11-401. Throwing rocks and other missiles.
- 11-402. Carrying weapons prohibited.
- 11-403. Exemptions.
- 11-404. Carrying knife with blade exceeding four inches.
- 11-405. Selling, disposing of dangerous weapons.
- 11-406. Selling, giving weapons to minor.
- 11-407. Unlawful weapons forfeited.
- 11-408. Disposition of confiscated weapons.
- 11-409. Firing, discharging.

11-401. Throwing rocks and other missiles. It shall be unlawful for any person to throw rocks, bricks, brickbats, snowballs, or any other kind of missiles upon the streets, in the parks, or elsewhere within the corporate limits. (1982 Code, § 10-218)

11-402. Carrying weapons prohibited. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, bowie knife, or other knife of like form, shape, or size, any sword cane, ice pick, sling shot, blackjack, brass knucks, spanish stiletto, or a fountain pen pistol or gun or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, or any other dangerous weapon, except the army or navy pistol which shall be carried openly in the hand. (1982 Code, § 10-232)

11-403. Exemptions. The provisions of § 11-402 shall not apply to any person employed in the army, air force, navy, or marine service of the United States, or to any officer or policeman while bona fide engaged in his official duties, in the execution of process, or while searching for or engaged in arresting criminals, nor to persons who may have been summoned by such officer or policeman in the discharge of his duties, and in arresting criminals and transporting and turning them over to the proper authorities; nor shall said provisions apply to any conductor of any passenger or freight train of any railroad while he is on duty. Persons who may be employed in the army, air force, navy, or marine service, as aforesaid, shall only carry such pistols as are prescribed by the army, air force, and navy regulations. (1982 Code, § 10-233)

11-404. Carrying knife with blade exceeding four inches. It shall be unlawful for any person to carry in any manner whatever, with the intent to

go armed, any pocket knife with a blade exceeding four (4) inches in length. (1982 Code, § 10-234)

11-405. Selling, disposing of dangerous weapons. It shall be unlawful to sell, or offer to sell, or to bring into this city for the purpose of selling, giving away, or otherwise disposing of, any knife or other prohibited weapon mentioned in § 11-402; and the person guilty thereof, for each knife or other prohibited weapon shall be guilty of a misdemeanor; provided, however, sales shall not be unlawful if conducted in accordance with Tennessee Code Annotated, § 39-6-1704. (1982 Code, § 10-235)

11-406. Selling, giving weapons to minor. It shall be unlawful for any person to sell, lend, or give to any minor a pistol, bowie knife, hunter's knife, or like dangerous weapon, except a gun for hunting. (1982 Code, § 10-236)

11-407. Unlawful weapons forfeited. Whenever any person is arrested by any lawful officer of the city, and such person is found to have on his person, or about him in an unlawful manner any unlawful weapon, such as bowie knife, blackjack, knuckles, sling shots, pistols, burglar's tools, or any other weapon or device which is denominated as unlawful under the statutes of this state or provisions of this code, which he is by law prohibited from carrying, such weapon shall become the property of the city. (1982 Code, § 10-237)

11-408. Disposition of confiscated weapons. All weapons confiscated under § 11-407 may be destroyed or otherwise disposed of under the supervision and order of the city judge; but it is expressly provided that in no event shall such weapons be returned to the person arrested, or any of his relatives or friends, and it is further expressly provided that they shall not be sold or offered for sale in any part of the state, except that after a finding of guilty of unlawful possession of such weapon, the city judge may, after the final conclusion of the case, order the same to be sold to business concerns who handle similar items in their normal course of business. (1982 Code, § 10-238)

11-409. Firing, discharging. (1) Prohibited. It shall be unlawful to fire, shoot, or discharge any rifle, pistol, shotgun, other firearm, bow and arrow, spring, air or "BB" gun, or other dangerous weapon without a permit from the chief of police.

