

TITLE 11

MUNICIPAL OFFENSES

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CHAPTER 1

MISCELLANEOUS

SECTION

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11-101. Arrest without warrant; issuance of citation; failure to appear

(1) A city police officer shall arrest and detain a person found violating a law of this state or an ordinance of this city until a warrant can be obtained in accordance with the laws of this state, provided, however, a police officer who has arrested a person for the violation of an ordinance of this city committed in his or her presence or who has taken custody of a person arrested by a private person for the commission of a violation of city ordinance, shall, in lieu of the

continued custody, and taking the arrested person before a magistrate, issue such person a citation to appear in city court provided, however, the release on citation shall be optional for persons arrested for shoplifting, and provided further no citation shall be issued under this section if:

(a) The person arrested requires medical care or examination or is unable to care for himself or herself;

(b) There is a reasonable likelihood that the offense would continue or resume or that persons or property would be endangered by the arrested person;

(c) The person cannot or will not offer satisfactory evidence of identity;

(d) The prosecution of the offense for which the person was arrested or of another offense would be jeopardized;

(e) A reasonable likelihood exists that the arrested person will fail to appear in court;

(f) The person arrested is so intoxicated he or she could be a danger to himself or herself or to others;

(g) There are one or more outstanding warrants for the person;

or
(h) The person demands to be taken immediately before a magistrate or refuses to sign the citation.

(2) A city police officer at the scene of a traffic accident may issue a written traffic citation to the driver or drivers of any vehicles involved in such accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that such person or persons have committed an offense under the provisions of title 15 of this code.

(3) A citation issued under this section shall demand the person cited to appear in court at a stated time, and it shall state the name and address of the person cited, the name of the issuing officer and the offense charged. Unless the person cited requests an earlier date, the time specified on the citation to appear shall be as fixed by the arresting officer. The citation shall give notice to the person cited that his or her failure to appear as ordered is punishable as contempt of court. The citation shall be executed in triplicate, the original to be delivered to the court specified therein, one (1) copy to be given to the person cited and one (1) copy to be retained by the officer issuing the citation. The original citation delivered to the court shall be sworn to by the issuing officer before a magistrate or official lawfully assigned such duty by a magistrate or before a notary public. The person cited shall signify his or her acceptance of the citation and his or her agreement to appear in court as directed by signing the citation.

(4) Whenever a citation has been prepared, accepted and the original citation delivered to the court as provided herein, the original citation delivered to the court shall constitute a complaint to which the person cited must answer,

and the officer issuing the citation shall not be required to file any other affidavit of complaint with the court.

(5) Prior to the time set forth the person to appear in court to answer the charge, the person cited may elect not to contest the charge and may, in lieu of appearance in court, submit the fine and cost to the clerk of the court. Such fine and cost shall be in an amount as fixed by rule of the court promulgated by the judge of the city court. The submission to a fine shall not otherwise be exclusive of any other method or procedure prescribed by law for disposition of a citation which may be issued for a violation of any provision of this code.

(6) Any other provision of this code to the contrary notwithstanding, if the person cited or released on a citation for the violation of any city ordinance has not paid the citation upon submission to fine and cost as provided in this section, and the person fails to appear in court at the time specified on such citation or at such later date as may be fixed by the court, the court may issue a warrant or attachment for the arrest of such person, or the court may declare a judgment of forfeiture against such person in any amount not to exceed the maximum fine and cost prescribed by law for such offense; and such judgment may be collected as otherwise provided by law.

(7) It shall be unlawful for any person to intentionally, knowingly or willfully fail to appear in court on the time and date specified on the citation or to knowingly give a false or assumed name regardless of the disposition of the charge upon which he or she was arrested and upon conviction shall be subject to punishment as set forth in § 1-107 of this code. (1969 Code, § 17-1)

11-102. Resisting arrest or interfering with police officer. (1) No person shall knowingly or wilfully oppose or resist a lawful arrest by a police officer by force or violence, nor shall any person offer any force or violence against any police officer subsequent to a lawful arrest by such police officer.

