

TITLE 11**MUNICIPAL OFFENSES¹****CHAPTER**

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
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CHAPTER 1**ALCOHOL²****SECTION**

11-101. Minors in beer places.

11-101. Minors in beer places. No person 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, except as may be provided by state law. (1989 Code, § 10-209, modified)

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

FORTUNE TELLING, ETC.

SECTION

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to hold himself out to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1989 Code, § 10-218)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

- 11-301. Disturbing the peace.
- 11-302. Loud and disturbing noises prohibited.
- 11-303. Noise curfew imposed.
- 11-304. Violations.

11-301. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or boisterous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1989 Code, § 10-201)

11-302. Loud and disturbing noises prohibited. The creation of any unreasonably loud, disturbing, or unnecessary noise within the limits of the city is prohibited. Any 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. (1989 Code, § 10-217, as replaced by Ord. #05-80, Aug. 2005)

11-303. Noise curfew imposed. It shall be unlawful for any person, organization, corporation, group or agent or representative, invitee, or employee thereof to make any loud or disturbing noise within the limits of the city, at any time or place, so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity. (as added by Ord. #05-80, Aug. 2005)

11-304. Violations. Any violation of the provisions of this chapter shall be punishable by a fine as provided by the Lakeland Municipal Code. (as added by Ord. #05-80, Aug. 2005)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

- 11-401. Escape from custody or confinement.
- 11-402. Impersonating a government officer or employee.
- 11-403. False emergency alarms.
- 11-404. Resisting or interfering with city personnel.

11-401. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1989 Code, § 10-202)

11-402. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1989 Code, § 10-204)

11-403. 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. (1989 Code, § 10-208)

11-404. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his city duties. (1989 Code, § 10-203)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Discharge of firearms, etc.

11-502. Throwing of missiles.

11-503. Deleted.

11-501. Discharge of firearms, etc. (1) It shall be unlawful for any person to discharge a firearm and/or discharge a projectile by bow, air gun or other means in the City of Lakeland.

(2) As used in this section, the following words and phrases shall have the following meanings:

(a) "Firearms." Any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes but is not limited to any such weapon commonly referred to as a pistol, revolver, rifle, gun, shotgun, muzzleloader or machine gun. Any weapon that can be readily made into a firearm by the insertion of a firing pin, or other similar thing in the actual possession of the actor or an accomplice, is a firearm.

(b) "Bow." Any weapon, whether loaded or unloaded, which will expel a projectile by the action of a spring mechanism or other force-producing means or method and includes but is not limited to any such weapon commonly referred to as a bow, long bow, compound bow, crossbow or slingshot capable of discharging a metal bullet or pellet or paint filled projectile.

(c) "Air gun." Any weapon, whether loaded or unloaded, which will expel through the action of release of a pressurized gas, compressed air, expanding gas, explosive or other force-producing means or method and includes but is not limited to any such weapon commonly referred to as an air gun, air pistol, air rifle, "BB" gun, pellet gun, blow gun, paint gun.

(3) It shall not be a violation of this section to discharge a firearm or air gun under the following conditions:

(a) In the protection of life.

(b) Law enforcement officers in the performance of their official duties.

(c) At an established and lawfully operating firing range or related business establishment or educational program properly supervised.

(d) Military functions such as parades, funerals or the firing of blank charges.

(4) The provisions of this section shall not apply to the discharge of a firearm and/or discharge of a projectile by bow, air gun or other means upon a parcel of property and in a location that is:

- (a) Zoned AG under the City of Lakeland Zoning Ordinance, and
- (b) At least twenty (20) acres in size.

(5) The provisions of this section are severable. If any provision of this section or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application.

(6) Any person, firm or corporation violating any provision of this section shall be fined not less than twenty-five dollars (\$25.00) for each offense, and a separate offense shall be deemed committed by each discharge violating this section. (1989 Code, § 10-221, as replaced by Ord. #03-35, May 2003)

11-502. Throwing of missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, firecracker or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1989 Code, § 10-205)

11-503. Deleted. (1989 Code, § 10-222, as deleted by Ord. #03-35, May 2003)

CHAPTER 6

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

- 11-601. Trespassing.
- 11-602. Malicious mischief.
- 11-603. Interference with traffic.

11-601. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1989 Code, § 10-212)

11-602. 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. (1989 Code, § 10-211)

11-603. 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. (1989 Code, § 10-216)

CHAPTER 7

MISCELLANEOUS

SECTION

- 11-701. Abandoned refrigerators, etc.
- 11-702. Caves, wells, cisterns, etc.
- 11-703. Posting notices, etc.
- 11-704. Littering; misuse or damage of city's property or trash containers.
- 11-705. Killing deer.
- 11-706. Curfew for minors.

