

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PERSON.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
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CHAPTER 1

ALCOHOL²

SECTION

11-101. Public consumption, etc., of alcoholic beverages.

11-101. Public consumption, etc., of alcoholic beverages. It shall be unlawful for any person to drink or consume, or to have an open can or bottle of beer or other intoxicating beverages in an automobile or otherwise in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, parking lot, or any other public place, or private property open to the public generally, unless the place has a beer permit and license for on-premises consumption. (1988 Code, § 10-215)

¹Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

²Municipal 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).

CHAPTER 2**OFFENSES AGAINST THE PERSON****SECTION**

11-201. Assault and battery; disturbing the peace.

11-201. Assault and battery; disturbing the peace. It shall be unlawful for any person, within the city, to disturb the peace and quiet of others by tumultuous or loud noises, profane, obscene, or offensive language, or by assault and battery upon another, or by striking at, using, exhibiting, or attempting to use a pistol, knife, or any other unlawful weapon upon the person of another. (1988 Code, § 10-211)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing congregations.

11-302. Drunkenness; disorderly conduct; indecent exposure.

11-303. Noise control, generally.

11-301. Disturbing congregations. It shall be unlawful for any person to disturb any congregation or lawful assemblage by rude, noisy, or indecent conduct, or by unseemly words or gestures. (1988 Code, § 10-213)

11-302. Drunkenness; disorderly conduct; indecent exposure.

(1) It shall be unlawful for any person, within the city, to appear in public in an intoxicated condition, or to use riotous language, or make any indecent exhibition of his person in view of any person, business house, or dwelling, or by act, word or gesture insult any person.

(2) It shall further be unlawful for any person, within the city, to create any disturbance or to engage in any unbecoming or disorderly conduct in any manner which would be offensive to the public or would violate the peace and dignity of the community. (1988 Code, § 10-214)

11-303. Noise control, generally. 1. General prohibition.

a. Any unreasonably loud, raucous, disturbing, unnecessary noise created, broadcast, or generated by persons by whatever means which causes material distress, discomfort or injury to persons of ordinary sensitivity in the immediate vicinity thereof is hereby declared to be unlawful and is hereby prohibited.

b. Any noise created, broadcast, or generated by persons by whatever means of such character, intensity and continued duration which substantially interferes with the comfort and enjoyment of private homes by persons of ordinary sensitivity is hereby declared to be unlawful and is hereby prohibited.

c. It shall be unlawful for anyone to use or operate or cause to be used any mechanical or electrical device to amplify or reproduce any sound on any premises in the city whereby the sound on any premises in the city whereby the sound is cast directly on any public street, or is operated for the purpose of attracting the attention of the passing public, or which is so placed or operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place, or annoyance or inconvenience of persons in neighboring premises, or in the neighborhood of said activities.

d. Any noise prohibited by this section and plainly audible at a distance of fifty (50) feet or more from its source by a person of normal hearing is hereby presumed to violate the provisions of subsections (a), (b), and (c) above and same is prohibited and declared to be unlawful.

e. The penalty for violation of this section shall be as follows:

i. Be it further provided that a first offense violation of § 11-303 shall subject the violator to a fine of not more than fifty dollars (\$50.00) and/or a civil penalty of not less than one hundred dollars (\$100.00);

ii. Be it further provided that a second offense violation of § 11-303 shall subject the violator to a fine of not more than fifty dollars (\$50.00) and/or a civil penalty of not less than two hundred dollars (\$200.00);

iii. Be it further provided that a that a third or subsequent offense violation of § 11-303 shall subject the violator to a fine of not more than fifty dollars (\$50.00) and/or a civil penalty of not less than five hundred dollars (\$500.00).

2. Penalties. Anyone who violates the provisions of this section shall be subject to the general penalty provisions of § 1-107 of this code.

3. Exemptions. The following activities are exempt from the provisions of this section:

a. Any equipment generating noise related to emergency vehicles, emergency work, or emergency warning alarms or bells.

b. Noise associated with aircraft activities.

c. Sounds created by the operation of railroad equipment.

d. The city administrator, upon proper application and for good cause shown, may grant additional exemptions from the provisions of this section. (1988 Code, § 10-222, as amended by Ord. #1308, May 2005, and Ord. #1336, July 2006)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-401. Resisting an officer.