(2) Exceptions. The provisions of this section shall not apply to persons employed in the army, air force, navy or marine service of the United States, or to any law enforcement officer engaged in his official duties, in the execution of process, or while searching for or engaged in arresting criminals, nor to persons who may have been summoned by such officer in the discharge of his duties, and in arresting criminals and transporting and turning them over to the proper authorities; nor shall said provisions apply to any conductor of any

passenger or freight train of any railroad while he is on duty. (1982 Code, § 10-239)

CHAPTER 5

MISCELLANEOUS

SECTION

- 11-501. Injuring, damaging, etc., public or private property.
- 11-502. Unauthorized repair, modification or tampering with water metering devices prohibited.
- 11-503. Posting notices, etc.
- 11-504. Curfew for minors.
- 11-505. Curfew for minors on Halloween.
- 11-506. Prostitution and assignation defined.
- 11-507. Engaging in, aiding, abetting prostitution.
- 11-508. Procuring female for prostitution; receiving money from prostitutes.
- 11-509. Open excavations prohibited.
- 11-510. Burial of non-human bodies in city cemeteries.
- 11-511. Smoking in civic auditorium.
- 11-512. Dropping of leaflets from airplanes.
- 11-513. Opening and closing times for Riverfront Park, Rocket Ballfield and Ramsey Park.
- 11-514. Unwanted persons on property.

11-501. Injuring, damaging, etc., public or private property. It shall be unlawful for any person to tear down, destroy, injure, damage, or deface in any manner any shade tree; telephone, telegraph, or electric light pole, wire, or insulator; or any public or private property of any kind. (1982 Code, § 10-201)

11-502. Unauthorized repair, modification or tampering with water metering devices prohibited. It shall be unlawful for any person, plumber or otherwise, except an authorized employee of the city to work on, repair, remove, change, connect or disconnect, replace or otherwise tamper with any water metering device that is the property of the city unless specifically authorized to do so in writing by an authorized official of the McMinnville Water Department. (1982 Code, § 10-202)

11-503. 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. It shall be the duty of the chief of police, or any other police officer, forthwith to remove any sign, poster, or other material posted or otherwise located in violation of this section and immediately arrest the offender. (1982 Code, § 10-240)

11-504. Curfew for minors. (1) It shall be unlawful for any person under eighteen (18) years of age to be or remain on any street or other public place within the corporate limits of the city between the hours of 11:00 p.m. and

4:00 a.m., unless accompanied by a parent, guardian, or other person having the legal custody of such minor person, or unless in the performance of an errand or duty directed by such parent, guardian, or other person having the legal custody of such minor person.

(2) It shall be unlawful for any parent, guardian, or person having the legal care and custody of any person under eighteen (18) years of age to allow or permit any such child, ward, or other person under such age, while in his legal custody, to go or be upon any of the streets or other public places in the city in violation of subsection (1).

(3) It shall be unlawful for the operator of any public establishment, or his agent or employee, knowingly to permit any minor to remain upon the premises of such establishment in violation of subsection (1).

(4) No minor person arrested under the provisions of subsection (1) shall be placed in confinement until such child first shall have been taken home to ascertain the parents' wishes, or the wishes of the person having the legal custody and control of such minor, and until such person having the legal custody and control shall have refused to be held responsible for the observance of the provisions of this section by such minor.

(5) It shall be the duty of the city judge, upon the arrest of any child for a violation of this section, where the parents or guardians have refused to become responsible for such minor, to inquire into the facts of the arrest and the conditions and circumstances of such child. If such child, for want of proper parental care or proper care on the part of the person having the legal custody of such child, is growing up in mendicancy or vagrancy, or is incorrigible, the city judge shall cause the proper proceedings to be taken as authorized and provided by law in such cases. (1982 Code, § 10-207)

11-505. Curfew for minors on Halloween. (1) It shall be unlawful for any person under eighteen (18) years of age to be or remain on any street or other public place within the corporate limits of the City of McMinnville on Halloween between the hours of 9:00 p.m. to 12 midnight and from 12:01 a.m. to 4:00 a.m. the following day unless accompanied by a parent, guardian, or other person having the legal custody of such minor person, or unless in the performance of an errand or duty directed by such parent, guardian, or other person having the legal custody of such minor person.

