

TITLE 11

MUNICIPAL OFFENSES¹

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CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

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¹Municipal code references

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11-101. Adoption of state traffic statutes and regulations.¹ All violations of state regulations for the operation of vehicles committed within the corporate limits of the Town of Mount Carmel and which are defined by state law are hereby designated and declared to be offenses against the Town of Mount Carmel also. This provision shall not apply to any offenses in which the state courts have exclusive jurisdiction. (Ord. #249, Sept. 2002)

11-102. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person within the corporate limits. (1990 Code, § 11-102)

11-103. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarreling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person knowingly to visit any such house for the purpose of engaging in such activities. (1990 Code, § 11-103)

11-104. Indecent or improper exposure or dress. It shall be unlawful for any person publically to appear naked or in any dress not appropriate to his or her sex or in any indecent or lewd dress, or otherwise to make any indecent exposure of his or her person. (1990 Code, § 11-104)

11-105. Window peeping. No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy nor shall he loiter around or within view of any such window with the intent of watching or looking through it. (1990 Code, § 11-105)

11-106. Theft of property. It shall be unlawful for any person within the corporate limits to commit theft of property. A person commits theft of property if, with the intent to deprive the owner of the property, the person

¹Municipal code reference

Adoption of state traffic statutes: § 15-125.

knowingly obtains or exercises control over the property without the owner's effective consent. (1990 Code, § 11-106)

11-107. Vagrancy. It shall be unlawful for any person to beg or solicit alms, or, if without apparent lawful means of support, willfully to neglect to apply himself to some honest occupation. (1990 Code, § 11-109)

11-108. 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 in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1990 Code, § 11-110)

11-109. Abandoned refrigerators. 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 of latching or locking door without first removing therefrom the latch, door, or lock. (1990 Code, § 11-111)

11-110. Posting notices. 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. (1990 Code, § 11-112)

11-111. Littering. A person commits the offense of littering who:

- (1) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;
- (2) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway;
- (3) Negligently discharges sewage, minerals, or products or litter into any public waters or lakes within the corporate limits. (1990 Code, § 11-113)

11-112. Caves, wells, cisterns. 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. (1990 Code, § 11-114)

11-113. Theft of services. It shall be unlawful for any person within the corporate limits to commit theft of services. A person commits theft of services who:

- (1) Intentionally obtains services by deception, fraud, coercion, false pretense, or any other means to avoid payment for the services;

(2) Having control over the disposition of services to others, knowingly diverts those services to the person's own benefit or to the benefit of another not entitled thereto; or

(3) Knowingly absconds from establishments where compensation for services is ordinarily paid immediately upon the rendering of them, including, but not limited to, hotels, motels, and restaurants, without payment or a bona fide offer to pay. (1990 Code, § 11-115)

11-114. Unauthorized use of automobiles or other vehicles. It shall be unlawful for any person within the corporate limits to take, use, and operate another's automobile, airplane motorcycle, bicycle, boat or other vehicle without the consent of the owner when the person does not have the intent to deprive the owner thereof. (1990 Code, § 11-116)

11-115. Illegal possession or fraudulent use of credit or debit card. (1) A person commits the offense of illegal possession of a credit or debit card who, knowing the person does not have the consent of the owner or issuer, takes, exercises control over, or otherwise uses such card or information from such card.

(2) A person commits the offense of fraudulent use of a credit or debit card who uses, or allows to be used, the credit or debit card or information from such card, for the purpose of obtaining property, credit, services, or anything else of value with knowledge that:

(a) The card is forged or stolen;

(b) The card has been revoked or cancelled;

(c) The card has expired and the person uses the card with fraudulent intent; or

(d) For any other reason the use of the card is unauthorized by either the issuer or the person to whom the credit or debit card is issued. (1990 Code, § 11-117)

11-116. Worthless checks. (1) A person commits an offense who, with fraudulent intent or knowingly:

(a) Issues or passes a check or similar site order for the payment of money or for the purpose of obtaining money, services, labor, credit or any article of value, knowing at the time there are not sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order, as well as all other checks or orders outstanding at the time of such issuance; or

(b) Stops payment on a check or similar site order for the payment of money for the purpose of obtaining money, services, labor, credit or other article of value; provided, that such money, credit, goods or services was presented at the time of the issuance of the check or similar site order;

(c) This subsection shall not apply to a post-dated check or to a check or similar site order where the payee or holder knows or was given sufficient reason to believe the drawer did not have sufficient funds on deposit to his credit with the drawee to insure payment.

(2) For the purposes of this section, the issuer's or passer's fraudulent intent or knowledge or both of insufficient funds may be inferred if:

(a) The person had no account with the bank or other drawee at the time the person issued or passed the check or similar site order; or

(b) On presentation within thirty (30) days after issuing or passing the check or similar site order, payment was refused by the bank or other drawee for lack of funds, insufficient funds, or account closed after issuing or passing the check or order, and the issuer or passer fails to make good within ten (10) days after receiving notice of the refusal.