11-401. Resisting an officer. It shall be unlawful for any person to resist an officer of the law. (1988 Code, § 10-210)

CHAPTER 5**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-501. Throwing missiles.

11-502. Weapons--discharging firearms.

11-503. Carrying concealed; sale, etc.

11-504. Use of bows and arrows--target practice restrictions.

11-505. Weapons--public places.

11-501. Throwing missiles. It shall be unlawful for any person to throw stones, sticks, clubs, brick-bats, or any other missiles from slings, by hand or otherwise, within the city, so as to endanger life, limb, or property of any citizen. (1988 Code, § 10-206)

11-502. Weapons--discharging firearms. It shall be unlawful for any person to fire or discharge any firearm within the corporate limits of the city except:

- (1) While in the lawful performance of duty as an officer of the law; or
- (2) Within a legally established shooting range or shooting gallery in a non-residential area where precautions have been taken to insure protection of human life and property; or
- (3) Lawfully engaged in hunting, as permitted by the state; or
- (4) Legally defending person or property. (1988 Code, § 10-207, as replaced by Ord. #1437, July 2013)

11-503. Carrying concealed; sale, etc. It shall be unlawful for any person, within the city, to carry under his clothes or concealed about his person, a bowie knife, Arkansas toothpick, or knife, or weapon of like form, shape or size; or to sell or offer to sell or bring into the city for the purpose of selling, or giving away, or otherwise disposing of such weapon; or to either publicly or privately carry a dirk, sword cane, Spanish stiletto, or any slingshot, brass knucks, belt or pocket pistol, toy pistol or cartridges, except such as are permitted by the laws of the state, or to sell, or offer to sell, or give away any such weapon. (1988 Code, § 10-208)

11-504. Use of bows and arrows--target practice restrictions. Except as stipulated in § 11-502 of the Code of Ordinances of the City of Tullahoma and as stipulated below, it shall be unlawful to shoot an arrow, a bolt, or other similar projectile inside the city limits of Tullahoma, Tennessee using a compound bow, long bow, recurved bow, and cross bow.

However, for the purpose of target practice only it shall be lawful to shoot such devices provided a safety zone as defined in (1) through (6) below exists between the archer and the nearest resident's property line.

(1) For a person shooting from the ground, the length of the safety zone in the direction of the arrow's path must be at least 100 yards beyond the target.

(2) For a person shooting from an elevated platform, the required 100 yard length of the safety zone in the direction of the arrow's path can be reduced by 4 yards for each foot of elevation, but not to be shorter than 20 yards.

(3) The width of the safety zone shall be greater than 1/2 the distance from the archer to the target but not less than 20 yards.

(4) In lieu of the required length and width of the safety zone, a safety backstop as effective as a house or garage shall be directly behind the target.

(5) All persons born after January 1, 1969, practicing archery must have passed an approved TWRA Hunter Safety Course.

(6) With dated, written permission from property owner safety zone may extend onto adjoining property. (1988 Code, § 10-221)

11-505. Weapons--public places. (1) Tennessee Code Annotated provisions incorporated by reference. All the applicable provisions of Tennessee Code Annotated, § 30-17-1301, et sequitur, throughout Tennessee Code Annotated, Part 13, "Weapons," are incorporated herein by reference as though same were fully set forth herein.

(2) Prohibited weapons. A person commits an offense who intentionally or knowingly possesses, manufactures, transports, repairs or sells upon public recreational property any weapons as are defined in said code sections aforementioned and shall be guilty of a violation of the provisions hereof.

(3) Carrying weapons in or on public parks, playgrounds, civic centers and other public recreational buildings and grounds.

(a) It is an offense for any person to possess or carry whether openly or concealed, with the intent to go armed, any weapon prohibited by this section, not used solely for instructional, display or sanctioned ceremonial purposes, in or on the grounds of any public park, playground, civic center or other building, facility, area or property owned, used or operated by any municipal, county or state government, or instrumentality thereof, for recreational purposes.

