

## TITLE 11

### MUNICIPAL OFFENSES<sup>1</sup>

#### CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. FIREARMS, WEAPONS AND MISSILES.
4. INTERFERENCE WITH TRAFFIC.
5. MISCELLANEOUS.
6. LITTER AND UNLAWFUL DISPOSAL OF MATERIALS.

#### CHAPTER 1

#### ALCOHOL<sup>2</sup>

#### SECTION

11-101. Drinking of alcoholic beverages and open containers on streets, etc.

**11-101. Drinking of alcoholic beverages and open containers on streets, etc.** It shall be unlawful for any person to drink or consume, or have an open container of any alcoholic beverage or beer in or upon any public way, park, school ground, sidewalk or any other public place which is to expressly include private property generally frequented by the public, unless said public place is duly licensed for on-premises consumption. The foregoing prohibition in parks

does not include the consumption and possession of alcoholic beverages and beer within the footprint of the L.L. Burns Park Activity Center, if same is permitted by town resolution adopting rules regarding alcohol use in Kingston Springs parks and if same is in compliance with the provisions of *Tennessee Code Annotated*, title 57, chapter 4, inclusive, and the town municipal code.

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<sup>1</sup>Municipal code references

Animal control: title 10.

Residential and utilities: title 12.

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

Traffic offenses: title 15.

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See *Tennessee Code Annotated*, § 33-10-203 (*Arrest for Public Intoxication*, cities may not pass separate legislation).

Notwithstanding the provisions of this section, however, the sale and consumption and possession of an open container of beer, wine, and beer containing an alcoholic content of eight percent (8%), or a beverage containing not more than eight percent (8%) by weight, is permitted during certain town sponsored or co-sponsored special events within the physical parameters of a special event zone during the time of the special event if otherwise provided by resolution of the board of commissioners. Such special event zone shall be defined by the board of commissioners by resolution and may encompass areas of the public streets, public rights-of-way, sidewalks, alleys, parks, or bridges, during the time of the special event.

## CHAPTER 2

### **OFFENSES AGAINST THE PEACE AND QUIET**

#### **SECTION**

11-201. Disturbing the peace.

11-202. Anti-noise regulations.

**11-201. 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. (1996 Code, § 11-201)

**11-202. Anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

(1) **Miscellaneous prohibited noises enumerated.** The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) **Blowing horns.** The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, 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 with an intent to harass or menace, or during the hours of 10:00 P.M. to 7:00 A.M. as to disrupt the quiet, comfort, or repose of persons in any business, hospital, dwelling, hotel, or any type of residence, or any person in the vicinity.

(b) **Radios, phonographs, etc.** The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, etc. Yelling, shouting, 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 person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, truck, 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) 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.

(g) 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.

(h) 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.

(i) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(j) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) Municipal vehicles. Any vehicle of the town while engaged upon necessary public business.

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. Loudspeakers and amplifiers for which permit is secured from the town recorder. Hours for the use of loudspeakers and amplifiers 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. (1996 Code, § 11-202, modified)

## CHAPTER 3

### FIREARMS, WEAPONS AND MISSILES

#### SECTION

11-301. Air rifles, etc.

11-302. Throwing missiles.

11-303. Discharge of firearms.

**11-301. Air rifles, etc.** It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method in such a manner as to cause damage to a person, property or wildlife. (1996 Code, § 11-401)

**11-302. Throwing missiles.** It shall be unlawful for any person to maliciously throw or discharge any object or missile upon public or private property capable of causing personal injury or damage to public or private property. (1996 Code, § 11-402)

**11-303. Discharge of firearms.** (1) It shall be unlawful for any unauthorized person to discharge a firearm within the municipality, except a shotgun on tracts of land located within the municipal limits which are fifteen (15) acres in size or larger. Shotgun shot load must be smaller than a #4 shot. Upon meeting the aforesaid prerequisites, any person or entity which shall allow the shooting of shotguns upon their property shall notify the public safety department, during regular business hours, at least twenty-four (24) hours in advance, as to the property owner, address, telephone number and date(s) of the excepted shotgun shooting activity. Thereupon notification to the town's public safety department, the person or entity will be issued a notice confirmation number. Failure to so obtain notice confirmation shall be deemed an unauthorized discharge of firearms within the municipality.

(2) It shall be unlawful for a person to recklessly engage in conduct with a firearm which places or may place another person in imminent danger of death or serious bodily injury. Except as otherwise permitted by law, it shall be unlawful to discharge a firearm within three hundred feet (300') of a dwelling.

(3) Permissible discharge of a firearm shall include:

- (a) Lawfully performing duties as an officer of the law;
- (b) Legally defending a person or property;
- (c) Utilizing a legally established shooting range or shooting gallery; and

(d) Participation in gun safety demonstrations and firings in connection with Tennessee Wildlife Resource Agency sanctioned hunter education course authorized by *Tennessee Code Annotated*, § 70-2-208. (1996 Code, § 11-403)

**CHAPTER 4****INTERFERENCE WITH TRAFFIC****SECTION**

11-401. Interference with traffic.