(2) It shall be unlawful for any parent, guardian, or person having the legal care and custody of any person under eighteen (18) years of age to allow or permit any such child, ward, or other person under such age, while in his legal custody, to go or be upon any of the streets or other public places in the city in violation of subsection (1).

(3) It shall be unlawful for the operator of any public establishment, or his agent or employee, knowingly to permit any minor to remain upon the premises of such establishment in violation of subsection (1).

(4) No minor person arrested under the provisions of subsection (1) shall be placed in confinement until such child first shall have been taken home to ascertain the parents' wishes, or the wishes of the person having the legal custody and control of such minor, and until such person having the legal custody and control shall have refused to be held responsible for the observance of the provisions of this section by such minor.

(5) It shall be the duty of the city judge, upon the arrest of any child for a violation of this section, where the parents or guardians have refused to become responsible for such minor, to inquire into the facts of the arrest and the conditions and circumstances of such child. If such child, for want of proper parental care or proper care on the part of the person having the legal custody of such child, is growing up in mendicancy or vagrancy, or is incorrigible, the city judge shall cause the proper proceedings to be taken as authorized and provided by law in such cases.

(6) This section is applicable only on Halloween and until 4:00 a.m the day following Halloween of each and every year, and nothing herein shall be construed as revoking, repealing, amending, or in any way affecting § 11-504 of the Municipal Code for the City of McMinnville. (1982 Code, § 10-207A)

11-506. Prostitution and assignation defined. As used in §§ 11-507 and 11-508, the following words and terms shall have the following meanings:

(1) "Assignation" shall be construed to include the making of any appointment or engagement for prostitution or any act in furtherance of such appointment or engagement.

(2) "Prostitution" shall be construed to include the giving or receiving of the body for sexual intercourse for hire or for licentious sexual intercourse without hire. (1982 Code, § 10-208)

11-507. Engaging in, aiding, abetting prostitution. It shall be unlawful to engage in, or knowingly to aid or abet prostitution or assignation or to procure or solicit or to reside in, enter, or remain in any vehicle, trailer, conveyance, place, structure, or building for the purpose of prostitution or assignation. It shall be unlawful to keep or set up a house of ill fame, brothel, or bawdy house, or to receive or direct any person for purposes of prostitution or assignation into any vehicle, trailer, conveyance, place, structure, or building, or to permit any person to remain for the purpose of prostitution or assignation in any vehicle, trailer, conveyance, place, structure, or building. It shall also be unlawful to direct, take, or transport, or to offer or agree to take or transport, or to aid or assist in transporting or directing any person to any vehicle, conveyance, trailer, place, structure, or building, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution or assignation. It shall be unlawful to lease or rent or contract to lease or rent any vehicle, trailer, conveyance, place, structure, or building, or part thereof, believing that it is

intended to be used for any of the purposes herein prohibited, or knowingly to aid, abet, or participate in the doing of any of the acts herein prohibited. (1982 Code, § 10-209)

11-508. Procuring female for prostitution; receiving money from prostitutes. It shall be unlawful to procure a female inmate for a house of prostitution, or to cause, induce, persuade, or encourage by promise, threat, violence, or by any scheme or device, a female to become a prostitute or to remain in or become an inmate of a house of prostitution. It shall be unlawful to receive or give, or agree to receive or give any money or thing of value for procuring or attempting to procure any female to become a prostitute or an inmate of a house of prostitution, or knowingly to accept, receive, levy, or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any woman engaged in prostitution. It shall also be unlawful knowingly to aid, abet, or participate in the doing of any of the acts herein prohibited. (1982 Code, § 10-210)

11-509. Open excavations prohibited. It shall be unlawful for any person to allow any well or cistern or other excavation located on property under his control to remain open or uncovered so as to endanger the lives or limbs of citizens. (1982 Code, § 10-219)

11-510. Burial of non-human bodies in city cemeteries. It shall be unlawful for any person to bury any body other than that of a human being in any of the cemeteries over which the city or a duly appointed cemetery board for the city has the supervision and control. (1982 Code, § 10-220)

11-511. Smoking in civic auditorium. It shall be unlawful to smoke or carry lighted tobacco or other such smokable substance in any form in any area in the McMinnville Civic Auditorium, where signs have been placed prohibiting smoking. There shall be ash trays or other fire proof containers at the entrance of such places for disposal of such lighted tobacco.