(b) The provisions of subsection (a) shall not apply to the following persons:

(i) Persons employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee National Guard when in discharge of their official duties and acting under orders requiring them to carry arms or weapons;

(ii) Civil officers of the United States in the discharge of their official duties;

(iii) Officers and soldiers of the militia and the national guard when called into actual service;

(iv) Officers of the state, or of any county, city or town, charged with the enforcement of the laws of the state, in the discharge of their official duties;

(v) Any pupils who are members of the Reserve Officers Training Corps or pupils enrolled in a course of instruction or members of a club or team, and who are required to carry arms or weapons in the discharge of their official class or team duties;

(vi) Any private police employed by the municipality, county, state or instrumentality thereof in the discharge of their duties; and

(vii) Also, only to the extent a person strictly conforms, such person's behavior to the requirements of one (1) of the following classifications;

(A) A person hunting during the lawful hunting season on lands owned by any municipality, county, state or instrumentality thereof or upon any private property which has been designated as available for hunting pursuant to other provisions in the Code of Ordinances of the City of Tullahoma, Tennessee, and designated as open to hunting by law or by the appropriate official;

(B) A person possessing unloaded hunting weapons while transversing the grounds of any such public recreational building or property for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands unless the public recreational building or property is posted prohibiting such entry;

(C) A person possessing guns or knives when conducting or attending "gun and knife show" when such program has been approved by the administrator of the recreational building or property;

(D) A person entering the property for the sole purpose of delivering or picking up passengers and who does not remove any weapon from the vehicle or utilize it in any manner; or

(E) A person who possesses or carries a firearm for the purpose of sport or target shooting and sport or target shooting is permitted in such park or recreational area.

At such time as such person's behavior no longer strictly conforms to one (1) of such classifications, such

person shall be subject to the provisions of subsection (3)(a), above.

- (3) (i) Each municipal employee in charge of a public recreational property shall display in prominent locations about such place a sign, at least six inches (6") high and fourteen inches (14") wide, stating:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN MONTHS AND TWENTY-NINE DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

- (ii) As used in this subsection, "prominent locations" about public recreational property includes, but is not limited to, all entrances to such property, any such building or structure located on such property, such as rest rooms, picnic areas, sports facilities, welcome centers, gift shops, playgrounds, swimming pools, restaurants and parking lots.

- (4) Persons carrying any such weapons in violation of this section shall have privileges revoked to utilize or be present at or upon all recreational facilities owned by the City of Tullahoma, Tennessee, for a minimum of two (2) years, as determined by the city administrator on a case-by-case basis.

- (5) During the period of time for which privileges are revoked as are provided for in subsection (4) above, if any such person is convicted of a felony, then such person may not regain privileges to utilize said facilities, until his application for permission to be entitled to utilize said facilities has been approved by the city administrator, but in no case no earlier than two (2) years after he has been convicted of violating this section or the provisions of Tennessee Code Annotated, § 39-17-1301, et sequitur, or said felony, whichever is later.

- (6) If any person whose privileges to utilize or be present at or upon any recreational facilities owned by the city have been revoked for violations of the provisions of this section, shall exercise said privileges without the permission of the city administrator as provided for and required hereby, then said person shall be guilty of a violation hereof and subject to the penalties hereinafter set forth.

- (7) It is an offense of the provisions hereof if the parent or other legal guardian of a minor knows that such minor is in illegal possession of a firearm or other weapon in or upon the premises of a public or private school, in or on such school's athletic stadium or other facility or building where school-sponsored athletic events are conducted, or a public park, playground, or civic center, or other public recreational facility, and such parent or guardian fails to prevent such possession or fails to report it to the appropriate school or law enforcement officials.

(8) A civil penalty of five hundred dollars (\$500.00) shall be imposed for each offense of the provisions hereof, which are violations of this section, but are not violations of the provisions of Tennessee Code Annotated, § 39-17-1301, et sequitur, the penalties for which are fully set forth in Tennessee Code Annotated. Revenues derived from penalties prescribed for violation of the provisions hereof which are municipal violations shall be earmarked for the D.A.R.E. program of the City of Tullahoma, Tennessee. (1988 Code, § 10-223)

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

- 11-601. State misdemeanors adopted.
- 11-602. Curfew for minors--established.
- 11-603. Responsibility of parents.
- 11-604. Penalties.
- 11-605. Climbing city water towers and radio towers.
- 11-606. Posting bills on public property or obscene matter on private property.
- 11-607. Burglar tools.
- 11-608. Damage to property.
- 11-609. Larceny.
- 11-610. Pornographic material harmful to minors.
- 11-611. Prostitution, lewdness, etc.
- 11-612. Gambling; keeping disorderly house.
- 11-613. Loitering.
- 11-614. Smoking, etc., prohibited in city owned/leased facilities and vehicles.

