

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. [REPEALED.]
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.
8. MISCELLANEOUS.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. [Deleted.]
- 11-102. Public intoxication.
- 11-103. Possession or consumption of beer or alcoholic beverages on certain property prohibited.

11-101. [Deleted]. (Ord. #97-07, Feb. 1997, as deleted by Ord. #2004-41, Nov. 2004)

11-102. Public intoxication. It shall be unlawful for any person to appear in a public place within the corporate limits of the City of Maryville

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).

while under the influence of any intoxicant, controlled substance, narcotic drug or any drug producing stimulating effects on the central nervous system to the degree that:

- (1) The offender may be endangered; or
- (2) There is endangerment to other persons or property; or
- (3) The offender unreasonably annoys people in the vicinity. (1985 Code, § 10-228)

11-103. Possession or consumption of beer or alcoholic beverages on certain property prohibited.¹ (1) It shall be unlawful for any person:

- (a) To possess an open container containing beer or alcoholic beverages or to consume beer or alcoholic beverages on the premises of any retail beer sales outlet which does not have an on-premises permit.
 - (b) To possess an open container containing beer or alcoholic beverages, or consume beer or alcoholic beverages on any public street, sidewalk, playground, school property, public park or recreational facility or public parking lot within the corporate limits of the City of Maryville.
 - (c) To possess an open container containing beer or alcoholic beverages or to consume beer or alcoholic beverages on any privately owned parking lot held open to use by the public.
- (2) For the purposes of this section an "open container" is one which has any opening through which its contents may pass in order to be consumed by any person.
- (3) Despite the provisions of this section, possession and consumption of beer is permitted during certain city sponsored or co-sponsored special events within the physical parameters of the special event zone during the time of the special event if otherwise provided by resolution of the city council. (1985 Code, § 10-229, as amended by Ord. #2013-05, March 2013)

¹Municipal code reference

Public consumption of beer prohibited: § 8-207.

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 forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1985 Code, § 10-235)

CHAPTER 3

[REPEALED]

(1985 Code, § 10-201, as repealed by Ord. #2015-16, Feb. 2015)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Breaching the peace.

11-402. Anti-noise regulations.

11-401. Breaching the peace. (1) It shall be unlawful for any person to disturb the peace of others by striking or fighting another or by any other violent conduct or by conduct calculated to provoke violence or violation of the law. No person shall do any act or use any language calculated or intended or intending to incite others to engage in riotous, violent or disorderly conduct. No person shall knowingly permit any offense enumerated in this section upon any premises owned or under the control of such person when it is in the power of such person to prevent or discontinue such prohibited acts or conduct.

(2) The language prohibited in this section is that language which by its common acceptance causes or tends to cause or insight an immediate breach of the peace. (1985 Code, § 10-202, as replaced by Ord. #2008-30, Sept. 2008)

11-402. 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 of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(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, hooting, 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 any persons 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, streetcar, 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) Blowing whistles. The blowing of any 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.

(g) 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.

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector 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 between 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 through delay, he may grant permission for such work to be done between 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 process of the work.

(i) 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.

(j) 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.

(k) 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.

(l) 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 city 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 municipality, 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. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system 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. (1985 Code, § 10-234)

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 an officer.

11-505. False, misleading, etc. reports to police--intentional giving prohibited.

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 municipality 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, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the municipality shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a color able imitation of that adopted and worn or carried by the official police officers of the municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1985 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. (1985 Code, § 10-217)

11-504. 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, § 10-210)

11-505. False, misleading, etc. reports to police--intentional giving prohibited. It shall be unlawful for any person knowingly to make to the Maryville Police Department any false, misleading or unfounded report, or knowingly to offer any false, misleading or unfounded information of any type whatsoever, for the purpose of interfering with the operation of the Maryville Police Department or with the intention of misleading any police officer (1985 Code, § 10-237)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Weapons and firearms generally.

11-601. Air rifles, etc. It shall be unlawful for any person in the municipality 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, § 10-213)

11-602. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any motor vehicle, other than a bus or motorcycle, building, tree, or other public or private property or upon or at any person. (1985 Code, § 10-214, as amended by Ord. #2015-16, Feb. 2015)

11-603. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatsoever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knuckles, pistol, revolver or any other dangerous weapon or instrument. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as prescribed by the applicable regulation, nor to any police officer engaged in his or her official duties. Furthermore, the prohibition shall not apply to persons who may have been summoned by such police officer to assist in the discharge of police officer's duties, nor to any conductor of any passenger or freight train of any railroad while on duty. This prohibition further shall not apply to persons with a lawful Tennessee handgun carry permit or a gun carry permit from another state that is recognized as having reciprocal rights with the State of Tennessee with regard to gun carry permits. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality with the exceptions of:

(1) Any commercial indoor firing range that has been constructed pursuant to all applicable municipal, state and federal rules, regulations and statutes, and

(2) Discharges that are otherwise permitted by law. (1985 Code, § 10-212, as amended by Ord. #2007-31, Oct. 2007, and replaced by Ord. #2018-27, Aug. 2018 *Ch17_2-5-19*)

CHAPTER 7**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC****SECTION**

- 11-701. Trespassing.
- 11-702. Trespassing on trains.
- 11-703. [Deleted.]
- 11-704. Interference with traffic.
- 11-705. Prowling.
- 11-706. Window peeping.