(2) No person shall interfere with any police officer while such officer is attempting to make a lawful arrest or is performing any other duty of his or her office. (1969 Code, § 17-2)

11-103. Imitating emergency vehicles. No person shall use a gong, bell, or siren on the streets of the city making a noise similar to that used by fire engines, police department vehicles or other emergency vehicles intended as a warning to the public to give way to passage of such vehicles in the performance of any public duty or service. (1969 Code, § 17-4)

11-104. [Deleted.] (1969 Code, § 17-6, as deleted by Ord. #17-06, Sept. 2006)

11-105. Discrimination in sale or rental of dwelling units.

(1) Definitions. For the purpose of this section, the following words and terms shall have the meanings ascribed to them in this section:

(a) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building.

(b) "Family" includes a single individual.

(c) "Person" includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

(d) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(2) Prohibited acts. Subject to the exceptions hereinafter set out it shall be unlawful for any person to do any of the following acts:

(a) To refuse to sell or rent after the making of a bona fide offer to do so or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, national origin, familial status or disability.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin, familial status or disability.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, familial status or disability, or an intention to make any such preference, limitation or discrimination.

(d) To represent to any person because of race, color, religion, national origin, familial status or disability that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, familial status or disability.

(3) Exceptions to subsection (2). Nothing in the preceding subsection except subparagraph (2)(c) is intended to apply to:

(a) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three (3) such single-family houses at any one (1) time; provided further, that in the case of the sale of any such single-family house by a private

individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one (1) such sale within any twenty-four-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one (1) time; provided further, the sale or rental of any such single-family house covered by this subsection shall be excepted from the application of subsection only if such house is sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person. Nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as is necessary to perfect or transfer the title. For the purposes of this subsection, a person shall be deemed to be in the business of selling or renting dwellings if:

(i) He or she has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(ii) He or she has, within the preceding twelve (12) months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(iii) He or she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his or her residence.

(4) Applicability of section. Nothing in this section shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this section prohibit a private club not in fact open to the public, which as an incident to its primary purpose

or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(5) Access to business engaging in sales, rentals. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership or participation on account of race, color, religion, or national origin.

(6) Duty of housing board of appeals. The housing board of appeals of the City of Oak Ridge is authorized and directed to undertake such educational and conciliatory activities as in its judgment will further the purposes of this section. It may call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions hereof and the board's suggested means of implementing it. The board shall further endeavor, with the advice of the housing industry and other interested parties, to work out programs of voluntary compliance and may advise appropriate city officials on matters of enforcement. The board shall issue reports on such conferences and consultations as it deems appropriate.

(7) Violations and penalties. Any person convicted of a violation of this section shall be fined not more than fifty dollars (\$50.00) and may be confined to the city workhouse for a period of time not to exceed ninety (90) day. (1969 Code, § 17-7)

11-106. Discrimination in places of public accommodation. (1) It is the public policy of the city that all persons within the jurisdiction of the city shall be entitled to the full and equal accommodations or services of any place of business open to the public.

(2) Within the meaning of this section, a "place of public accommodation" shall include all businesses which serve the general public. It shall include, but not be limited to, barbershops and beauty salons, bars and taprooms, laundries and laundromats, hotels and motels, lunch counters and restaurants, recreation facilities and retail stores.

(3) It shall be unlawful for any person, whether owner, operator, manager or employee, of any place of public accommodation within the city, to deny services or accommodations to any individual solely on the basis of that individual's race, color, ancestry, religion, national origin, familial status or disability, or to permit such a denial by any of his or her employees. (1969 Code, § 17-8)

11-107. Shoplifting. No person shall wilfully take possession of any goods, wares or merchandise offered for sale by establishments, with the

intention of converting to his or her own use, without paying the purchase price therefor. (1969 Code, § 17-17)

11-108. False registration at hotel, motel, etc. No person shall write or cause to be written or knowingly permit to be written in any registry in any hotel, motel, lodging house, rooming house, or other place whatsoever where transients are accommodated in the city, any other or different name or designation than the true name of the person so registered therein, or the name by which such person is generally known. (1969 Code, § 17-18)

11-109. Trespass; failure to leave premises of another after notice.

