

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. GENERALLY.
2. ALCOHOL.
3. OFFENSES AGAINST THE PERSON.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
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CHAPTER 1

GENERALLY

SECTION

11-101. Misdemeanors of the State of Tennessee adopted.

11-101. Misdemeanors of the State of Tennessee adopted. All offenses against the State of Tennessee which are committed within the corporate limits of Belle Meade and which are defined by the state law to be misdemeanors are hereby designated and declared to be offenses against the City of Belle Meade, as well. Any violation of any such law within the corporate limits is also a violation of this section. (Ord. 71-6, § 1.01. 1987 Code, § 10-101)

¹Municipal code references

Animals and fowls: title 10.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

CHAPTER 2**ALCOHOL**¹**SECTION**

11-201. Public drunkenness.

11-202. Drinking beer or alcoholic beverages on the streets, etc.

11-203. Minors in beer places.

11-201. Public drunkenness. See Tennessee Code Annotated, §§ 39-6-925, et. seq.; also see title 33, chapter 8. (1987 Code, § 10-225)

11-202. Drinking beer or alcoholic beverages on the streets, etc. It shall be unlawful for any person to drink or consume, or have an open can, bottle, or glass of beer or any alcoholic beverages as defined by the laws of Tennessee in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (Ord. 71-6, § 2.26. 1987 Code, § 10-226)

11-203. Minors in beer places. No minor under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (Ord. 71-6, § 2.20. 1987 Code, § 10-220, modified)

¹Municipal 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 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (Ord. 71-6, § 2.01. 1987 Code, § 10-201)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

- 11-401. Disturbing the peace.
- 11-402. Disorderly houses.
- 11-403. Immoral conduct.
- 11-404. Obscene literature, etc.
- 11-405. Indecent or improper exposure or dress.
- 11-406. Window peeping.
- 11-407. Profanity, etc.
- 11-408. Anti-noise regulations.

11-401. 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. (Ord. 71-6, § 2.02. 1987 Code, § 10-202)

11-402. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarrelling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person knowingly to visit any such house for the purpose of engaging in such activities. (Ord. 71-6, § 2.03, modified. 1987 Code, § 10-203)

11-403. Immoral conduct. No person shall commit, offer, or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose. (Ord. 71-6, § 2.04. 1987 Code, § 10-204)

11-404. Obscene literature, etc. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of lending, selling, or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed, or filmed matter

containing obscene language, prints, pictures, or descriptions manifestly intended to corrupt the morals. (Ord. 71-6, § 2.05. 1987 Code, § 10-205)

11-405. Indecent or improper exposure or dress. It shall be unlawful for any person publicly to appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or otherwise to make any indecent exposure of his or her person. (Ord. 71-6, § 2.06. 1987 Code, § 10-206)

11-406. Window peeping. No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy, nor shall he loiter around or within view of any such window with the intent of watching or looking through it. (Ord. 71-6, § 2.07. 1987 Code, § 10-207)

11-407. 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. (Ord. 71-6, § 2.08. 1987 Code, § 10-208)

11-408. Anti-noise regulations. (1) Definitions. (a) "Noise level" shall mean the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty micronewtons per square meter. The unit of measurement shall be designated as dB(A).

(b) "Person" shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature.

(c) "Sound level meter" shall mean an instrument meeting American National Standard Institute's Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

(d) "Turf fan" shall mean a fan designed or used to cool or reduce heat stress on natural turf, including a golf green, tennis court or other similar surface.

(2) Noise of such character, intensity, and/or duration as to be unreasonably loud and disturbing or in disturbance of the public peace and welfare, wherever and by whomever committed, is hereby prohibited and declared to be a nuisance.

(3) It is also specifically prohibited and hereby declared to be a nuisance for any person at any location within the City of Belle Meade to create such noise as above described, on property owned, leased, occupied, or otherwise controlled by such person. Where the resulting noise level, when measured on any other property within the city, exceeds the noise standards listed below, this in and of itself shall constitute violation of this subsection. Sound level meter

evidence, however, is not required in order to show violation, which may also be established by other evidence.

NOISE STANDARDS

<u>Noise Level</u>		<u>Time Period</u>
55dB(A)	Sunday thru Thursday	07:00 A.M. - 10:00 P.M.
55dB(A)	Friday and Saturday	07:00 A.M. - 11:00 P.M.
50dB(A)	Sunday thru Thursday	10:00 P.M. - 07:00 A.M.
50dB(A)	Friday and Saturday	11:00 P.M. - 07:00 A.M.

(4) Exemptions. The following activities shall be exempted from the provisions of this section:

(a) (i) Municipal vehicles. Any vehicle of the City of Belle Meade while engaged upon necessary public business.