11-701. 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. (1989 Code, § 10-210)

11-702. 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, abandoned septic tank, or other such opening in the ground which is dangerous to life and limb without placing thereon an adequate cover or safeguard, and in the case of abandoned septic tanks filling the same with material approved by the city. (1989 Code, § 10-215)

11-703. 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. (1989 Code, § 10-213)

11-704. Littering; misuse or damage of city's property or trash containers. (1) It shall be unlawful for any person to litter or deposit trash in the City of Lakeland streets and/or right of ways, drains, or easements.

(2) It shall be unlawful for any person using City of Lakeland parks or pavilion grounds to deposit trash or place litter outside of refuse containers provided.

(3) It shall be unlawful to dispose of or dump anything other than those items associated with the use of the park or pavilion in containers provided by the city.

(4) It shall be unlawful for any person to use a privately owned business establishments' owned or contracted dumpster for disposing of trash, garbage, refuse or litter without the express written consent of the business owner concerned. (1989 Code, § 10-219)

11-705. Killing deer.¹ It shall be unlawful for any person to trap, hunt, shoot, or injure or kill by any means, deer within the corporate limits, except by an official of the city or contractor who must cease additional pain and suffering by an animal in dire distress. (1989 Code, § 10-220, modified)

11-706. Curfew for minors. (1) It is unlawful for any minor between seventeen (17) and eighteen (18) years of age to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the city during the following time frames:

- (a) Monday through Thursday between the hours of 11:00 P.M. to 6:00 A.M.
- (b) Friday through Sunday between the hours of 12:00 Midnight to 6:00 A.M.

(2) It is unlawful for any minor sixteen (16) years of age and under to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the city during the following time frames:

- (a) Monday through Thursday between the hours of 10:00 P.M. to 6:00 A.M.
- (b) Friday through Sunday between the hours of 11:00 P.M. to 6:00 A.M.

(3) It is unlawful for a parent or guardian of a minor to knowingly permit or by inefficient control to allow such minor to be or remain upon any street or establishment under circumstances not constituting an exception to, or otherwise beyond the scope of subsections (1) and (2). The term "knowingly" includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. The term "knowingly" is intended to continue to keep negligent or careless parents up to a reasonable community standard or parental responsibility through an objective test. It is not a defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor child.

- (4) The following are valid exceptions to the operation of the curfew:
 - (a) At any time, if a minor is accompanied by such minor's parent or guardian;
 - (b) When accompanied by an adult authorized by a parent or guardian of such minor to take such parent or guardian's place in accompanying the minor for a designated period of time and purpose within a specified area;
 - (c) Until the hour of 12:30 A.M., if the minor is on an errand as directed by such minor's parent;

¹Municipal code reference
Animal control: title 10

(d) If the minor is legally employed, for the period from forty-five (45) minutes before to forty-five (45) minutes after work, while going directly between the minor's home and place of employment. This exception shall also apply if the minor is in a public place during the curfew hours in the course of the minor's employment. To come within this exception, the minor must be carrying written evidence of employment which is issued by the employer;

(e) Until the hour of 12:30 A.M. if the minor is on the property of or the sidewalk directly adjacent to the place where such minor resides or the place immediately adjacent thereto, if the owner of the adjacent building does not communicate an objection to the minor and the law enforcement officer;

(f) When returning home by a direct route from (and within thirty (30) minutes of the termination of) a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception does not apply beyond 1:00 A.M.

(g) In the case of reasonable necessity, but only after such minor's parent has communicated to law enforcement personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including place or origin and destination. A copy of such communication, or the record thereof, an appropriate notation of the time it was received and of the names and addresses of such parent or guardian and minor constitute evidence of qualification under this exception;

(h) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. A minor shall show evidence of the good faith of such exercise and provide notice to the city officials by first delivering to the appropriate law enforcement authority a written communication, signed by such minor, with the minor's home address and telephone number, addressed to the mayor of the county specifying when, and in what manner the minor will be on the streets at night during hours when the curfew is still otherwise applicable to the minor in the exercise of a First Amendment right specified in such communication; and

(i) When a minor is, with parental consent, in a motor vehicle engaged in good faith interstate travel.

Each of the foregoing exceptions, and the limitations are severable.

(5) When any child is in violation of this section, the apprehending officer shall act in one (1) of the following ways:

(a) In the case of a first violation, and if in the opinion of the officer such action would be effective, take the child to the child's home and warn and counsel the parents or guardians;

(b) Issue a summons to the child and/or parents or guardians to appear at the juvenile court; or

(c) Bring the child into the custody of the juvenile court for disposition.

(6)(a) A minor violating the provisions of this section shall commit an unruly act, the disposition of which shall be governed pursuant to Tennessee Code Annotated, title 37.

(b) Any parent, guardian, or other person having the care, custody and control of a minor violating the provisions of this section shall be guilty of a civil offense punishable under the general penalty provision of this municipal code. (Ord. #196, Feb. 1997)