11-601. State misdemeanors adopted. All offenses declared misdemeanors by the laws of the state are hereby declared to be offenses against the peace and dignity of the city and punishable as prescribed in § 1-107. (1988 Code, § 10-101)

11-602. Curfew for minors--established. It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 10:30 P.M. and 4:00 A.M. the following day, on Sunday, Monday, Tuesday, Wednesday, Thursday and between the hours of 12:00 midnight and 4:00 A.M. the following day on Friday and Saturday; provided, however, that the provisions of this section do not apply to a minor accompanied by his parent or guardian, or where the minor is upon an emergency errand or legitimate business directed by his parent or guardian. (1988 Code, § 10-201)

11-603. Responsibility of parents. It shall be unlawful for the parent or guardian of a minor under the age of eighteen (18) years to knowingly permit such minor to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:30 P.M. and 4:00 A.M. the following day, on Sunday, Monday, Tuesday, Wednesday, and Thursday, and

between the hours of 12:00 midnight and 4:00 A.M. the following day, on Friday and Saturday; provided, however, that the provisions of this section do not apply when the minor is accompanied by his parents or guardian, or where the minor is upon an emergency errand or legitimate business directed by his parent or guardian. (1988 Code, § 10-202)

11-604. Penalties. Any minor violating the provisions of § 11-601 shall be dealt with in accordance with county juvenile court law and procedure. Any parent or guardian of a minor violating § 11-602 shall be punished as prescribed in § 1-107. (1988 Code, § 10-203)

11-605. Climbing city water towers and radio towers. It shall be unlawful for any unauthorized person to climb upon or in any way attempt to ascend on the iron framework upon which the city water tanks are placed or upon any radio towers. (1988 Code, § 10-204)

11-606. Posting bills on public property or obscene matter on private property.¹ (1) It shall be unlawful for any person to deface, injure, write, or print or paint letters or characters upon or otherwise injure by tacking, gluing, tying, stapling or affixing in any manner any item on any utility pole or public property or traffic control sign or public building or wall or structure. This section shall include all types of advertisements, political campaign posters, or signs not authorized by the city.

(2) It shall be unlawful for a property owner to consent to or allow any obscene, vulgar, or offensive drawing or words to be painted, printed, written, or otherwise placed in public view upon his premises. (1988 Code, § 10-205)

11-607. Burglar tools. It shall be unlawful for any person, within the city, to possess any kind of burglars' tools, false or skeleton keys, or any other implement intended or used for effecting secret entrances into buildings for the purpose of committing theft or other violations of the law. (1988 Code, § 10-212)

11-608. Damage to property. It shall be unlawful for any person, within the city, to interfere with, damage, deface or destroy any public property, or any private property without the consent of the owner thereof. (1988 Code, § 10-217)

¹Municipal code reference

Pornographic material harmful to minors: § 11-609.

Proximity of "adult-type" establishments to schools and churches: § 9-102.

11-609. Larceny. It shall be unlawful for any person, within the city to take and carry away the personal goods of another, without the consent of the owner, or to in any way aid and abet therein, or be an accessory thereto. (1988 Code, § 10-218)

11-610. Pornographic material harmful to minors. (1) All those provisions of Tennessee Code Annotated, §§ 39-6-1131 through 39-6-1138, are hereby incorporated herein and adopted hereby by reference as though same were fully set forth herein.

(2) It shall be unlawful for anyone to violate any of the provisions of the aforementioned statutes of the State of Tennessee, and, in addition to the penalties set forth in said statutes, said violation shall be subject to the general penalty provisions in this code.

(3) It shall further be unlawful to display, cause, or permit to be displayed for sale in any grocery store, drug store, or similar place, except an adult book store where persons under 18 years of age are not admitted, any magazine, book or newspaper containing stories, articles, or pictures, or other material of a predominately sexual nature unless said material is contained behind a counter to which only employees of said establishment have access, or said material is securely wrapped in cellophane or similar wrappings and displayed only in compliance with state law.