(ii) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways, by or on behalf of the City of Belle Meade, the county, or the state. Such work may be performed between the hours of 7:00 P.M. and 7:00 A.M. only when the public welfare and convenience renders it impossible to perform such work during the day.

(b) Activities conducted on any park or playground, provided such park or playground is owned and operated by a public entity.

(c) Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work.

(d) Noise sources associated with construction, repair, remodeling, or grading of any real property, provided said activities only take place between the hours of:

(i) On weekdays, between 7:00 A.M. and 7:00 P.M. of the weekday; and

(ii) On Saturdays, between 8:00 A.M. and 5:00 P.M.

(iii) Otherwise and on Sundays and federal holidays, noise from such activities shall be subject to the general prohibitions of these anti-noise regulations.

(e) Noise sources associated with the maintenance of real property, provided said activities take place between 7:00 A.M. and 7:00 P.M. on any day.

(5) Turf fans. Turf fans located within two hundred feet (200') of any residence shall be subject to the noise standards in sub-section (2) and, in addition, may only be operated between the hours of 7:00 A.M. and 5:00 P.M. Monday through Saturday and not on Sundays. (Ord. 71-6, § 2.31. 1987 Code, § 10-231, as amended by Ord. #93-11, § 1, Dec. 1993, Ord. #2015-1, April 2015, Ord. #2016-3, April 2016 **Ch7_6-26-19**, and Ord. #2019-4, June 2019 **Ch7_6-26-19**)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-501. Escape from custody or confinement.

11-502. Impersonating a government officer or employee.

11-503. False emergency alarms.

11-504. Resisting or interfering with a police officer.

11-505. Coercing people not to work.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the City of Belle Meade 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. (Ord. 71-6, § 2.09. 1987 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the City of Belle Meade 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 of Belle Meade. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (Ord. 71-6, § 2.11. 1987 Code, § 10-211)

11-503. 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 act. (Ord. 71-6, § 2.16. 1987 Code, § 10-216)

11-504. 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. (Ord. 71-6, § 2.10. 1987 Code, § 10-210)

11-505. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (Ord. 71-6, § 2.28. 1987 Code, § 10-228)

CHAPTER 6**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-601. Throwing missiles.

11-602. [Deleted.]

11-601. 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. (Ord. 71-6, § 2.13. 1987 Code, § 10-213)

11-602. [Deleted.] (Ord. 71-6, § 2.12. 1987 Code, § 10-212, as deleted by Ord. #2010-7, Sept. 2010)

CHAPTER 7

**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC****SECTION**

11-701. Malicious mischief.

11-702. Interference with traffic.

11-701. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (Ord. 71-6, § 2.23. 1987 Code, § 10-223)

11-702. 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 unreasonably with the free passage of pedestrian or vehicular traffic thereon. (Ord. 71-6, § 2.29. 1987 Code, § 10-230)

CHAPTER 8**MISCELLANEOUS****SECTION**

- 11-801. Abandoned refrigerators, etc.
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Posting notices, etc.
- 11-804. Curfew for minors.
- 11-805. False burglary/robbery alarms.
- 11-806. Gambling.
- 11-807. Promotion of gambling.
- 11-808. Loitering.
- 11-809. Prowling.
- 11-810. Vagrancy.
- 11-811. Spitting.
- 11-812. Court costs.
- 11-813. City of Belle Meade Driver Improvement School.
- 11-814. Dumpsters maintained by the City of Belle Meade.

11-801. 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. (Ord. 71-6, § 2.21. 1987 Code, § 10-221)

11-802. 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. (Ord. 71-6, § 2.29. 1987 Code, § 10-229)

11-803. 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. (Ord. 71-6, § 2.24. 1987 Code, § 10-224)

11-804. 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 or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (Ord. 71-6, § 2.22. 1987 Code, § 10-222)

11-805. False burglary/robbery alarms. (1) Definitions. (a) "Alarm systems" means any mechanical or electrical/electronic or radio controlled device which is designed to be used for the detection of any fire or unauthorized entry into a building or structure, or for alerting others of fire or of the commission of an unlawful act within a building or structure, which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and monitored alarms. Excluded from the definition of alarm systems are auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service; and self-contained smoke detectors.

(b) "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or lessee of an alarm system or by his employees, servants or agents; or any other activation of the alarm system not caused by a fire or a forced entry or attempted forced entry or robbery or attempted robbery; such terminology does not include alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other alarms caused by utility company personnel, or other conditions which are clearly beyond the control of the alarm user. A maximum of five (5) false burglar alarms; three (3) false robber/panic alarms; and three (3) false fire alarms, will be granted per alarm device within a fiscal permit year. All false subsequent activation will be considered chargeable violations.

