

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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CHAPTER 1

ALCOHOL²

SECTION

11-101. Drinking alcoholic beverages in public, etc.

11-101. Drinking alcoholic beverages in public, etc. It shall be unlawful for anyone, within the corporate limits of the City of McKenzie to publicly possess any alcoholic beverage including but not limited to beer, ale, wine, whiskeys and other distilled spirits in an opened condition for the purposes of public consumption.

It shall also be unlawful for anyone within the corporate limits of the City of McKenzie to consume in public any alcoholic beverage including but not limited to beer, ale, wine, whiskeys, and other distilled spirits.

For the purposes of this section "in public" shall mean on any public street or road or in any public gathering place or any private or commercial establishment where the public gathers or congregates.

¹Municipal code references

Animals and fowls: title 10.

Fair housing: title 20, ch. 2.

Fireworks and explosives: title 7.

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

Traffic offenses: title 15.

²Municipal code references

Improper disposal of containers prohibited: § 8-222.

Open containers in public prohibited: § 8-221.

Sale of alcoholic beverages, including beer: title 8.

This section shall in no way make the private possession of liquor under one gallon unlawful neither shall it make the private consumption of liquor unlawful. (1995 Code, § 11-101)

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. (1995 Code, § 11-401)

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.

(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) 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.

(1) 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 city, 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 city clerk. 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. (1995 Code, § 11-402)

CHAPTER 3

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

- 11-301. Impersonating a government officer or employee.
- 11-302. False emergency alarms.
- 11-303. Coercing people not to work.
- 11-304. Interference with police and fire department radio frequencies.
- 11-305. Public nuisance.

11-301. 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. (1995 Code, § 11-502)

11-302. False emergency alarms. It shall be unlawful for any person to intentionally 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. (1995 Code, § 11-503)

11-303. 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. (1995 Code, § 11-505)

11-304. Interference with police and fire department radio frequencies. It shall be unlawful for any unauthorized person to broadcast over, or in any other way create interference in or with the city police and fire department radio frequencies.

It shall also be unlawful for any person to monitor radio frequency of the city police or fire department with the intent thereby to aid, abet, or assist either that person or another person in the commission of any crime, offense or violation of this code of ordinances or any other ordinances of the city, or to aid, abet or assist that person or any other person to avoid detection or apprehension for the conviction of any crime or the violation of any municipal ordinance. (1995 Code, § 11-506)

11-305. Public nuisance. (1) Public nuisance shall be defined as any repetitive violation (more than three (3) a month) of the municipal code or a single violation of the state public nuisance law as defined by Tennessee Code Annotated, § 29-3-101 et seq., occurring at a business or residential property, whether same is owner occupied or rental property.

(2) Upon said nuisance being identified, both the perpetrator and the owner, if not one and the same, will be notified and given five (5) days to abate said nuisance. If said nuisance is not abated, the parties may be cited into municipal court and

(a) Fined fifty dollars (\$50.00) a day until said nuisance is abated;

(b) If a business, after a hearing upon the merits, lose their business license; or

(3) The city also retains the option of proceeding in state court, obtaining a temporary injunction and immediately padlocking the premises if the conduct is egregious enough. (as added by Ord. #536, Nov. 2020 *Ch1_02-11-21*)

CHAPTER 4**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-401. Air rifles, etc.

11-402. Discharge of firearms.

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 methods. (1995 Code, § 11-601)

11-402. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1995 Code, § 11-603)

CHAPTER 5**TRESPASSING AND INTERFERENCE WITH TRAFFIC****SECTION**

11-501. Trespassing.

11-502. Trespassing on trains.

11-503. Interference with traffic.

11-501. Trespassing.¹ 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 promptly leave the private premises of any person who requests or directs him to leave. (1995 Code, § 11-701)

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. (1995 Code, § 11-702)

11-503. 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 unreasonably prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1995 Code, § 11-704)

¹Municipal code reference

Provisions governing peddlers: title 9, chapter 2.

CHAPTER 6**MISCELLANEOUS****SECTION**

11-601. Caves, wells, cisterns, etc.

11-601. 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. (1995 Code, § 11-802)

CHAPTER 7

CURFEW FOR MINORS

SECTION

- 11-701. Purpose.
- 11-702. Definitions.
- 11-703. Curfew enacted; exceptions.
- 11-704. Parental involvement in violation unlawful.
- 11-705. Involvement by owner or operator of vehicle unlawful.
- 11-706. Involvement by operator or employee of establishment unlawful.
- 11-707. Giving false information unlawful.
- 11-708. Enforcement.
- 11-709. Violations punishable by fine.

11-701. Purpose. The purpose of this chapter is to:

1. Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the city;
2. Promote the safety and well-being of minors, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activity, particularly unlawful drug activity, and to being victimized by older criminals; and
3. Foster and strengthen parental responsibility for children.