In addition to the penalty provided in the general penalty clause of this code, any person violating the smoking prohibition of this section may be evicted from the civic auditorium. (1982 Code, § 10-221)

11-512. Dropping of leaflets from airplanes. It shall be unlawful for any firm, person, or corporation to permit or cause to be dropped from an airplane any form of leaflets or tracts, and the appearance of a firm, personal, or corporate name thereon shall be prima facie evidence that such firm, person, or corporation permitted or caused same to be dropped. (1982 Code, § 10-241)

11-513. Opening and closing times for Riverfront Park, Rocket Ballfield and Ramsey Park. (1) Riverfront Park hours. Riverfront Park shall

be closed for public use and to public use on Monday from 10:00 p.m. until 6:00 a.m. Tuesday, Tuesday from 10:00 p.m. until 6:00 a.m. Wednesday, Wednesday from 10:00 p.m. until 6:00 a.m. Thursday, Thursday from 10:00 p.m. until 6:00 a.m. Friday, Friday from 10:00 p.m. until 6:00 a.m. Saturday, Saturday from 11:00 p.m. until 6:00 a.m. Sunday, Sunday from 11:00 p.m. until 6:00 a.m. Monday, provided, however, fishing is allowed at any time.

(2) Rocket Ballfield hours. Rocket Ballfield shall be closed for public use and to public use on Monday from 9:00 p.m. until 6:00 a.m. Tuesday, Tuesday from 9:00 p.m. until 6:00 a.m. Wednesday, Wednesday from 9:00 p.m. until 6:00 a.m. Thursday, Thursday from 9:00 p.m. until 6:00 a.m. Friday, Friday from 9:00 p.m. until 6:00 a.m. Saturday, Saturday from 11:00 p.m. until 6:00 a.m. Sunday and Sunday from 11:00 p.m. until 6:00 a.m. Monday.

(3) Ramsey Park hours. Ramsey Park shall be closed for public use and to public use on Monday from 9:00 p.m. until 6:00 a.m. Tuesday, Tuesday from 9:00 p.m. until 6:00 a.m. Wednesday, Wednesday from 9:00 p.m. until 6:00 a.m. Thursday, Thursday from 9:00 p.m. until 6:00 a.m. Friday, Friday from 9:00 p.m. until 6:00 a.m. Saturday, Saturday from 10:00 p.m. until 6:00 a.m. Sunday and Sunday from 10:00 p.m. until 6:00 a.m. Monday.

(4) Other times of closing. The Department of Parks and Recreation of the City of McMinnville, Tennessee, may close Riverfront Park, Rocket Ballfield or Ramsey Park at such other time or times as the administrator, the superintendent of parks and recreation, or the chairman of the parks and recreation committee shall deem expedient, advisable, or necessary.

(5) Special events. The superintendent of parks and recreation is authorized and empowered for special events to permit an earlier opening time or a later closing time at either the Riverfront Park, the Rocket Ballfield or Ramsey Park and shall notify the police department whenever expediently possible of the change in time and the duration of the change.

(6) Closing times to be posted. Closing times shall be posted at a conspicuous place at the Riverfront Park site and also at the Rocket Ballfield site showing the normal hours of opening and closing. Emergency closings under section 20-604 above shall be made known to the public by posting of a sign at a conspicuous place at Riverfront Park, Rocket Ballfield or Ramsey Park.

(7) Violation and penalty. Anyone other than city personnel or persons authorized by the mayor, city administrator or city department head going upon the premises in violation of the closing times contained in this chapter shall upon conviction be fined not less than \$2.00 nor more than \$50.00. (1982 Code, § 10-242, as replaced by Ord. #1220, § 7, Oct. 1996)

11-514. Unwanted persons on property. (1) It shall be unlawful for any person to intentionally enter or remain upon the land or premises of another person after receiving notice from the owner or rightful occupant that such entry or presence is forbidden.