11-701. 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. (1985 Code, § 10-226)

11-702. 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, § 10-221)

11-703. [Deleted.] (1985 Code, § 10-225, as deleted by Ord. #2015-16, Feb. 2015)

11-704. 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, § 10-233)

11-705. Prowling. No person shall knowingly prowl on premises owned or leased by another in the nighttime without the express or implied consent of that person. This provision shall not apply to public property such as public streets or parks. (as added by Ord. #2008-33, Sept. 2008)

11-706. Window peeping. No person shall knowingly go upon property owned or leased by another and peep through the window of a building on that property without the express or implied consent of the person who owns or leases the property and the express or implied consent of any person being peeped upon. (as added by Ord. #2008-34, Sept. 2008)

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

- 11-801. [Deleted.]
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Posting notices, etc.
- 11-804. Curfew for minors.
- 11-805. Wearing masks.
- 11-806. Loitering in public places.
- 11-807. Smoking in certain places.
- 11-808. Water conservation.
- 11-809. [Deleted.]

11-801. [Deleted.] (1985 Code, § 10-223, as deleted by Ord. #2015-16, Feb. 2015)

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. (1985 Code, § 10-232)

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. (1985 Code, § 10-227)

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 11:00 P.M. unless upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1985 Code, § 10-224)

11-805. 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, § 10-236)

11-806. Loitering in public places. (1) Definition of loitering. The term loitering as used in this section is defined as willfully loafing, lounging, lingering, consorting or remaining idle with no apparent purpose, either with others or alone, on a public street, public highway, public sidewalk, public parking lot, or other public place or building when such behavior tends to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians or when such behavior interferes with the free exercise of lawful commercial trade or other lawful activity in, on or near any such public place. Loitering is also defined as the act of parking a vehicle in a commercial or public parking area without any intent to shop or otherwise conduct business or to engage in the use of parks or recreational facilities at the nearby establishments or locations for which such parking area is used.

(2) Places where loitering is prohibited. It shall be unlawful to loiter in any public place, including, but not limited to, sidewalks, public streets, public highways, public parking lots, school playgrounds, and public parks and recreation areas. No posting of signs is required for enforcement of this section in such public areas. Business owners maintaining parking areas for their customers use may post such signs in such parking areas giving notice that loitering is prohibited on such private property. Such posting shall provide notice that this section shall be effective and may be enforced in the private parking area of such businesses.

(3) Violation. Any person or persons found to be in violation of this section shall be issued a citation to City of Maryville Municipal Court and shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) plus court costs. (as added by Ord. #2004-28, June 2004)

11-807. Smoking in certain places. (1) The term "smoke" or "smoking" as defined in this section shall mean and include the carrying of a lighted cigarette, a lighted cigar or a lighted pipe of any kind, or the lighting of a cigarette, cigar or pipe of any kind.

(2) It shall be unlawful for any person to smoke or carry any lighted smoking materials in any form at any time in the following public places within the City of Maryville:

(1) Within all public elementary and secondary schools, except in areas specifically designated by the superintendent as smoking areas and which are posted with one or more signs which read: "Smoking Permitted in this Area."

(2) Public areas such as libraries and museums, except in areas specifically designated as smoking areas and which are posted with one or more signs which read: "Smoking Permitted in this Area."

(3) All elevators used by the public in any building or place.

(3) All managers and owners of any establishments in the City of Maryville serving or doing business with the public and in which more than 25 persons are employed, other than those specifically covered under subsection (2)

above, may at their discretion bring their establishment within the provisions and restrictions of this section by notifying in writing the city manager of the City of Maryville of their election so to do and by posting signs as herein provided within various areas of their businesses.

(4) Every owner or person in charge of a public place where smoking is prohibited as defined in subsection (2) and every owner or person electing to bring their establishment under the provisions of this section as provided in subsection (3) shall post and maintain one or more signs in the areas where smoking is prohibited which shall read, "Smoking Prohibited by Law" in letters at least one inch in height. Such signs shall be prominently displayed and located so as to be clearly visible to the public.

(5) Any person convicted of violating any of the provisions of this section shall be punished under the general penalty clause for this municipal code. (as added by Ord. #2013-24, Oct. 2013)

11-808. Water conservation measures. (1) When the flow downstream at City of Maryville withdrawal operations in Little River is 41 cubic feet per second (CFS) or less, appeal to the water customers of the system will be made through the news media for voluntary water conservation.

(2) When the flow downstream of the withdrawal operations is 40 CFS or less, water supplied to customers of the system shall not be used for non-essential purposes. For this purpose "non-essential purposes" shall include but not necessarily be limited to filling swimming pools, car washing, car washing facilities, recreational facilities and watering of trees, lawns, gardens and other vegetation.

(3) When the flow downstream of the withdrawal operations is 38.5 CFS or less the amount of water consumed by large industrial customers and large non-residential/non-health care commercial customers shall be reduced by approximately five percent (5%) of their average daily consumption until notice is given that the restriction is no longer in effect.

(4) When any of the conditions specified in subsection (2) and subsection (3) above are existing or are eminent official notice of these restrictions will be given promptly to the public through the news media.

(5) It shall be unlawful for any person, firm, association, partnership or corporation to violate or fail to comply with any of the provisions of this section, and any person, firm, association, partnership or corporation shall upon conviction of any violation be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each separate offense. Each day that a violation occurs shall be construed a separate offense and punished accordingly. (as added by Ord. #2013-24, Oct. 2013)

11-809. [Deleted.] (as added by Ord. #2013-24, Oct. 2013, and deleted by Ord. #2015-16, Feb. 2015)