

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. MISDEMEANORS OF THE STATE ADOPTED.
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8. OFFENSES AGAINST PUBLIC HEALTH, SAFETY, MORALS, WELFARE.

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted.² All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law to be misdemeanors are hereby designated and declared to be offenses against this city also. Any violation of any such law within the corporate limits is also a violation of this section. (1995 Code, § 11-101)

¹Municipal code references

Animal control offenses: title 10.

City parks--offenses in: title 20.

Fireworks and explosives offenses: title 7.

Housing and utilities offenses: title 12.

Sign offenses: title 14.

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

Traffic offenses: title 15.

²State law reference

For the definition of "misdemeanor," see Tennessee Code Annotated, § 39-11-110.

CHAPTER 2**OFFENSES INVOLVING ALCOHOL**¹**SECTION**

11-201. Public intoxication.

11-201. Public intoxication. It shall be unlawful for any person to be under the influence of a controlled substance or intoxicated while in a public place. See Tennessee Code Annotated, § 39-17-310, et seq.; also see title 33, chapter 8, part 5. (1995 Code, § 11-201)

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

CHAPTER 3**OFFENSES AGAINST ADMINISTRATION OF GOVERNMENT****SECTION**

11-301. Escape from custody or confinement.

11-302. Impersonating a government officer or employee.

11-303. False emergency alarms.

11-304. Tampering with public property.

11-301. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city 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. (1995 Code, § 11-301)

11-302. Impersonating a government officer or employee. No person other than an official police officer of the city 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 city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1995 Code, § 11-302)

11-303. False emergency alarms. It shall be unlawful for any person to intentionally 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. (1995 Code, § 11-303)

11-304. Tampering with public property. (1) Acts prohibited. It shall be unlawful for any person, either in person or by representative, agent or employee to do any of the following acts:

(a) To paint, print, paste, tack or otherwise affix any sign, symbol, advertisement, notice, writing or printing on or upon any building, fence, post, pole, standard, tree or other property or structure owned by or in the control of the city, state or federal government, or any of their departments or agencies, or upon any post or pole of a public utility situated in, or adjacent to any street, sidewalk or public thoroughfare.

(b) To fasten any wire, rope or other thing to any post, pole or standard owned or controlled by the city, state or federal government, or any of their departments or agencies, or by any public utility.

(c) To climb or ascend any post, pole, standard or other structure owned by the city, state or federal government, or any of their

departments or agencies, or by a public utility, through or from which wires are strung or carried for the transmission of electrical energy of any kind.

(d) To cut, burn, break, destroy or otherwise damage any post, pole, structure, fixtures, wires, cables or other appliances owned or used by the city, state or federal government, or any of their departments or agencies or by any public utility, for or in connection with the transmission of electric energy for any purpose.

(e) To fasten or put any wire or other thing to, against or across any wires, fixtures or other property owned or used by the city, state or federal government, or any of their departments or agencies, or by any public utility, for or in connection with the transmission of electricity for any purpose.

(2) Exceptions. This section shall not include or prohibit any act done by anyone in the performance or discharge of his duties as an employee of the city, state or federal government, or any of their departments or agencies, or of a public utility, or the employee of any person specifically employed, engaged or authorized by the city state or federal government or any of their departments or agency or a public utility, pursuant to and in strict accord with such employment or authorization. (1995 Code, § 11-304)

CHAPTER 4

OFFENSES AGAINST PROPERTY

SECTION

11-401. Trespassing.

11-402. Malicious mischief.

11-403. Interference with traffic.

11-401. Trespassing.¹ (1) On premises open to the public. 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.

(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.² (1995 Code, § 11-401)

11-402. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1995 Code, § 11-402)

11-403. Interference with traffic. It shall be unlawful for any person without legal privilege to stand, sit, or engage in any activity whatever on any

¹State law reference

Tennessee Code Annotated, §§ 39-14-405 and 39-14-406.

²Municipal code reference

Provisions governing peddlers and solicitors, etc.: title 9, chapter 1.

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. (1995 Code, § 11-403)

CHAPTER 5

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

- 11-501. Disturbing the peace.
- 11-502. Disorderly conduct.
- 11-503. Anti-noise regulations.
- 11-504. Aggressive panhandling prohibited.

11-501. 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. (1995 Code, § 11-501)

11-502. Disorderly conduct.¹ Any person who shall make, aid, or assist in making unreasonable noise, disturbance or breach of the peace or diversion tending to a breach of the peace, or who shall engage in, aid or abet in any fight, quarrel or other disturbance, or who shall do any other act or thing contrary to the peace, security and good order of the city, shall be guilty of disorderly conduct. (1995 Code, § 11-502)

11-503. 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) The making, creation and maintenance of loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place, or use, and which annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others within the corporate limits of the city is hereby declared to be a public nuisance and shall be unlawful.

