

## TITLE 11

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

#### CHAPTER

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

#### CHAPTER 1

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

#### SECTION

- 11-101. Drinking beer, etc., on streets, etc.  
 11-102. Minors in beer places.  
 11-103. Drinking liquor, beer, etc., in recreation center.

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have or display an open container 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 license for on premises consumption.

It shall also be unlawful for any owner or driver of an automobile, truck, or other motor vehicle, which is parked or being operated in a parking lot, or on

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<sup>1</sup>Municipal 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.

<sup>2</sup>Municipal 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).

the highways, streets or alleys in the City of Lewisburg, to allow any passenger to drink or consume, or have or display an open can or bottle of liquor or beer. (1985 Code, § 10-225)

**11-102. Minors in beer places.** No person under the age of twenty-one (21) shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1985 Code, § 10-219, modified)

**11-103. Drinking liquor, beer, etc., in recreation center.** It shall be unlawful for any person to drink, or consume, or have or display an open can or bottle of liquor or beer in the parking lot and other areas of and in the recreation center of the City of Lewisburg posted by appropriate signs. (1985 Code, § 10-226)

**CHAPTER 2****OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-201. Disturbing the peace.

**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. (1985 Code, § 10-202)

## CHAPTER 3

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

11-301. Escape from custody or confinement.

11-302. Impersonating a government officer or employee.

11-303. False emergency alarms.

11-304. Resisting or interfering with an officer.

11-305. Coercing people not to work.

**11-301. 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. (1985 Code, § 10-208)

**11-302. 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. (1985 Code, § 10-210)

**11-303. 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. (1985 Code, § 10-216)

**11-304. Resisting or interfering with an officer.** 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 municipality while such officer or employee is performing or attempting to perform his municipal duties. (1985 Code, § 10-209)

**11-305. 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 expressly is not the purpose of this section to prohibit peaceful picketing. (1985 Code, § 10-227)

## CHAPTER 4

### FIREARMS, WEAPONS AND MISSILES

#### SECTION

11-401. Air rifles, etc.

11-402. Throwing missiles.

11-403. Weapons and firearms generally.

**11-401. Air rifles, etc.** It shall be unlawful for any person in the city 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. (1985 Code, § 10-212)

**11-402. 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. (1985 Code, § 10-213)

**11-403. Weapons and firearms generally.** It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. (1985 Code, § 10-211)

## CHAPTER 5

### TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

#### SECTION

- 11-501. Trespassing.
- 11-502. Trespassing on trains.
- 11-503. Malicious mischief.
- 11-504. Interference with traffic.

**11-501. 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 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. (1985 Code, § 10-222)

**11-502. Trespassing on trains.** It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1985 Code, § 10-218)

**11-503. 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. (1985 Code, § 10-221)

**11-504. 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. (1985 Code, § 10-229)

## CHAPTER 6

### MISCELLANEOUS

#### SECTION

- 11-601. Abandoned refrigerators, etc.
- 11-602. Caves, wells, cisterns, etc.
- 11-603. Posting notices, etc.
- 11-604. Wearing masks.
- 11-605. Trespassing at recreation center and other city owned property.
- 11-606. Possessing glass containers in certain areas of recreation centers.
- 11-607. Riding of horses within streets, public rights-of-way, and public property during nighttime hours.

**11-601. 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. (1985 Code, § 10-220)

**11-602. 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. (1985 Code, § 10-228)

**11-603. Posting notices, etc.** No person shall post, paint, or fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1985 Code, § 10-223)

**11-604. Wearing masks.** It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1985 Code, § 10-230)

**11-605. Trespassing at recreation center and other city owned property.** It shall be unlawful for any person to be on or in the recreation center or any other city owned property after the hour posted by appropriate

signs, unless the person is on or in such property for a specific function and such function is in progress.

