

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PERSON.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
8. MISCELLANEOUS.
9. SYNTHETIC MARIJUANA, "BATH SALTS" AND SIMILAR COMPOUNDS.

CHAPTER 1

ALCOHOL²

SECTION

11-101. Drinking beer, etc., on streets, etc.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1980 Code, § 10-226)

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

FORTUNE TELLING, ETC.

SECTION

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to represent himself to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1980 Code, § 10-230)

CHAPTER 3

[DELETED]

SECTION

11-301. [Deleted]

11-301. [Deleted]. (1980 Code, § 10-201, as deleted by Ord. #2006-019, Sept. 2006)

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

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of 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. (1980 Code, § 10-202)

11-402. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) **Miscellaneous prohibited noises enumerated.** The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) **Blowing horns.** The sounding of any horn or signal device on any automobile, motorcycle, 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, 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.

(c) **Yelling, shouting, hooting, etc.** Yelling, shouting, hooting, 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 persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper municipal authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, sale or display of merchandise.

(1) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

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

(a) Municipal vehicles. Any vehicle of the town while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the town, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier 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. (1980 Code, § 10-229)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

- 11-501. Escape from custody or confinement.
- 11-502. Impersonating a government officer or employee.
- 11-503. False emergency alarms.
- 11-504. Resisting or interfering with town personnel.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1980 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1980 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1980 Code, § 10-216)

11-504. Resisting or interfering with town personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the town while such officer or employee is performing or attempting to perform his municipal duties. (1980 Code, § 10-210)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Throwing missiles.

11-602. Weapons and firearms generally.

11-601. Throwing missiles. It shall be unlawful for any person to throw maliciously any stone, snowball, bottle, or any missile, at a building, tree, or other public or private property or upon or at any person. (1980 Code, § 10-213, as replaced by Ord. #2006-018, Sept. 2006)

11-602. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the town. (1980 Code, § 10-212)

CHAPTER 7**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC****SECTION**

11-701. Trespassing.

11-702. Trespassing on trains.

11-703. [Deleted.]

11-704. Interference with traffic.

11-705. Diving, fishing, etc. on boardwalk, bridges, and tressels prohibited.

11-701. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1980 Code, § 10-223)

11-702. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1980 Code, § 10-219)

11-703. [Deleted.] (1980 Code, § 10-222, as deleted by Ord. #2006-019, Sept. 2006)

11-704. 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 unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1980 Code, § 10-228)

11-705. Diving, fishing, etc. on boardwalk, bridges, and tressels prohibited. It shall be unlawful for any person to stand on the hand railing of the Bluff City Boardwalk or the top railing of the Reed H. Thomas Memorial Bridge which lies within the municipal limits of Bluff City, Tennessee. Further, it shall be unlawful for any person to jump into the river or to dive from the Bluff City Boardwalk, the Reed H. Thomas Memorial Bridge, and the railroad tressels adjacent thereto. It shall be unlawful for any person to fish from the Reed H. Thomas Memorial Bridge which lies within the municipal limits of Bluff City, Tennessee. (as added by Ord. #2000-011, Sept. 2000)

CHAPTER 8

MISCELLANEOUS

SECTION

11-801. [Deleted.]

11-802. Caves, wells, cisterns, etc.

11-803. Posting notices, etc.

11-804. Curfew for minors.

11-801. [Deleted.] (1980 Code, § 10-220, as deleted by Ord. #2006-019, Sept. 2006)

11-802. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1980 Code, § 10-227)

11-803. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1980 Code, § 10-224)

11-804. Curfew for minors. It shall be unlawful for any person under the age of eighteen (18) years to be abroad at night between 9:30 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1980 Code, § 10-221, as replaced by Ord. #2005-015, Nov. 2005)

CHAPTER 9

SYNTHETIC MARIJUANA, "BATH SALTS" AND SIMILAR COMPOUNDS

SECTION

- 11-901. Findings.
- 11-902. Definitions.
- 11-903. Offenses.
- 11-904. Exceptions.
- 11-905. Penalty.
- 11-906. Severability.

11-901. Findings. (1) Tennessee Code Annotated, § 30-17-438 pertaining to substances generally known as "synthetic marijuana" and Tennessee Code Annotated, § 39-17-452 pertaining to substances generally known as "bath salts" given certain actions regarding the substances listed in those statutes and certain synthetic derivatives or analogues of compounds listed therein, but the board has been informed that the chemical makeup of these synthetic drugs is or can be changed to avoid using the listed substances, while providing the same effect and detrimental health risk, making enforcement of such statutes difficult and ineffective.

(2) Synthetic marijuana and "bath salts" are being manufactured in a way to avoid the application of existing state and federal laws.

(3) Studies have indicated that synthetic marijuana usage includes the dangers associated with using natural marijuana with additional danger to the public health due, in part, to the unknown nature of any long term effects of this synthetically created substance.

(4) The board finds that synthetic marijuana (synthetic cannabinoids) or compounds that emulate or simulate the effects of synthetic cannabinoids through chemical changes such as the addition, subtraction or rearranging of a radical or the addition, subtraction or rearranging of a substituent have been developed such that it can create similar hallucinogenic qualities to natural marijuana and such items are now being possessed, distributed, and sold in the city.

(5) The board finds a manufactured product known as "bath salts," "plant food," "fake bath salts," "fake fertilizer," and/or "fake insect repellent" has been developed, and that compounds that emulate or simulate the effects of such synthetic derivatives or analogues of cathinone or methcathinone or the derivatives or analogues of the chemical or compounds listed in Tennessee Code Annotated, § 39-17-452 through chemical changes such as the addition, subtraction or rearranging of a radical or the addition, subtraction or rearranging of a substituent have been developed and are not being possessed,

distributed, and sold in the city and the usage of these compounds have effects similar to methamphetamine.