(2) The following acts among others are declared to be unlawful acts within the meaning of this section, but said enumeration shall not be deemed to be exclusive, namely:

(a) The sounding of any horn on any automobile for any purpose not necessary to the safe operation of said vehicle.

(b) The use of any horn, whistle or other device operated by engine exhaust.

¹State law reference

Tennessee Code Annotated, § 39-17-305.

(c) The operation of any automobile, motorcycle, truck, or other vehicle upon the streets of the city not equipped with a muffler of standard make and of the latest state of the art.

(d) The playing, using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 P.M. and 7:00 A.M., in such a manner as to be plainly audible at a distance of fifty feet (50') from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(e) The playing, using and operating or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device not mounted upon a vehicle and being operated in accordance with existing section, for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(f) Yelling, shouting, hooting, whistling or making any other raucous noises on the public streets, at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

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

(h) The creation of any excessive noise on any street adjacent to any school institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interfere with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(i) The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood. (1995 Code, § 11-503)

11-504. Aggressive panhandling prohibited. (1) As used in this section, "panhandling" means any vocal solicitation made in person upon any street, public place or park in the city, in which a person requests an immediate donation of money or other gratuity from another person.

(2) It shall be unlawful to engage in an act of panhandling on any day after sunset, or before sunrise.

(3) It shall be unlawful to engage in an act of panhandling when either the panhandler or the person being solicited is located at any of the following locations:

- (a) At a bus stop;
- (b) In a public transportation vehicle or public transportation facility;
- (c) In a vehicle which is parked or stopped on a public street or alley;
- (d) In a side walk cafe;
- (e) Within twenty feet (20') in any direction from an automatic teller machine or entrance to a bank; or
- (f) Any panhandling, or other solicitation, which may impede the normal flow of traffic.

(4) It shall be unlawful to engage in an act of panhandling in an aggressive manner, including any of the following:

- (a) Touching the solicited person without the solicited person's consent;
- (b) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;
- (c) Blocking the path of a person being solicited, or the entrance to any building or vehicle;
- (d) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;
- (e) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled; or
- (f) Panhandling in a group of two (2) or more persons.

(5) Each act of panhandling prohibited by this section shall constitute a separate violation of this code. Each violation shall be punishable as provided in the general penalty section of this code, and the court shall enjoin any such violator from committing further violations of this section. (Ord. #2008-009, April 2008)

CHAPTER 6

OFFENSES INVOLVING FIREARMS AND MISSILES, ETC.

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Discharge of firearms.

11-604. Carrying dangerous weapons.

11-601. 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. (1995 Code, § 11-601)

11-602. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1995 Code, § 11-602)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1995 Code, § 11-603)

11-604. Carrying dangerous weapons.¹ (1) Any person who shall carry in any manner whatever, with the intent to go armed, any razor, dirk, bowie knife or like knife of like form, shape or size, sword cane, ice pick, slingshot, blackjack, brass knuckles, Spanish stiletto, nunchaku stick, or a fountain-pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, except the army or navy pistol which shall be carried openly in the hand, or any other dangerous weapon, shall be guilty of a misdemeanor.

(2) It shall be unlawful for any person to make, manufacture, sell, distribute, use, or carry with the intent to go armed, a nunchaku stick, also known as karate stick, chaka stick, chuck, morning star, holy water sprinkler and nut cracker flail. Such weapon usually consists of two (2) pieces of hard but

¹State law reference

Tennessee Code Annotated, § 39-17-1314 preempts municipal regulation of the transfer, ownership, possession and transportation of firearms, except that it expressly does not effect ordinances in those areas enacted prior to April 8, 1986.

flexible wood, such as oak (although pieces of pipe are sometimes used) fastened at one end with a short length of leather or chain. The device generally has two (2) sections of equal lengths.

(3) This section shall not apply to the members of the police force or other officers or individuals authorized by law to carry arms, in the city or in the County of Madison, Tennessee. (1995 Code, § 11-604, modified, as replaced by Ord. #2010-004, April 2010)

CHAPTER 7

HANDBILLS, POLITICAL SIGNS, ETC.¹

SECTION

- 11-701. Sound truck, etc., permitted only at certain times.
- 11-702. Posting or distributing printed advertisements; permit and bond required.
- 11-703. Handbills, etc., not to be distributed at certain public places.
- 11-704. Handbills, etc., not to be placed in private vehicles.
- 11-705. Permit, bond, required for posting political advertisements.