**11-606. Possessing glass containers in certain areas of recreation centers.** It shall be unlawful for any person to possess any glass containers of any kind in the parking lot, swimming pool, tennis courts and sidewalk areas of the recreation center of the City of Lewisburg. (1985 Code, § 10-231)

**11-607. Riding of horses within streets, public rights-of-way, and public property during nighttime hours.** It shall be unlawful for any person to ride, lead, walk, etc. any horse, mule, donkey, etc. on the streets, public rights-of-way, and public property within the City of Lewisburg during nighttime hours and the following definitions shall apply:

(1) Nighttime hours shall be between sunset and sunrise as determined by the National Weather Service;

(2) Streets and public right-of-way shall include all properties, sidewalks, bridges, etc. within any public right-of-way within the City of Lewisburg;

(3) Public property shall include property owned by the United States, State of Tennessee, County of Marshall or City of Lewisburg located within the City of Lewisburg.

This section shall not apply to any person employed by federal, state, county or city government whose primary responsibility is the prevention and detection of crime and the apprehension of offenders and while engaged in such employment. (1985 Code, § 10-232)



## CHAPTER 7

### EXCESSIVE NOISE

#### SECTION

- 11-701. Excessive noise prohibited.
- 11-702. Enumeration of prohibited acts.
- 11-703. Exceptions.
- 11-704. Violation.

**11-701. Excessive noise prohibited.** No person or persons owning, employing, or having the care, custody, or possession of any instrument, amplifier, animal or other generator of regularly recurring sound shall permit or cause to be permitted the generation or transmission of such sound in such a manner as to cause injury, detriment or nuisance to any person of ordinary sensitivities provided, however, that excessive noise shall not include and is not intended to prohibit single day special events limited in duration to any single twelve hour period including, by way of example, but without limitation, events which are held for the purpose of public or private auction, events sponsored or supported by any public body, agency, or official or celebratory events commemoration any national, state or local holiday. The generation or transmission of sound in such a manner as to be plainly audible on any adjacent or adjoining property shall be prima facie evidence of a violation of this section unless otherwise specifically permitted by ordinance or law or by an agency or department of the City of Lewisburg, Tennessee. (Ord. #00-04, § 1, June 2000)

**11-702. Enumeration of prohibited acts.** The following acts, among others, are declared to be excessive noises in violation of this chapter but this enumeration shall not be deemed to be exclusive:

(1) **Horns or other signal devices on vehicles.** The sounding of any horn or signal devise on any automobile, motorcycle, bus, or other vehicle, while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or while 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 such signal device of any unreasonably loud or harsh sound, and the sounding of such devise for an unnecessary and unreasonable period of time.

(2) **Musical instruments.** The playing of any radio, phonograph, any electronic instrument capable of producing sound, or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, or in any dwelling, hotel or other type of residence or of any person or persons in the vicinity.

(3) Dogs. The keeping of dog(s), in residential area, by causing frequent or long continued noise, which disturbs the comfort and repose of any person in the vicinity.

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

(5) Exhausts without mufflers. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) Barking and similar advertising. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise.

(7) Loudspeakers and amplifiers. The use of mechanical loudspeakers or amplifiers for advertising or other purposes.

(8) Burgular alarms. A residential, commercial, or auto alarm system or signaling device which sounds at a high pitch or duration so as to annoy or disturb the quiet, comfort, or repose of any person in the vicinity, and which continues to signal for more than a thirty (30) minute period.

(9) Sound amplification systems in vehicles. (a) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(b) Sound amplification system means any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

(c) Plainly audible means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of fifty (50) or more feet. Measurement standards shall be by the auditory senses, based on a direct line of sight. Words or phrases need not be discernable and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot, or driveway on either public or private property.

(d) It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

(i) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(ii) The vehicle was an emergency vehicle or public safety vehicle;

(iii) The vehicle was owned and operated by the City of Lewisburg or gas, electric, communications or refuse company; or

(iv) The system or vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, or any activities which have the approval of the city manager or the department of the city authorized to grant such approval. (Ord. #00-04, § 2, June 2000)

**11-703. Exceptions.** The provision of this section shall not apply to any vehicle of City of Lewisburg, Tennessee while engaged upon necessary public business or to the reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character. (Ord. #00-04, § 3, June 2000)

**11-704. Violation.** Anyone found in violation of this chapter shall be subject to a maximum fine of \$500.00. In the event a violation continues uninterrupted for more than twenty-four (24) hours, each twenty-four hour period shall constitute a separate punishable offense. (Ord. #00-04, § 4, June 2000)