**11-401. 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. (1996 Code, § 11-502)

## CHAPTER 5

### MISCELLANEOUS

#### SECTION

11-501. Caves, wells, cisterns, etc.

11-502. Posting notices, etc.

11-503. Curfew for minors.

11-504. Parks and recreation facilities rules and regulations.

11-505. Certain misdemeanors under state law.

**11-501. 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 placing thereon an adequate cover or safeguard. (1996 Code, § 11-602)

**11-502. 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. (1996 Code, § 11-603)

**11-503. Curfew for minors.** It shall be unlawful for any minor under the age of eighteen (18) years to be abroad between 11:00 P.M. and 6:00 A.M. Sundays through Thursdays, and Fridays and Saturdays from 12:00 Midnight and 6:00 A.M., unless going directly to or from a lawful activity or unless upon a legitimate errand for, or accompanied by, a parent, guardian or other adult person having lawful custody of such minor. (1996 Code, § 11-604)

**11-504. Parks and recreation facilities rules and regulations.** It shall be unlawful for any person to violate the following at any municipal park and park facilities:

(1) No person shall come upon municipal parks after posted use hours or at such times as gates may be locked.

(2) All vehicular traffic allowed must comply with posted speed limits.

(3) Littering is prohibited and no household or commercial garbage dumping in refuse containers is allowed.

(4) Fishing licenses are required and all persons must comply with Tennessee Wildlife Resources Agency regulations when fishing.

(5) Possession of firearms or weapons is prohibited except for persons authorized by *Tennessee Code Annotated*. § 39-17-1311.

(6) Hunting is prohibited.

(7) No swimming or boating of any kind is allowed in L.L. Burns Park lake.

(8) Tampering or removal of any property of the municipality is prohibited.



(9) Parking is allowed in designated posted areas only and no overnight parking or camping is permitted.

(10) All dogs or other domestic animals must be leashed with a maximum eight foot (8') length leash. All persons must properly dispose of any feces deposited by any leashed pet by using waste bags and depositing same in the receptacles provided.

(11) No unlicensed motor vehicles are allowed and no licensed motor vehicle is permitted on any trails or planted grass areas except with prior written approval by the Town of Kingston Springs.

(12) The possession, sale and consumption of alcoholic beverages is prohibited in municipal parks and park facilities. Notwithstanding the foregoing general prohibition making it unlawful for any person to have, possess or consume alcoholic beverages in any municipal park or park facilities, such shall be allowed at the activity center building premises in L.L. Burns Park or in a special event zone designated by the board of commissioners under a duly issued permit, but not otherwise.

(13) No person shall destroy, cut, break limbs and branches by pulling or climbing, deface, mutilate, injure, disturb, sever from the ground or remove any growing thing, including but not limited to any plant, trees, flower, flower bed, shrub, or any branch, stem, or leaf thereof.

(14) No person shall utilize picnic pavilions during hours of posted reservation by the parks and recreation department of the municipality.

(15) No person shall fail to observe any and all other posted regulations.

(16) The placement or erection of any sign, signboard, bulletin board, post, pole or placement of any kind of advertising in the park, without the consent of the parks director is prohibited. A permit may be issued for the erection of temporary directional signs or decorations on occasions of public celebration and activities as authorized within said parks.

(17) To tease, annoy, disturb, molest, catch, strike, injure or kill any wildlife is prohibited. The feeding of any bird or fowl shall occur only in areas designated by the parks director.

(18) The operation of a fixed or mobile concession, traveling exhibition, soliciting, selling, offering for sale, peddling, hawking or vending any goods or services is prohibited. Any of the foregoing activities may be allowed by permit for a sanctioned park activity as issued by the parks director or by a concession contract with the parks department and/or the town.

(19) The erection of a structure, tents, shelters or inflatable playground equipment is prohibited unless a permit has been issued by the parks director.

(20) No persons shall stay in a park after being directed to leave by a Town employee or public safety officer.

(21) Except for a vehicle allowing handicap access, no person shall ride or drive any battery operated or motorized vehicle of any kind, land sailing device, horse or other equine on any trails or planted grass areas. Skateboards, rollerblades and roller-skates are restricted to designated areas.

(22) The use of profane or abusive language or to conduct oneself in a manner that interferes with the reasonable use of a park facility by the general public is prohibited.

(23) The conduct of a group rally of any kind as would conflict with any normal park usage is prohibited. A permit must be obtained in advance from the parks director for authorized use of park facilities to conduct any form of a group rally or function.

(24) No person shall build any fire in a park, except in areas designated and set aside for such purpose.

(25) The possession and use of illegal drugs are prohibited.

(26) The possession and use of metal detectors in a municipal park are prohibited.

(27) The possession and use of fireworks of any kind are prohibited in municipal parks and park facilities unless properly permitted by the town for a public display.