(2) Penalties. Any person violating any of the provisions of this section shall, upon conviction thereof, be fined in an amount not to exceed fifty dollars (\$50.00) for each offense. (as added by Ord. #1531, Nov. 2006)

CHAPTER 6

SMOKING IN THE McMINNVILLE CIVIC CENTER

SECTION

11-601. Smoking and use of tobacco products prohibited.

11-602. Smoking during special events.

11-603. Signs to be displayed.

11-604. Violations.

11-605. Severability.

11-601. Smoking and use of tobacco products prohibited.

(1) Smoking and the use of other tobacco products in any form shall be prohibited in the McMinnville Civic Center building, within the fenced area of the Gilley Pool during the normal operational hours of the civic center and Gilley Pool in which it is open to the public and within the bleachers of any of the city's ball fields.

(2) The director of parks and recreation shall have the authority to designate specific tobacco use and non-tobacco use areas within the McMinnville Civic Center during special events provided that the entire civic center building is being leased or such areas which are not leased are closed to the general public.

(3) Appropriate signs shall be displayed in conspicuous locations within the areas of the civic center, within the fenced area of the Gilley Pool, and near the bleachers of the city's ball fields, notifying the occupants of the designated tobacco use and/or non-tobacco use areas within the civic center, Gilley Pool, and city's ballfields. No person shall willfully mutilate or destroy any sign required by this section.

(4) Any person found in violation of the prohibitions contained in the ordinance comprising this section shall be fined not more than fifty dollars (\$50.00) plus court cost. Each occurrence shall constitute a separate offense. (Ord. #1114, § 1, May 1994, as replaced by Ord. #1548, Dec. 2007)

11-602. Smoking during special events. The director of parks and recreation shall have the authority to designate specific smoking and nonsmoking areas within the McMinnville Civic Center during special events provided that the entire Civic Center building is being leased or such areas which are not leased are closed to the general public. (Ord. #1114, § 2, May 1994)

11-603. Signs to be displayed. Appropriate signs shall be displayed in conspicuous locations within the areas of the Civic Center notifying the occupants of the designated smoking and/or nonsmoking areas within the Civic

Center. No person shall willfully mutilate or destroy any sign required by this section. (Ord. #1114, § 3, May 1994)

11-604. Violations. Any person found in violation of the prohibitions contained in this chapter shall be fined not more than fifty dollars (\$50.00) plus court cost. Each occurrence shall constitute a separate offense. (Ord. #1114, § 4, May 1994)

11-605. Severability. If any section, subsection, paragraph, sentence, item or clause of this chapter shall for any reason be declared unconstitutional or invalid, such declaration shall not affect any other portion of this chapter, it being the intent that the sections, subsections, paragraphs, sentences, items or clauses of this chapter shall be treated as severable. (Ord. #1114, § 5, May 1994)

CHAPTER 7

McMINNVILLE CIVIC CENTER WALKING TRAIL

SECTION

11-701. Establishment of the walking trail.

11-701. Establishment of the walking trail. (1) There is hereby established by the City of McMinnville a trail as described in the preamble of Ord. #1398,¹ which shall be used primarily for walkers and shall be known as the McMinnville Civic Center Walking Trail.

(2) The following rules and regulations shall govern when the walking trail may be used, the purposes for which the walking trail may or may not be used, and the method by which the rules and regulations may be amended:

(a) The walking trail will be open to public use for walking 24 hours a day, seven days a week, unless notice is published of its being temporarily closed by the director of parks and recreation, the mayor, the city administrator, or the chairman of the parks and recreation committee.

(b) Skateboards, motorized vehicles, bicycles, or any other type of carriage or vehicle propelled in any manner other than by a human being will not be permitted on the walking trail except at a designated crossing, however, a handicapped person using an electric powered wheelchair will be permitted. Alcohol, drugs, and firearms will not be allowed on the walking trail.

(c) Courtesy and respect for others, regardless of their mode of speed, skill level, or travel shall be exercised.