(3) For the purposes of subsection (2)(b) notice shall be in writing, and, if the address is known, sent by certified mail with return receipt requested, addressed to the issuer or passer at the address shown:

(a) On the check or similar site order if given; or

(b) If not shown on the check or similar site order, on the records of the bank or other drawee if available.

(4) If notice is given in accordance with subsection (3) it may be inferred that notice was received no later than five (5) days after it was mailed.

(5) Notice shall not be required:

(a) In the event the situs of the drawee is not in Tennessee;

(b) If the drawer is not a resident of Tennessee or has left the state at the time such check, draft or order is dishonored; or

(c) If the drawer of such check, draft or order did not have an account with the drawee of such check, draft or order at the time the same was issued or dishonored. (1990 Code, § 11-118)

11-117. Disorderly conduct. A person commits an offense who, in a public place and within intent to cause public annoyance or alarm:

(1) Engages in fighting or in violent or in threatening behavior;

(2) Refuses to obey an official order to disburse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or

(3) Creates a hazardous or physically offensive condition by an act that serves no legitimate purpose. (1990 Code, § 11-119)

11-118. Simple possession or casual exchange of controlled substances. (1) It is an offense for a person to knowingly possess or casually exchange a controlled substance as defined in Tennessee Code Annotated, chapter 17, title 39, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice.

(2) It is an offense for a person to distribute a small amount of marijuana not in excess of one-half (1/2) ounce (14.175 grams). (1990 Code, § 11-120)

11-119. Unlawful drug paraphernalia uses and activities. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined in Tennessee Code Annotated, chapter 17, title 39, to plant, propulgate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. (1990 Code, § 11-121)

11-120. Reckless endangerment. A person commits an offense who recklessly engages or conduct which places or may place another person in imminent danger of bodily injury. (1990 Code, § 11-122)

11-121. Vandalism. (1) A person who within the corporate limits knowingly causes damage to or the destruction of any real or personal property of another or of the state, the United States, or any county, city, or town knowing that he does not have the owner's effective consent is guilty of an offense under this section.

(2) For the purpose of this section:

(a) "Damage" includes, but is not limited to:

(i) Destroying, polluting or contaminating property;

(ii) Tampering with property and causing pecuniary loss or substantial inconvenience to the owner or a third person; and

(b) "Polluting" is the contamination by manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of the atmosphere, water, or soil to the material injury of the right(s) of another. Pollutants include dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste. (1990 Code, § 11-123)

11-122. Failure to appear. (1) It is a civil offense for any person in the Town of Mount Carmel who receives a citation in lieu of arrest for the violation of an ordinance, and signs an agreement and waiver as provided under Tennessee Code Annotated, § 7-63-102, to fail to appear for trial at the time and place designated in the agreement.

(2) Violations of this section shall subject the offender to a fine of up to fifty dollars (\$50.00) for each offense. (Ord. #319, Jan. 2007)

CHAPTER 2

ALCOHOL¹

SECTION

11-201. Drinking alcoholic beverages in public, etc.

11-202. Minors in beer places.

11-203. Alcoholic beverage restrictions on persons under twenty-one.

11-201. Drinking alcoholic beverages in public, etc.² It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1990 Code, § 11-202)

11-202. Minors in beer places. No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption. (1990 Code, § 11-203)

11-203. Alcoholic beverage restrictions on persons under twenty-one.³ It shall be unlawful for any person under twenty-one (21) years of age to purchase, possess, transport, or consume alcoholic beverages, wine, or beer, with the following exceptions: any person eighteen (18) years of age or older may transport, possess, sell, or dispense alcoholic beverages, wine, or beer in the course of his employment in accordance with the laws of the State of Tennessee. (1990 Code, § 11-204)

¹Municipal code reference
Sale of alcoholic beverages, including beer: title 8.

²Municipal code reference
Open containers: § 8-102.

³Municipal code reference
Restrictions on persons under twenty-one: § 8-103.

CHAPTER 3**GAMBLING****SECTION**

11-301. Gambling prohibited.

11-302. Promotion of gambling.

11-301. Gambling prohibited. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (1990 Code, § 11-301)

11-302. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (1990 Code, § 11-302)

CHAPTER 4**OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of other 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. (1990 Code, § 11-401)

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 other device on any automobile, motorcycle, bus, truck, or 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 person 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 town 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 hour 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) Town 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. 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 board of mayor and aldermen. Hours for the use of an amplified 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. (1990 Code, § 11-402)

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. Interference with municipal personnel.

11-505. False reports.

11-506. Evading arrest.

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 town 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. (1990 Code, § 11-501)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the town 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 town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1990 Code, § 11-502)

11-503. 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. (1990 Code, § 11-503)

11-504. Interference with municipal 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 town while such officer or employee is performing or attempting to perform his municipal duties. (1990 Code, § 11-504)

11-505. False reports. It shall be a municipal offense for any person to:

- (1) Report to a law enforcement officer an offense or incident within the corporate limits or the officer's concern:
 - (a) Knowing the offense or incident did not occur;
 - (b) Knowing the person reporting has no information relating to the offense or incident; or
 - (c) Knowing the information relating to the offense is false.