(28) Smoking is prohibited on the playgrounds of the municipal parks. After July 1, 2021, the use of all tobacco products and vapor products is prohibited in the municipal parks and park facilities. "Tobacco products" means any products that contain tobacco and is intended for human use. (1996 Code, § 11-605, modified, as replaced by Ord. #21-008, June 2021 ***Ch1\_3-17-22***)

**11-505. Certain misdemeanors under state law.** All offenses against the State of Tennessee which are defined by state law to be misdemeanors punishable by a fine of fifty dollars (\$50.00) or less are here and now designated and declared to be violations of the laws and ordinances of the Town of Kingston Springs and any such violation of this section, pursuant to the jurisdictional provisions of *Tennessee Code Annotated*, § 16-18-302, unless any other statutory provision of the State of Tennessee prohibits jurisdiction for violation being brought in the town's municipal court. (1996 Code, § 11-606, modified)

## CHAPTER 6

### **LITTER AND UNLAWFUL DISPOSAL OF MATERIALS**

#### **SECTION**

- 11-601. Unlawful to litter.
- 11-602. Litter defined.
- 11-603. Prohibition against depositing litter in or on sidewalks, gutters, streets.
- 11-604. Business owner responsibility.
- 11-605. Prohibition against throwing material onto property.
- 11-606. Prohibition against littering by vehicle.
- 11-607. Prohibition against disposal in bodies of water.
- 11-608. Prohibition against non-direct distribution of material.
- 11-609. Prohibition against non-direct distribution of material onto vehicles.
- 11-610. Prohibition against non-direct distribution of material onto property.
- 11-611. Prohibition against posting on lampposts, poles, trees, and public structures.
- 11-612. Prohibition against littering on private property.
- 11-613. Duty to maintain private property free of litter.
- 11-614. Violations and penalty.

**11-601. Unlawful to litter.** It shall be unlawful for any person or persons, firm or corporation to throw, place or deposit litter upon any street, alley, sidewalk, or other public place within the corporate limits of the Town of Kingston Springs, Tennessee, except in public receptacles or in authorized private receptacles for collection of same. (Ord. #18-001, April 2018)

**11-602. Litter defined.** Litter as defined herein includes paper, paper or cloth wrappings, cardboard, tin cans, bottles, wood, glass, garbage, rubbish, ashes, beer containers, drink containers, plastic cups, parts of abandoned automobiles, metals, or any other objects which tend to create a danger to public health, safety and welfare. (Ord. #18-001, April 2018)

**11-603. Prohibition against depositing litter in or on sidewalks, gutters, streets.** No person shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (Ord. #18-001, April 2018)

**11-604. Business owner responsibility.** No person owning or occupying a place of business shall sweep into or deposit into any gutter, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons

owning or occupying places of business within the town shall keep the sidewalk in front of their business premises free of litter. (Ord. #18-001, April 2018)

**11-605. Prohibition against throwing material onto property.** No person, while a driver or passenger in a vehicle, shall throw or deposit litter or any other material upon any street or other public place within the town or upon private property except as provided herein. (Ord. #18-001, April 2018)

**11-606. Prohibition against littering by vehicle.** No person shall drive or move any truck or other vehicle within the town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the town, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind. (Ord. #18-001, April 2018)

**11-607. Prohibition against disposal in bodies of water.** No person shall throw or deposit litter in any fountain, pond, lake, stream, river, bay or any other body of water in a part or elsewhere in the town. (Ord. #18-001, April 2018)

**11-608. Prohibition against non-direct distribution of material.** No person shall throw or deposit any commercial or non-commercial handbill or advertising material or items in or upon any sidewalk, street or other public place within the town. Nor shall any person hand out or distribute or sell any commercial handbill or advertising material or items in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the town for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill or advertising material or items directly to any person willing to accept it. (Ord. #18-001, April 2018)

**11-609. Prohibition against non-direct distribution of material onto vehicles.** No person shall throw or deposit any commercial or non-commercial handbill or advertising material or items in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a non-commercial handbill or advertising material or items directly to any occupant of a vehicle who is willing to accept it. (Ord. #18-001, April 2018)

**11-610. Prohibition against non-direct distribution of material onto property.** (1) No person shall throw, deposit or distribute any commercial or non-commercial handbill or advertising material or items in or upon private premises which are inhabited, except by handing or transmitting any such

handbill directly to the owner, occupant or other person in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill or advertising material or items in or upon such inhabited premises, if such handbill or advertising material or items is so placed or deposited as to secure or prevent such handbill or advertising material or items from being blown or drifted about such premises or sidewalks, streets or other public places and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

(2) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. #18-001, April 2018)

**11-611. Prohibition against posting on lampposts, poles, trees, and public structures.** No person shall post or affix any notice, poster of other paper or device, calculated to attract the attention of the public to any lamppost, public utility pole or shade tree or upon any public structure or building, except as may be authorized or required by law. (Ord. #18-001, April 2018)

**11-612. Prohibition against littering on private property.** No person shall throw or deposit litter on any private property within the town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or public place or upon any private property. (Ord. #18-001, April 2018)

**11-613. Duty to maintain private property free of litter.** The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (Ord. #18-001, April 2018)

**11-614. Violations and penalty.** Any person or persons, firm or corporation found guilty of violating this chapter, or any section thereof, shall be guilty of a misdemeanor, and upon conviction before the town judge, shall be fined not less than fifty dollars (\$50.00) per offense. (Ord. #18-001, April 2018)