

## TITLE 11

### MUNICIPAL OFFENSES<sup>1</sup>

#### CHAPTER

1. ALCOHOL.
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4. FIREARMS, WEAPONS, AND MISSILES.
5. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
6. OBSCENITY, MORALS.
7. LOITERING, ETC.
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#### CHAPTER 1

### ALCOHOL<sup>2</sup>

#### SECTION

- 11-101. Drinking beer, etc., on streets, etc.  
 11-102. Minors in beer places.  
 11-103. Violations and penalty.

**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 in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless inside a building on premises licensed for "on-premises" beer consumption. (1993 Code, § 11-101)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Residential and utilities: title 12.

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

Traffic offenses: title 15.

<sup>2</sup>Municipal 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).

**11-102. Minors in beer places.** No minor under twenty-one (21) years of age shall loiter in or around, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1993 Code, § 11-102, modified)

**11-103. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty of up to one hundred dollars (\$100.00) for each offense. (1993 Code, § 11-103)

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

11-201. Coercing people not to work.

**11-201. Coercing people not to work.** It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1993 Code, § 11-202)

## CHAPTER 3

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-301. Anti-noise regulations.

11-302. Violations and penalty.

**11-301. 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, 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 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) 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(k) Refrigerated trucks. The operation of internal combustion engines for the purpose of cooling refrigerated trucks parked in residential areas.

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

(a) Municipal vehicles. Any vehicle of the city 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 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. (1993 Code, § 11-302, modified)

**11-302. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. (1993 Code, § 11-303, modified)

**CHAPTER 4****FIREARMS, WEAPONS, AND MISSILES****SECTION**

11-401. Air rifles, etc.

11-402. Weapons and firearms generally.

**11-401. Air rifles, etc.** It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a bullet or pellet, made of metal, plastic, or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. A violation of this section shall subject the offender to a penalty of up to seventy-five dollars (\$75.00) for each offense. (1993 Code, § 11-401)

**11-402. Weapons and firearms generally.** It shall be unlawful for any unauthorized person to discharge a firearm within the town. A violation of this section shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. (1993 Code, § 11-403, modified)

## CHAPTER 5

### TRESPASSING AND INTERFERENCE WITH TRAFFIC

#### SECTION

- 11-501. Trespassing.
- 11-502. Trespassing on trains.
- 11-503. Interference with traffic.
- 11-504. Violations and penalty.

**11-501. Trespassing.**<sup>1</sup> (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.<sup>2</sup> (1993 Code, § 11-501)

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<sup>1</sup>State law reference

Subsections (1) through (4) of this section were taken substantially from *Tennessee Code Annotated*, § 39-14-405.

<sup>2</sup>Municipal code reference

Provisions governing peddlers: title 9, chapter 2.



**11-502. 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 in the scope of his employment, or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1993 Code, § 11-502)

**11-503. 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. (1993 Code, § 11-503)

**11-504. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. (1993 Code, § 11-504, modified)

**CHAPTER 6****OBSCENITY, MORALS****SECTION**

- 11-601. Disorderly houses.
- 11-602. Immoral conduct.
- 11-603. Obscene literature, etc.
- 11-604. Indecent or improper exposure or dress.
- 11-605. Window peeping.
- 11-606. Profanity, etc.

**11-601. Disorderly houses.** It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarreling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person to knowingly visit any such house. (1993 Code, § 11-601)

**11-602. Immoral conduct.** No person shall commit, offer, or agree to commit, nor shall any person secure or offer another for the purpose of committing a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose. (1993 Code, § 11-602)

**11-603. Obscene literature, etc.** It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of loaning, selling, or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed, or filmed matter containing obscene language, prints, pictures, or descriptions manifestly intended to corrupt the morals. (1993 Code, § 11-603)

**11-604. Indecent or improper exposure or dress.** It shall be unlawful for any person to publicly appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or to otherwise make any indecent exposure of his or her person. (1993 Code, § 11-604)

**11-605. Window peeping.** No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy, nor shall

he loiter around or within view of any such window with the intent of watching or looking through it. (1993 Code, § 11-605)

**11-606. Profanity, etc.** No person shall use any profane, vulgar, or indecent language in or near any public street or other public place or in or around any place of business open to the use of the public in general. (1993 Code, § 11-606)

**CHAPTER 7****LOITERING, ETC.****SECTION**

11-701. Loitering.

11-702. Prowling.

11-703. Vagrancy.

**11-701. Loitering.** It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, or idle in, upon, or about any way or place customarily open to public use. (1993 Code, § 11-801)

**11-702. Prowling.** It shall be unlawful for any person to prowl or wander about the streets, alleys, or other public or private ways or places, or be found abroad at late or unusual hours in the night without any visible or lawful business and when unable to give a satisfactory account of himself. (1993 Code, § 11-802)

**11-703. Vagrancy.** It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, to wilfully neglect to apply himself to some honest occupation. (1993 Code, § 11-803)

**CHAPTER 8****MISCELLANEOUS****SECTION**

11-801. Shoplifting.

**11-801. Shoplifting.** It shall be unlawful for any person if, with the intent to deprive a merchant of the price, he or she conceals the merchandise, removes or causes the removal of the merchandise, changes or removes a price sticker, transfers the merchandise to another container, or causes the cash register to ring up a lesser price. (1993 Code, § 11-905)