(4) If the Board of Mayor and Aldermen of the City of Tullahoma are of the opinion that this section is being violated, they may request the District Attorney General in the district in which said alleged violation occurs to take that action set forth in Tennessee Code Annotated, § 39-6-1134(b). (1988 Code, § 10-220)

11-611. Prostitution, lewdness, etc. (1) As used in this section, unless the context clearly requires otherwise:

(a) The term "prostitution" shall be construed to include the giving or receiving of the body for sexual intercourse for hire, and shall also be construed to include the giving or receiving of the body for licentious sexual intercourse without hire.

(b) The term "lewdness" shall be construed to include any indecent or obscene act.

(c) The term "assignation" shall be construed to include the making of any appointment or engagement for prostitution or lewdness or any act in furtherance of such appointment or engagement.

(d) The term "prostitution" shall be construed so as to exclude sexual intercourse between spouses.

(2) It shall be unlawful for any person, within the city:

(a) To keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of lewdness, assignation or prostitution.

(b) To offer, or to offer or agree to secure, another for the purpose of prostitution, or for any other lewd or indecent act.

(c) Park, stop or idle three (3) or more motor vehicles, occupied or unoccupied, for the purposes defined in § 11-613(1)(a) in a parking lot generally open to the public whereby the motor vehicle operators are present, unless the owner of the said parking lot has granted permission in writing and provided a copy of same to the chief of the police department.

(d) To direct, take or transport, or to offer or agree to take or transport, any person to any place, structure or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.

(3) It shall be unlawful for any person, within the city:

(a) To offer to commit, or to commit, or to engage in, prostitution, lewdness or assignation.

(b) To solicit, induce, entice or procure another to commit prostitution, lewdness or assignation with such person.

(c) To reside in, enter or remain in, any place, structure or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness or assignation.

(d) To aid, abet or participate in the doing of any of the acts or things enumerated in subsections (2) and (3) in this section. (1988 Code, § 10-219, as amended by Ord. #1431, Sept. 2012)

11-612. Gambling; keeping disorderly house. It shall be unlawful for any person, within the city, to set up or introduce any gambling table or device at which any game of chance may be played for money or property, or to bet anything at any game of chance or hazard, or to permit gaming or betting on his premises, or keep a disorderly house of any kind to the annoyance of the citizens of the city. (1988 Code, § 10-216)

11-613. Loitering. (1) Definitions: As used in this section, the following terms shall have the respective meanings ascribed to them:

(a) "Loitering" shall mean remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression "hanging around."

(b) "Public place" shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas, parks, or parking lots.

(2) Scope of prohibition: It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner as to:

(a) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

(b) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto. (1988 Code, § 10-209)

11-614. Smoking, etc., prohibited in city owned/leased facilities and vehicles. (1) In addition to those areas designated in Tennessee Code Annotated, § 39-17-1604 where smoking is prohibited in an effort to reduce the extent to which children are exposed to environmental tobacco smoke, and except in those designated areas as described in subsection (3) below, no person shall, at any time, smoke any tobacco, or use any product of tobacco in any form in any of the following places owned, leased or operated by the City of Tullahoma, Tennessee:

(a) Inside any building owned or leased by the City of Tullahoma, Tennessee, or within twenty-five (25) feet of any entrance thereto;

(b) Inside any city owned vehicle;

(c) In any outdoor stadium, park or playground owned or leased by the City of Tullahoma, Tennessee.

(2) No smoking signs or the international "No Smoking" symbol which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it shall be prominently posted and properly maintained at the main entrance of each building and entrance to any outdoor stadium, park or playground where smoking is prohibited under this section.

(3) Notwithstanding any provision of this section herein above provided, a designated outdoor smoking area may be established by the chief building official or his designee as circumstances may require provided that said designated smoking area(s) is of such sufficient distance or location so as not to subject other city employees or members of the general public to the risks of second hand smoke.

(4) Any person, firm or corporation convicted of violating any provision of this section shall be guilty of a misdemeanor and fined not less than ten

dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense. (as added by Ord. #1349A, Nov. 2006)