

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
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CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Public intoxication.
 11-102. Drinking alcoholic beverages in public, etc.
 11-103. Minors in beer places.

11-101. Public intoxication. A person commits the offense of public intoxication who appears in a public place under the influence of a controlled substance or any other intoxicating substance to the degree that:

- (1) The offender may be endangered;
- (2) There is endangerment to other persons or property; or
- (3) The offender unreasonably annoys people in the vicinity. (2007

Code, § 11-101)

11-102. Drinking alcoholic beverages in public, etc. 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,

¹Municipal code references

Animal control: title 10.

Fireworks and explosives: title 7.

Residential and utility codes: title 12.

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

Traffic offenses: title 15.

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

sidewalk, public park, public school ground or other public place. (2007 Code, § 11-102)

11-103. 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, except in places issued a Class 1 beer permit. (2007 Code, § 11-103)

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Disturbing the peace.

11-202. Anti-noise regulations.

11-203. Restriction of play at recreational parks.

11-201. Disturbing the peace. No person with the intent of causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, 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. (2007 Code, § 11-401, modified)

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) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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 weekdays, 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.

(g) 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.

(h) 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.

(i) 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.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) City 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 city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day; or

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an 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. (2007 Code, § 11-402, modified)

11-203. Restriction of play at recreational parks. Use of city recreational facilities within a two hundred seventy-five foot (275') radius of any church will not be permitted on Sunday between the hours of 9:00 A.M. and 1:00 P.M. (2007 Code, § 11-403)

CHAPTER 3

FIREARMS, WEAPONS AND MISSILES

SECTION

11-301. Discharging firearms restricted.

11-302. Air rifles, etc.

11-301. Discharging firearms restricted. It shall be unlawful for any person to discharge firearms within the corporate limits of the City of Soddy-Daisy unless in self defense or in the execution of law. This section shall not apply to a regulated target range, to any hunting during legal hunting season by a licensed hunter, to a charitable ham or turkey shoot or of a event of a similar nature. The foregoing exception relating to hunting does not apply to hunting in a congested or populated area where there is an unreasonable threat of personal injury or death from the discharge of firearms. No charitable ham or turkey shoot shall be allowed unless the site of the shoot is inspected and a permit is obtained from the chief of police or his designee. In issuing the permit, the chief of police or his designee will ascertain whether the site and layout of the shoot will pose an unreasonable threat of death or personal injury to persons in the area. The city manager will fix an appropriate fee for said permit in order to cover the cost of the inspection. (2007 Code, § 11-601)

11-302. 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 metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (2007 Code, § 11-602)

CHAPTER 4

TRESPASSING AND INTERFERENCE WITH TRAFFIC**SECTION**

11-401. Trespassing.

11-402. Interference with traffic.

11-401. Trespassing. (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. (2007 Code, § 11-701)

11-402. 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. (2007 Code, § 11-702)

CHAPTER 5**OTHER OFFENSES****SECTION**

11-501. Assembly with unlawful intent.

11-501. Assembly with unlawful intent. It shall be unlawful for any person, with the intent to cause public inconvenience, annoyance, or alarm or recklessly creating a risk thereof, to congregate with other persons in a public place and refuse a lawful order of the police to disperse. (2007 Code, § 11-902)

CHAPTER 6

FALSE EMERGENCY ALARMS

SECTION

- 11-601. Definitions.
- 11-602. Fees.
- 11-603. Calls not considered false alarms.
- 11-604. Appeal.
- 11-605. Payment of fee.

11-601. Definitions. (1) "Contracted alarm system provider." A company or business providing monitoring of or contact services to appropriate authorities for emergency reporting.

(2) "False emergency alarm." Any signal activated by an emergency alarm to which emergency personnel or vehicle(s) is dispatched which is not the result of an actual emergency.

(3) "Owner and/or operator." A person or persons who reside in, owns, controls, or operates a business or residence in which an emergency alarm is connected. (2007 Code, § 11-1001)

11-602. Fees. The following schedule of fees will be assessed to the owners and/or operators of emergency alarm systems for false emergency alarms.

First through third alarm - no fee.

Fourth through sixth alarm - twenty-five dollars (\$25.00) per alarm.

Seventh and above - fifty dollars (\$50.00) per alarm.

Once a third false alarm is received within a six (6) month period, the city shall send, by certified mail, a notice to the owner, operator, and/or contract alarm system provider that further false emergency alarms will result in a fee being assessed. A schedule of said fees will be included. When a fourth false alarm call is received requiring emergency response, the fee will be applicable. The fourth or any subsequent false alarm call within a six (6) month period following the date of the first false alarm call will impose the fee as provided herein. The expiration of a six (6) month period from an alarm will reduce the number of false alarms counted to impose the fee by one (1).

If it is determined that corrective action has been taken, a new continuous six (6) month period may commence. The owner or subscriber shall be responsible for providing documentation of corrective action.

If the false alarm results from a malfunction or negligence of the contract alarm system provider, the established fee will be applicable to that provider as well as the owner and/or operator.

Any false alarm dispatched through the police department will be considered a billable alarm. If a question arises as the validity of an alarm, the

final determination will be made by the city manager or their designee. (2007 Code, § 11-1002)

11-603. Calls not considered false alarms. Alarms caused by testing, repair or malfunction of telephone or electrical equipment or lines provided the owner; alarms caused by earthquakes, floods, windstorms, thunder and lightning, shall not be applicable. (2007 Code, § 11-1003)

11-604. Appeal. Any fee assessed may be appealed to the city manager. If it is determined that adequate corrective action has been taken or the false alarm was through no fault of the appellant, the fee may be waived. Further appeal may be made to the board of commissioners. (2007 Code, § 11-1004)

11-605. Payment of fee. It shall be unlawful to fail to pay a fee assessed under this chapter within twenty (20) days of notice of assessment of such fee. (2007 Code, § 11-1005)

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 and penalty.

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. (2007 Code, § 11-1101)

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. (2007 Code, § 11-1102)

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;

(2) The minor is involved in an emergency;

(3) The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop;

(4) The minor is on the sidewalk directly abutting a place where he or she resides with a parent;

(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;

(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;

(7) The minor is involved in interstate travel through, or beginning or terminating in, the City of Soddy-Daisy; 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. (2007 Code, § 11-1103)

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. (2007 Code, § 11-1104)

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. (2007 Code, § 11-1105)

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. (2007 Code, § 11-1106)

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). (2007 Code, § 11-1107)

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 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 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 name and address or the name and address of his 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. (2007 Code, § 11-1108)

11-709. Violations and penalty. 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. (2007 Code, § 11-1109)