11-702. Definitions. As used in this chapter, the following words have the following meanings:

1. "Curfew hours" means the hours of 12:30 A.M. through 6:00 A.M. each day.
2. "Emergency" means unforeseen circumstances, and the resulting condition or status, requiring immediate action to safeguard life, limb, or property. The word includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.
3. "Establishment" means any privately-owned business place within the city operated for a profit and to which the public is invited, including, but not limited to, any place of amusement or entertainment. The word "operator" with respect to an establishment means any person, firm, association, partnership (including its members or partners), and any corporation (including its officers) conducting or managing the establishment.
4. "Minor" means any person under eighteen (18) years of age who has not been emancipated under Tennessee Code Annotated, § 29-31-101, et seq.
5. "Parent" means:

- a. A person who is a minor's biological or adoptive parent and who has legal custody of the minor, including either parent if custody is shared under a court order or agreement;
 - b. A person who is the biological or adoptive parent with whom a minor regularly resides;
 - c. A person judicially appointed as the legal guardian of a minor; and/or
 - d. A person eighteen (18) years of age or older standing in loco parentis as indicated by authorization by a parent as defined in this definition for the person to assume the care or physical custody of the minor, or as indicated by any other circumstances).
6. "Person" means an individual and not a legal entity.
7. "Public place" means any place to which the public or a substantial portion of the public has access, including, but not limited to: streets, sidewalks, alleys, parks, and the common areas of schools, hospitals, apartment houses or buildings, office buildings, transportation facilities, and shops.
8. "Remain" means
- a. To linger or stay at or upon a place or
 - b. To fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator, or other person in control of that place.
9. "Temporary care facility" means a non-locked, non-restrictive shelter at which a minor may wait, under visual supervision, to be retrieved by a parent. A minor waiting in a temporary care facility may not be handcuffed or secured by handcuffs or otherwise to any stationary object.

11-703. Curfew enacted; exceptions. It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the city, to remain in any motor vehicle operating or parked on any public place within the city, or to remain in or upon the premises of any establishment within the city, unless:

- 1. The minor is accompanied by a parent; or
- 2. The minor is involved in an emergency; or
- 3. The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop; or
- 4. The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or
- 5. The minor is attending an activity supervised by adults and sponsored by a school, religious, or civic organization, by a public organization or agency, or by a similar organization, or the minor is going to or returning from such an activity without detour or stop; or
- 6. The minor is on a errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the name, signature, address, and telephone number of the parent authorizing the errand,

the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; or

7. The minor is involved in interstate travel through, or beginning or terminating in, the City of McKenzie; or

8. The minor is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and freedom of assembly.

11-704. Parental involvement in violation unlawful. It is unlawful for a minor's parent knowingly to permit, allow, or encourage a violation of § 11-703 of this chapter.

11-705. Involvement by owner or operator of vehicle unlawful. It is unlawful for a person who is the owner or operator of a motor vehicle knowingly to permit, allow, or encourage a violation of § 11-703 of this chapter using the motor vehicle.

11-706. Involvement by operator or employee of establishment unlawful. It is unlawful for the operator or any employee of an establishment knowingly to permit, allow, or encourage a minor to remain on the premises of the establishment during curfew hours. It is a defense to prosecution under this section that the operator or employee promptly notified law enforcement officials that a minor was present during curfew hours and refused to leave.

11-707. Giving false information unlawful. It is unlawful for any person, including a minor, knowingly to give a false name, address, or telephone number to any law enforcement officer investigating a possible violation of § 11-703 of this chapter. Each violation of this section is punishable by a maximum fine of fifty dollars (\$50.00).

11-708. Enforcement. 1. Minors. Before taking any enforcement action, a law enforcement officer who is notified of a possible violation of § 11-703 shall make an immediate investigation to determine whether or not the presence of the minor in a public place, motor vehicle, or establishment during curfew hours is a violation of that section. If the investigation reveals a violation and the minor has not previously been issued a warning, the officer shall issue a verbal warning to the minor to be followed by a written warning mailed by the police department to the minor and his/her parent(s). If the minor has previously been issued a warning for a violation, the officer shall charge the minor with a violation of § 11-703 and shall issue a citation requiring the minor to appear in court. In either case, the officer shall, as soon as practicable, release the minor to his/her parent(s) or place the minor in a temporary care facility for

a period not to exceed the remainder of the curfew hours so the parent(s) may retrieve the minor. If a minor refuses to give an officer his/her name and address or the name and address of his/her parent(s), or if no parent can be located before the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a crisis center or juvenile shelter and/or may be taken to a judge or juvenile intake officer of the juvenile court to be dealt with as required by law.

2. Others. If an officer's investigation reveals that a person has violated §§ 11-703, 11-704, 11-705, or 11-706 of this chapter and the person has not been issued a warning with respect to a violation, the officer shall issue a verbal warning to the person to be followed by a written warning mailed by the police department to the person. If there has been a previous warning to the person, the officer shall charge the person with a violation and issue a citation directing the person to appear in court.

11-709. Violations punishable by fine. A violation of §§ 11-703, 11-704, 11-705, or 11-706 subsequent to receiving a verbal warning as provided in § 11-708 is punishable by a maximum fine of fifty dollars (\$50.00) for each violation.