(1) It shall be unlawful for any person to enter upon the lands or premises of another, or of the city or school districts, without lawful authority, after having been forbidden so to do by the owner, occupant, person in charge of such premises, or the agent or servant of any of the foregoing; or for any person to remain upon the lands or premises of another, or of the city or school district, without lawful authority, upon being notified to depart therefrom by the owner, occupant, person in charge of such premises, or the agent or servant of any of the foregoing.

(2) Any person violating this section, upon conviction, shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) or sentenced to city jail for not more than ninety (90) days, or both such fine and jail sentence in the discretion of the court. (1969 Code, § 17-21)

11-110. Loitering on commercial and business premises prohibited. It shall be unlawful for any person to loiter, linger, congregate, or idly remain upon commercial or business parking areas or premises when not conducting lawful business offered or provided upon such premises if a reasonably visible sign prohibiting loitering has been posted on the premises by the owner thereof. Such a sign located upon the premises shall be presumed to be posted by the owner. The signs posted under this section shall be approved by the city manager as to size, form, and content prior to posting. (1969 Code, § 17-24)

11-111. [Deleted.] (1969 Code, § 17-15, as deleted by Ord. #17-06, Sept. 2006)

11-112. Unlawful possession of traffic control devices.¹ The city may mark traffic-control signs, signals, markers or devices with letters not less than one-fourth inch nor more than three-fourths inch in height by use of a metal stamp, etching or other permanent marking to indicate ownership by the city. Unlawful possession of traffic control sign, signal, marker or device is a violation. (as added by Ord. #21-06, Dec. 2006)

11-113. Disorderly conduct at funerals.² (1) A person commits the offense of interfering with a funeral or burial, funeral home viewing of a deceased person, funeral procession, or funeral or memorial service for a deceased person, if such person acts to obstruct or interfere with such commemorative service by making any utterance, gesture, or display in a manner offensive to the sensibilities of an ordinary person. Picketing, protesting, or demonstrating at a funeral or memorial service shall be deemed offensive to the sensibilities of an ordinary person.

(2) The provisions of this section shall only apply to acts within five hundred (500) feet of a funeral or burial, funeral home viewing of a deceased person, funeral procession, or funeral or memorial service for a deceased person. (as added by Ord. #21-06, Dec. 2006)

¹State law reference
Tennessee Code Annotated, § 55-8-184.

²State law reference
Tennessee Code Annotated, § 39-17-317.

CHAPTER 2

ALCOHOL, DRUGS, ETC.¹

SECTION

11-201. Customer's ability to bring alcoholic beverages into a place of business for personal consumption.

11-202. Possession and/or consumption of beer and other alcoholic beverages prohibited on posted private property.

11-201. Customer's ability to bring alcoholic beverages into a place of business for personal consumption. Customers may bring alcoholic beverages into a place of business for their personal consumption only as specified herein. With the consent of the business owner, customers may bring beer or wine for consumption by themselves and their personal guests into a food service establishment that possesses a valid permanent on-premises beer permit or whose management possesses a valid server permit from the Tennessee Alcoholic Beverage Commission. This section shall not be interpreted to provide additional allowances or restrictions on establishments with a Tennessee license for liquor by the drink.

For the purposes of this section, the term "food service establishment" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons and customers; and providing that more than fifty percent (50%) of the gross revenue of the establishment is generated from the serving of food/meals. (1969 Code, § 17-22, as deleted by Ord. #17-06, Sept. 2006, and replaced by Ord. #23-2012, Nov. 2012)

11-202. Possession and/or consumption of beer and other alcoholic beverages prohibited on posted private property. It shall be unlawful for any person to drink, consume, or possess opened cans, bottles, or other containers of beer or other alcoholic beverages upon any private property where the owner has posted a reasonably visible sign on the premises prohibiting such activity. Such a sign located upon the premises shall be

¹Municipal code reference

Sale of alcoholic beverages including beer: title 8.

presumed to be posted by the owner. The signs posted under this section shall be approved by the city manager as to size, form, and content prior to posting. (1969 Code, § 17-23)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Breaching the peace.

11-302. Unlawful noises prohibited; exceptions; temporary permits.