11-701. Sound truck, etc., permitted only at certain times. It is unlawful for any person, as owner employee, principal or agent, to operate, drive, or move along any of the public streets, avenues, alleys or thoroughfares of the city, any truck, automobile, wagon or other vehicle, in which is operated any radio, phonograph, loudspeaker, or other mechanical sound producing or amplifying device, for the purpose of advertising or making any kind of announcement to the public, unless a permit has been issued the operator of such vehicle by the recorder, which permit shall designate the streets on which the vehicle shall operate and the time when operation is permissible. There shall be no fee required for such permit. (1995 Code, § 11-701)

11-702. Posting or distributing printed advertisements; permit and bond required. Any person desiring to distribute, post, or give away, upon the streets, alleys, sidewalks or public ways within the city, or post on electric or telephone poles, standards, or in any public place, handbills, written advertisements, or any other form of solicitation or inducement in the form of written or printed matter upon paper, cardboard or any other material, by whatever name called, shall first apply to the city recorder for a permit upon a form to be provided by the city recorder. This application shall specify among other pertinent matters the day or dates on which such material is to be distributed within the city and shall be submitted to the city recorder with a one hundred dollar (\$100.00) cash bond for each day of distribution specified in the application. The bond is to be conditioned that the applicant will remove all litter in the form of discarded handbills, etc., from the streets and sidewalks of the city by 6:00 A.M. of the day following such distribution. In the event the conditions of the bond be complied with, the cash bond will be refunded to the applicant. In the event such debris be not removed by 6:00 A.M. of the day

¹Municipal code references

Comprehensive sign control regulations: title 14, chapter 4.

Posting notices restricted: § 11-805.

following distribution, then the one hundred dollar (\$100.00) bond shall be forfeited to the City of Jackson to pay the costs of cleaning up the debris. The decision of the mayor shall determine the forfeiture or nonforfeiture of the bond and such decision shall be final.

The city recorder shall issue the permit as applied for in every instance when the proper application and bond be permitted. (1995 Code, § 11-702)

11-703. Handbills, etc., not to be distributed at certain public places. It is unlawful for any person to distribute matter which is printed or otherwise impressed upon paper, cardboard or other material, by whatever name called upon the grounds or parking area of Jackson-Madison County General Hospital or upon the grounds and parking area of other publicly owned buildings of the city such as schools, garages, waterworks, etc. (1995 Code, § 11-703)

11-704. Handbills, etc., not to be placed in private vehicles. It is unlawful for any person to place any paper or cardboard or other material, whether printed or not, upon or in any privately owned vehicle unless and until the owner of such vehicle be present and willing to accept such material, except lawfully issued traffic citations and illegal parking citations, and except as required by the "hit and run" statute. (1995 Code, § 11-704)

11-705. Permit, bond, required for posting political advertisements. It shall be unlawful for any person, firm, organization or corporation to display upon telephone poles, light poles, street light standards, or other public places or buildings within the City of Jackson, except within the thirty (30) days immediately preceding an election, any political poster, political signs or political material related to such election and only then unless and until such person shall have applied to the city recorder for a permit and shall have received such permit under the provisions of this section. The city recorder shall in every instance issue such permit upon the applicant posting with the city recorder a bond in the amount of one hundred and fifty dollars (\$150.00), such bond to be conditioned that all such political posters, political signs and political material shall be removed from such telephone and light poles and standards within forty-eight (48) hours following the date of such election and all debris therefrom disposed of at the city dump. In the event the condition of the bond be complied with, the bond shall be refunded to the applicant. In the event the conditions of the bond not be complied with, the bond shall be forfeited to the City of Jackson to pay the costs of removal and disposal of such political signs, political posters and political material. (1995 Code, § 11-705)

CHAPTER 8

**OFFENSES AGAINST PUBLIC HEALTH,
SAFETY, MORALS, WELFARE****SECTION**

- 11-801. Prostitution, promotion of, etc., prohibited.
- 11-802. Public indecency
- 11-803. Abandoned refrigerators, etc.
- 11-804. Caves, wells, cisterns, etc.
- 11-805. Posting notices, etc.
- 11-806. Barbed wire fences.
- 11-807. Cemetery, injury to.

11-801. Prostitution, promotion of, etc., prohibited.¹

(1) Definitions. The following definitions shall apply in the interpretation of this section unless the context otherwise requires:

- (a) "House of prostitution" means any place where prostitution or the promotion of prostitution is regularly carried on by one (1) or more person(s) under the control, management or supervision of another.
- (b) "Inmate" means, within the meaning of this part concerning prostitution, a person who engages in prostitution in or through the agency of a house of prostitution;
- (c) "Patronizing prostitution" means soliciting or hiring another person with the intent that the other person engage in prostitution, or entering or remaining in a house of prostitution for the purpose of engaging in sexual activity;
- (d) "Promoting prostitution" means:
 - (i) Owning, controlling, managing, supervising or in any way keeping, alone or in association with others, a business for the purpose of engaging in prostitution, or a house of prostitution;
 - (ii) