

TITLE 11**MUNICIPAL OFFENSES¹****CHAPTER**

1. MISDEMEANORS OF THE STATE ADOPTED.
2. OFFENSES AGAINST THE PEACE AND QUIET.

CHAPTER 1**MISDEMEANORS OF THE STATE ADOPTED****SECTION**

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted. All offenses against the State of Tennessee enumerated in Tennessee Code Annotated, §§ 16-18-301, 16-18-302 and 16-18-303 are hereby adopted, by reference, as offenses against the Town of Pleasant View. Any violation of the above referenced status within the corporate limits of the Town of Pleasant View is also a violation of this section.

Notwithstanding any provision of any other ordinance to the contrary, the maximum fine for violation of this ordinance shall be fifty dollars (\$50.00) per offense. (Ord. #05-02, Feb. 2005)

¹Municipal code references

Animal control: title 10.

Housing and utility codes: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET¹

SECTION

11-201. Disturbing the peace.

11-202. Loud, unusual or unnecessary noises prohibited; other prohibited noises.

11-203. Exceptions.

11-204. Penalty.

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. (Ord. #05-04, April 2005)

11-202. Loud, unusual or unnecessary noises prohibited; other prohibited noises. (1) Consistent with other provisions of this chapter it shall be unlawful for any person within the limits of the town to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.

(2) **General provisions; tests for unlawful noise.** The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to, the following:

- (a) The volume of noise.
- (b) The intensity of the noise.
- (c) Whether the nature of the noise is usual or unusual.
- (d) Whether the origin of the noise is natural or unnatural.
- (e) The volume and intensity of the background noise, if any.
- (f) The proximity of the noise to residences or any sleeping facilities.

¹Municipal 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).

(g) The nature and zoning of the area within which the noise emanates.

(h) The density of inhabitation of the area within which the noise emanates.

(i) The time of the day or night the noise occurs.

(j) The duration of the noise.

(k) Whether the noise is recurrent, intermittent or constant.

(l) Whether the noise is produced by a commercial or non-commercial activity.

(m) Whether voluntary compliance is obtained.

(3) 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, ATV, 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, stereos, TVs, etc. The playing of any radio, stereo, 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 10:00 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, roads, and highways, particularly between the of 10:00 P.M. and 7:00 A.M., or at any time or place 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, excluding livestock 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, ATV, truck, or vehicle is so out of repair, so loaded, or in such manner as to cause loud, 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 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 any of the streets, roads and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M., except in the case of necessity, and in the interest of public health and safety, and then only with a permit from the building commissioner granted for a period not to exceed thirty (30) days.

(i) Noises near schools, hospitals, churches, etc. The creation of any excess noise on any street/road 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. (Ord. #05-04, April 2005, as amended by Ord. #08-07, Sept. 2008, and Ord. #18-35, Nov. 2018, and replaced by Ord. #22-11, Oct. 2022 *Ch4_02-13-23*)

11-203. Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(1) City vehicles. Any vehicle of the city while engaged upon necessary public business.

(2) Repair of roads, streets, and highways. Excavations or repairs of bridges, roads, streets, or highways at night, by or on behalf of the county, a town, or the state, when the public welfare and convenience renders it not practical to perform such work during the day.

(3) Noncommercial use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses, or other events, which are noncommercial in character.

(4) Agricultural activity. Agricultural activity. (as added by Ord. #22-11, Oct. 2022 *Ch4_02-13-23*)

11-204. Penalty. The violation of any provision of this section shall be punishable by a penalty of not more than fifty dollars (\$50.00) for each separate violation. (as added by Ord. #22-11, Oct. 2022 *Ch4_02-13-23*)