(d) Persons traveling clockwise on the walking trail shall walk on the inside of the walking trail, and those traveling counterclockwise shall stay on the outside of the walking trail except to pass one traveling in the same direction, and this must be done after looking both ways before passing so as not to run into or interfere with oncoming traffic.

(e) When traveling in groups, common sense and courtesy must be used so as not to interfere with the oncoming traffic.

(f) The walking trail should not be blocked by any person or group, and no objects are to be placed on the walking trail without the written permission of the city official in charge of the walking trail.

(g) Any person using roller blades or skates shall maintain safe speeds at all times.

¹Ord. #1389, Sept. 2001 is of record in the office of the city recorder.

(h) Persons walking with pets must have them on leash at all times and under their control and must clean up an litter caused by the pets.

(i) Only walkers or joggers may use the walking trail between sundown and sunup and must be equipped with and use proper lights.

(j) These rules and regulations contained in this chapter shall remain in full force and effect until altered or amended by the parks and recreation committee at a regular meeting of that committee or by the board of mayor and aldermen at any regular meeting of the board of mayor and aldermen or any special meeting called for the purpose of amending this chapter.

(k) The parks and recreation committee is authorized and empowered to alter, amend, change, modify, or revoke any of the rules and regulations and shall have proper notice placed at strategic points on the walking trail setting out the rules and regulations.

(3) Anyone violating any of the rules and regulations heretofore set out or hereinafter adopted by the Parks and Recreation Committee or the Board of Mayor and Aldermen of the City of McMinnville, Tennessee, shall upon conviction be assessed a fine and/or civil penalty in a sum of from \$2.00 to \$50.00 and may be barred from the use of the walking trail. (as added by Ord. #1398, Sept. 2001)

CHAPTER 8

GRAFFITI PROHIBITED

SECTION

11-801. Purpose.

11-802. Definitions.

11-803. Prohibited acts.

11-804. Removal of graffiti by perpetrator.

11-805. Removal of graffiti by property owner or city.

11-806. Penalties.

11-801. Purpose. The purpose of this chapter is to help prevent the spread of graffiti vandalism and to establish a program for the removal of graffiti from public and private property, and to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement. (as added by Ord. #1589, April 2009)

11-802. Definitions. The following definitions shall apply to the interpretation and enforcement of this chapter:

(1) "Graffiti." Any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property or despite advance authorization, is otherwise deemed a public nuisance by the City of McMinnville.

(2) "Graffiti implement." An aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

(3) "Person." Any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity. (as added by Ord. #1589, April 2009)

11-803. Prohibited acts. It shall be unlawful for any person to apply graffiti to any natural or man-made surface on any city-owned or non-city owned property without the permission of the owner or occupant. (as added by Ord. #1589, April 2009)

11-804. Removal of graffiti by perpetrator. Any person applying graffiti on public or private property shall have the duty to remove the graffiti within seventy-two (72) hours after notice by the city or private owner of the property involved. Such removal shall be done in a manner prescribed by the

chief of police, or the director of public works, or any additional city department head, as authorized by the board of mayor and aldermen. (as added by Ord. #1589, April 2009)

11-805. Removal of graffiti by property owner or city. If the graffiti is not removed by the perpetrator as outlined above, graffiti shall be removed pursuant to the following provisions:

(1) **Property owner responsibility.** It is unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of property in the city to permit property that is defaced with graffiti to remain defaced for a period of ten (10) days after service by first class mail of notice of the defacement. The notice shall contain the following information:

(a) The street address and legal description of the property sufficient for identification of the property;

(b) A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding;

(c) A statement that the graffiti must be removed within ten (10) days after receipt of the notice.

(2) **Right of city to remove.** Whenever the city becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from any park, greenway, playground, swimming pool, recreational facility, or other public building or structure, the city shall be authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, but shall not authorize or undertake to provide for the painting or repair of any more extensive an area than that where the graffiti is located, unless the city administrator, or the designee of the city administration, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area. (as added by Ord. #1589, April 2009)

11-806. Penalties. Any person violating this chapter shall be punished by a fine of fifty dollars (\$50.00) for each offense. (as added by Ord. #1589, April 2009)