11-301. 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 a violation of the law.

(2) No person shall do any act or use any language calculated or intended or tending to incite others to engage in riotous, violent, or disorderly conduct.

(3) No person shall threaten with bodily harm, intimidate by any means, or terrorize another in the pursuit of his or her lawful rights.

(4) No person shall engage in any assembly, marching or demonstration upon any of the streets or public grounds within the city for the purpose of provoking a breach of the peace or inciting disorders.

(5) No person shall intimidate any public officer or official in the discharge of such officer's or official's duties.

(6) No person shall knowingly permit any offense enumerated in this section or upon any premises owned or under the control of such person when it is within the power of such person to prevent or discontinue such prohibited acts or conduct. (1969 Code, § 17-3)

11-302. Unlawful noises prohibited; exceptions; temporary permits. (1) It shall be unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any other noise, considering the time, date, place or nature of such noise, so as to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of another person of ordinary sensibilities within the city.

(2) It shall be unlawful to play any radio, phonograph, television set, amplified or unamplified musical instrument, loudspeaker, tape recorder or any other electronic sound-producing or recording device in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of any person of ordinary sensibilities within the city. The operation of any such devices referenced herein in such a manner as to be clearly audible on a property or in a dwelling unit other than that in which it is located shall create a rebuttable presumption of a violation of this section.

(3) The city manager is authorized to issue temporary permits providing for exceptions to this section for commercial, political, civic, charitable, governmental and other organizations for activities or events of other than a day-to-day nature. Such permits shall be upon such conditions as imposed by the city manager considering the date, time of day, nature of the activity, reason of the activity, impact upon surrounding areas or other relevant considerations. Such permit shall be in writing and shall be available for display at the location where such noise is being created. (1969 Code, § 17-5)

CHAPTER 4

[DELETED]

This chapter was deleted by Ord. #17-06, Sept. 2006.

CHAPTER 5

OBSCENITY

SECTION

11-501. Obscene gestures generally.

11-502. Profane, vulgar or indecent language.

11-501. Obscene gestures generally. No person shall make obscene or indecent gestures. (1969 Code, § 17-12, as replaced by Ord. #17-06, Sept. 2006)

11-502. Profane, vulgar or indecent language. No person shall use vulgar, profane or indecent language on any public place or in any public hall, club, restaurant or other place open to the public. (1969 Code, § 17-14)

CHAPTER 6

[DELETED].

This chapter was deleted by Ord. #17-06, Sept. 2006.

CHAPTER 7

OFFENSES AGAINST CHILDREN

SECTION

11-701. [Deleted.]

11-702. [Deleted.]

11-703. Unlawful purchases for minors.

11-704. [Deleted.]

11-701. [Deleted.] (1969 Code, § 17-9, as deleted by Ord. #17-06, Sept. 2006)

11-702. [Deleted.] (1969 Code, § 17-10, as deleted by Ord. #17-06, Sept. 2006)

11-703. Unlawful purchases for minors. No person shall procure for any minor any article which the minor is forbidden by law to purchase. (1969 Code, § 17-11)

11-704. [Deleted.] (1969 Code, § 17-13, as deleted by Ord. #17-06, Sept. 2006)

CHAPTER 8

WEAPONS

SECTION

11-801. Deleted.

11-802. Deleted.

11-803. Discharging firearms, spring or air gun, or bow and arrow.

11-801. Deleted. (1969 Code, § 17-60, as deleted by Ord. #17-06, Sept. 2006)

11-802. Deleted. (1969 Code, § 17-61, as deleted by Ord. #2-2015, Jan. 2015)

11-803. Discharging firearms, spring or air gun, or bow and arrow. No person, except such as may be authorized by other laws, shall fire or discharge, or cause to be fired or discharged, within the city, any firearm, spring gun, air gun, or bow and arrow except on those areas authorized and approved by the city manager as a target range for firing or discharging the same and with the consent and under the supervision of the owner. Such designated areas must be equipped with sufficient safety facilities and their use for such designated purpose sufficiently supervised with reasonable precautions being taken to insure the safety and welfare of the inhabitants of the city. For this purpose, the city manager, subject to the approval of city council, is hereby authorized to make any reasonable regulations regarding the equipping and use of such designated areas. (1969 Code, § 17-63)

CHAPTER 9**ADVERTISING****SECTION**

11-901. Posting of signs, advertisements, announcements, bills or banners on public utility poles, publicly-owned trees, public buildings or locations.