(c) "Activate" means to "set off" an alarm system indicating in any manner an incidence of burglary, robbery, fire, etc.

(2) Violations. (a) It shall be a violation of this section when any Belle Meade Police Department officer responds to a false alarm after the allowable false alarms set out in subsection (1)(b) hereof.

(b) Any person who owns, operates, or leases an alarm system and who shall knowingly and purposefully fail to respond to his premises within one (1) hour after notification by Belle Meade police personnel of alarm activation, whether false or not, shall be deemed to have violated this section.

(c) Any non-compliance with the requirements of this section shall constitute a violation and each incidence of non-compliance shall constitute a separate violation, punishable as provided in Belle Meade Ord. #87-5, § 5.

(3) Response to false alarms. (a) Responsibility for a false alarm shall be borne by the owner or lessee of the alarm system or his/her employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.

(b) A response to an alarm shall result when any Belle Meade police department officer is dispatched to or otherwise learns of the activation of any alarm system. If the user calls or the authorized agent calls the dispatcher back within five minutes of the original call, it will not be considered a false alarm. No violation, fine, or recourse will take place in the above time interval unless the responding Belle Meade officer has already arrived before the second call has been made, to cancel. If Belle Meade police department has not arrived on the scene within 30 minutes of the original notification, it will not be chargeable response or fine of any sort. (1987 Code, § 10-232, as added by Ord. 90-3, § 1)

11-806. Gambling. It shall be unlawful for any person to play at any game of hazard or change for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (Ord. 71-6, § 2.14. 1987 Code, § 10-214)

11-807. 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. (Ord. 71-6, § 2.15. 1987 Code, § 10-215)

11-808. 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 public use. (Ord. 71-6, § 2.17. 1987 Code, § 10-217)

11-809. 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 night, between midnight and 5:00 a.m., without any visible or lawful business and when unable to give a satisfactory account of himself. (Ord. 71-6, § 2.18, modified. 1987 Code, § 10-218)

11-810. Vagrancy. It shall be unlawful for any person to beg or solicit alms. (Ord. 71-6, § 2.19. 1987 Code, § 10-219)

11-811. Spitting. It shall be unlawful for any person to spit upon any public street or sidewalk or upon the floors or walks of any public place. (Ord. 71-6, § 2.27. 1987 Code, § 10-227)

11-812. Court costs. A court cost of seventy-five dollars (\$75.00) per offense is hereby established for all moving traffic and other criminal offenses in violation of ordinances of the City of Belle Meade, which cost shall be in addition to any fine that may be assessed by the court, or in addition to any fine

that may be due in the form of an appearance bond paid in advance of, and/or in lieu of, a trial. The court cost of one dollar (\$1.00) for training fees as authorized by Tennessee Code Annotated, § 16-18-304 shall not be included in the seventy-five dollar (\$75.00) court cost, but treated as a separate, additional cost. (1987 Code, § 10-233, as added by Ord. #93-9, § 1, Aug. 1993, amended by Ord. #95-1, § 1, April 1995, and replaced by Ord. #2003-6, Sept. 2003, amended by Ord. #2005-5, Aug. 2005, and replaced by Ord. #2019-2, May 2019 *Ch8_01-19-22*)

11-813. City of Belle Meade Driver Improvement School. A person ordered to attend the Driver Improvement School of the City of Belle Meade shall be assessed fines and fees for the driver improvement school as follows:

(1) The fine to be assessed for a violation of the motor vehicle laws of the City of Belle Meade when a person is ordered to attend the City of Belle Meade Driver Improvement School shall be assessed at fifty dollars (\$50.00).

(2) The fee for attending the Driving Improvement School for the City of Belle Meade, when a person is ordered by another municipal court to attend a driver improvement school and the person chooses to attend the Belle Meade Driver Improvement School, shall be set at fifty dollars (\$50.00).

(3) Provided, however, that no one shall be refused admittance for inability to pay, as required by Tennessee Code Annotated, § 55-10-301(2). (as added by Ord. #2011-6, July 2011)

11-814. Dumpsters maintained by the City of Belle Meade. It shall be unlawful for any person to deposit materials in dumpsters maintained by the City of Belle Meade unless:

1. They are citizens and residents of the City of Belle Meade;
2. They have been granted access to the dumpsters by a duly authorized official of the City of Belle Meade; and,
3. They are depositing materials in the dumpsters in accordance with all written directives posted in the area of the dumpsters; provided, moreover, that:

- a. Yard waste and other plant materials shall not be deposited in the dumpsters maintained by the City of Belle Meade; and

- b. Construction debris that cannot fit within the dumpster with the top closed shall not be deposited in the dumpsters maintained by the City of Belle Meade. (as added by Ord. #2007-2, April 2007, and renumbered by Ord. #2011-6, July 2011)