(2) Intentionally initiate or circulate a report of a past, present, or impending bombing, fire, or other emergency, knowing that the report is false or baseless and knowing:

(a) It will cause action of any sort by an official or volunteer agency organized to deal with those emergencies;

(b) It will place a person in fear of imminent serious bodily injury; or

(c) It will prevent or interrupt the occupation of any building, place of assembly, form of conveyance, or any other place to which the public has access. (1990 Code, § 11-505)

11-506. Evading arrest. It is unlawful for any person to intentionally flee from anyone the person knows to be a law enforcement officer and the person:

(1) Knows the officer is attempting to arrest a person; or

(2) Has been arrested. (1990 Code, § 11-507)

CHAPTER 6**FIREARMS, WEAPONS AND MISSILES****SECTION**

- 11-601. Air rifles, etc.
11-602. Throwing missiles.
11-603. Discharge of firearms.

11-601. 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 bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1990 Code, § 11-601)

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 vehicle, building, tree, or other public or private property or upon or at any person. (1990 Code, § 11-602)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1990 Code, § 11-603)

CHAPTER 7

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

- 11-701. Trespassing.
 11-702. Malicious mischief.
 11-703. Interference with traffic.

11-701. Trespassing.¹ (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also 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.² (1990 Code, § 11-701)

¹State law reference

Subsections (1) through (4) of this section were taken substantially from Tennessee Code Annotated, § 39-3-1201, et seq.

²Municipal code reference

11-702. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1990 Code, § 11-702)

11-703. 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 with the free passage of pedestrian or vehicular traffic thereon. (1990 Code, § 11-703)

(...continued)

Provisions governing peddlers: title 9, chapter 1.

CHAPTER 8

PUBLIC FACILITY SMOKING REGULATIONS

SECTION

- 11-801. Purpose.
- 11-802. Definitions.
- 11-803. Restrictions.
- 11-804. Designation of non-smoking areas.
- 11-805. Posting of signs.
- 11-806. Penalties.

11-801. Purpose. The purpose of this chapter is to manage the use of tobacco or any other smoking product in designated areas of town buildings. (Ord. #330, Oct. 2007)

11-802. Definitions. As used in this chapter the following words and phrases shall have the meaning as stated:

(1) "Smoke" or "smoking" means the carrying of a lighted pipe, or lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind.

(2) "Municipal facility" means any enclosed areas of a facility which is owned, operated, leased or under the control of the Town of Mount Carmel, Tennessee, to which the public is invited or in which the public is permitted; including but not limited to waiting rooms, reception areas, meeting rooms, and areas which town employees normally frequent during the course of employment, including but not limited to work areas, employee lounges, town vehicles and conference rooms.

(3) "Tobacco product" means tobacco in any form, including but not limited to snuff, chewing tobacco, cigars, and pipe tobacco. (Ord. #330, Oct. 2007)

11-803. Restrictions. No person shall, in a municipal facility, smoke or use tobacco products in any designated non-smoking area. (Ord. #330, Oct. 2007)

11-804. Designation of non-smoking areas. Non-smoking areas may be designated in municipal facilities by the board of mayor and aldermen. In any area designated as a non-smoking area the use of tobacco in any form shall be prohibited. (Ord. #330, Oct. 2007)

11-805. Posting of signs. Signs which designate non-smoking areas shall be clearly and conspicuously posted in every building or other place so covered by this chapter. (Ord. #330, Oct. 2007)

11-806. Penalties. Any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty of not less than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (Ord. #330, Oct. 2007)

CHAPTER 9

CURFEW FOR MINORS

SECTION

- 11-901. Purpose.
- 11-902. Definitions.
- 11-903. Curfew enacted; exceptions.
- 11-904. Parental involvement in violation unlawful.
- 11-905. Involvement by owner or operator of vehicle unlawful.
- 11-906. Involvement by operator or employee of establishment unlawful.
- 11-907. Giving false information unlawful.
- 11-908. Enforcement.
- 11-909. Violations punishable by fine.

11-901. 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 town;
- (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.

11-902. 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 town 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.

11-903. Curfew enacted; exceptions. It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the town, to remain in any motor vehicle operating or parked on any public place within the town, or to remain in or upon the premises of any establishment within the town, 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 an 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 Town of Rogersville; 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.

11-904. Parental involvement in violation unlawful. It is unlawful for a minor's parent knowingly to permit, allow, or encourage a violation of § 11-803 of this chapter.

11-905. 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 § 11-903 of this chapter using the motor vehicle.

11-906. 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.

11-907. 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 § 11-903 of this chapter. Each violation of this section is punishable by a maximum fine of fifty dollars (\$50.00).

11-908. Enforcement. (1) Minors. Before taking any enforcement action, a law enforcement officer who is notified of a possible violation of § 11-903 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 § 11-903 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 §§ 11-903, § 11-904, § 11-905, or § 11-906 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.

11-909. Violations punishable by fine. A violation of § 11-903, § 11-904, § 11-905, or § 11-906 subsequent to receiving a verbal warning as provided in § 11-908 is punishable by a maximum fine of fifty dollars (\$50.00) for each violation.