11-902. Noisy advertising.

11-901. Posting of signs, advertisements, announcements, bills or banners on public utility poles, publicly-owned trees, public buildings or locations. (1) No person shall post or affix any notice, poster, flyer, bumper sticker, or other paper or device calculated to attract the attention of the public to any lamppost, public utility pole, or publicly-owned tree, or upon any public structure or building, except as may be authorized or required by law.

(2) Placement of community identification signs, city-owned official signs, or official city seasonal decorations on lampposts, utility poles, public structures or public buildings may be authorized by the city manager.

(3) Placement of signs for a city sanctioned event or cause, in conjunction and/or partnership between the city and one or more businesses or organizations, on city controlled facilities or locations may be conditionally authorized by the city manager if said signs are either deemed to be for the overall community good (for example, a co-sponsored community special event or cause) or for the promotion of economic development of the community, including but not limited to hospitality signage for events to assist visitors or tourists in enjoying their visit to Oak Ridge. Said signs shall comply with the following:

(a) A specific event or community cause must be cited and/or intended to be promoted by the city;

(b) The signs shall not be of a permanent construction but shall be temporary in nature;

(c) Said signs shall not be posted earlier than thirty (30) days prior to the commencement of the event or cause nor remain longer than ten (10) days following the event or cause;

(d) Said signs shall not remain posted in a manner considered unsafe, unreasonably distracting or inconsistent with generally recognized community acceptability; and

(e) Said signs are subject to consideration for immediate removal if requested by the public to the city manager and such removal

is approved by the city council. (1969 Code, § 3-1, as amended by Ord. #7-99, May 1999)

11-902. Noisy advertising. No person shall advertise goods and wares by auction or otherwise on any street or in any public place, by the use of loudspeakers, by the ringing of bells, beating of drums, gongs, or by any other loud and noisy modes of advertising. (1969 Code, § 3-2)

CHAPTER 10

HANDBILLS

SECTION

- 11-1001. Deposit or distribution on streets or other public places.
- 11-1002. Deposit in or on vehicles; distribution to occupants of vehicles.
- 11-1003. Distribution on private property generally.
- 11-1004. Distribution on posted private property; compliance with request not to distribute.
- 11-1005. Exemptions from chapter.

11-1001. Deposit or distribution on streets or other public places. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city. It shall not be unlawful, on any sidewalk, street or other public place within the city, for any person to hand out or distribute, without charge to the receiver thereof, any handbill to any person willing to accept it. (1969 Code, § 3-13)

11-1002. Deposit in or on vehicles; distribution to occupants of vehicles. No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. It shall not be unlawful, in any public place, for a person to hand out or distribute, without charge to the receiver thereof, any handbill to any occupant of a vehicle who is willing to accept it. (1969 Code, § 3-14)

11-1003. Distribution on private property generally. Subject to all of the provisions of this chapter, handbills may be distributed on private premises, provided they are so placed or deposited as to prevent them from being blown or from drifting about the premises, the sidewalks, streets, or other public places. Handbills may not be deposited in mailboxes when prohibited by federal laws or regulations. (1969 Code, § 3-15)

11-1004. Distribution on posted private property; compliance with request not to distribute. No person shall throw, deposit or distribute any commercial or noncommercial handbills upon any private premises, if there is placed thereon, in a conspicuous position near the entrance, a sign bearing the notice: "No Trespassing," "No Peddlers or Agents," "No Advertisements," or any similar notice indicating in any manner that the occupants of the premises do not desire to be molested or have the right of privacy disturbed or to have any such handbills left upon the premises. A request by any person lawfully on the

premises that such handbill not be distributed must be complied with. (1969 Code, § 3-17)

11-1005. Exemptions from chapter. The provisions of this chapter shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (1969 Code, § 3-18)