(6) The 2011 edition of the U.S. Drug Enforcement Administration's "Drugs of Abuse; A DEA Resource Guide," designates bath salts as a drug of concern which poses risks to users.

(7) The use of these types of compounds can be extremely addictive, and are not currently detectable by drug testing procedures commonly used in the workplace.

(8) The use of synthetic marijuana or "bath salts," even with the change in chemical compounds, creates a danger to the health and safety of the public, and to protect the health and welfare of the public it is necessary to prohibit the use, sale, possession and distribution of said compounds, not otherwise controlled by state or federal law.

(9) Pursuant to Article I. Section 2. Subsections (20) and (22) of the Bluff City Charter the city has the authority to license and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not forbidden by law. To define and prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the town, and to exercise general police powers.

(10) The use, possession, production, manufacture, distribution, transporting, selling, offer for sale, trading, bartering, exchanging or purchase of the substances addressed herein is detrimental to the health, safety, or welfare of the inhabitants of the city, and absent action by board such activity is currently lawful in the city, and to protect the health, safety and welfare of the inhabitants of the city such activity should be made unlawful. (as added by Ord. #2012-003, Feb. 2012)

11-902. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section.

(1) "Package" means each single unit marketing package or packaging for the substances prohibited herein.

(2) "Practitioner" means:

(a) Any physician, dentist, optometrist, veterinarian, pharmacist, scientific investigator or other person who is licensed, registered, or otherwise lawfully permitted to distribute, dispense, conduct research with respect to, or to administer a synthetic drug as defined herein in the course of professional practice or research in the State of Tennessee; or

(b) A pharmacy, hospital or other institution licensed, registered, or otherwise lawfully permitted to distribute, dispense, conduct research with respect to, or to administer a synthetic drug as

defined herein in the course of professional practice or research in the State of Tennessee. (as added by Ord. #2012-003, Feb. 2012)

11-903. Offenses. (1) It shall be a civil offense for any person to use, possess, produce, manufacture, distribute, transport, sell, offer for sale, trade, barter, exchange or purchase any amount, including any packet, capsule, pill, or product, of any chemical compound or synthetic drug not governed by Tennessee Code Annotated, § 39-17-438 that emulates, replicates, mimics, simulates or causes a similar reaction to the effects of any synthetic drug or chemical compound listed in Tennessee Code Annotated, § 39-17-438, marijuana, cannabis or synthetic marijuana, including any drug or chemical compound that is privately compounded that circumvents the compounds listed in Tennessee Code Annotated, § 39-17-438 for synthetic cannabinoids, including through chemical changes such as the addition, subtraction or rearranging of a radical or the addition, subtraction or rearranging of a substituent.

(2) It shall be a civil offense for any person to use, possess, produce, manufacture, distribute, transport, sell, offer for sale, trade, barter, exchange or purchase any amount, including any packet, capsule, pill, or product, of any chemical compound or synthetic drug not governed by Tennessee Code Annotated, § 39-17-452 that emulates, replicates, mimics, simulates or causes effects similar to any synthetic drug or chemical compound listed in Tennessee Code Annotated, § 39-17-452, or a reaction similar to the effects of a psychoactive drug with stimulant properties which acts as a norepinephrine-dopamine reuptake inhibitor (BDRI), including any drug or chemical compound that is privately compounded that circumvents the synthetic derivatives or analogues of cathinone or methcathinone or the derivatives or analogues listed in Tennessee Code Annotated, § 39-17-452, including through chemical changes such as the addition, subtraction or rearranging of a radical or the addition, subtraction or rearranging of a substituent.

(3) It is not a defense to this offense that the item is not intended for human consumption. (as added by Ord. #2012-003, Feb. 2012)

11-904. Exceptions. (1) An act otherwise prohibited and unlawful pursuant to this chapter shall be lawful if done by or under the direction, while acting in the course of his professional practice, of a practitioner, as defined herein, provided such act is otherwise permitted by general law.

(2) The provisions of this chapter shall not apply to any substances regulated as controlled substances by the United States Food and Drug Administration or the Drug Enforcement Administration, including any dosage form that is legally obtainable from a retail establishment without a prescription and is recognized by the United States Food and Drug Administration as a homeopathic drug.

(3) This chapter is not intended to and shall not be construed to supersede any other federal or state law pertaining to synthetic drugs now or

hereafter in effect, but to supplement any such laws in so far as lawfully permitted.

(4) The provisions of this chapter shall not apply to a person in possession of a prohibited substance solely for the purpose of transporting such substance from an originating point outside the city to a destination point outside the city. (as added by Ord. #2012-003, Feb. 2012)

11-905. Penalty. Any person violating this chapter shall be guilty of an offense and shall be assessed a civil fine as a penalty of fifty dollars (\$50.00) and court costs for each violation. Each day of violation shall be deemed a separate violation. The possession, production, manufacture, distribution, transportation, sell, offer for sale, trade, barter, exchange or purchase of each separate package containing any prohibited substance as set out herein shall be deemed a separate violation of this chapter. (as added by Ord. #2012-003, Feb. 2012)

11-906. Severability. It is hereby declared that the sections, clauses, sentences and parts of this chapter are severable, are not matters of mutual essential inducement, and any of them shall be excised if the chapter would otherwise be unconstitutional or ineffective. If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter. (as added by Ord. #2012-003, Feb. 2012)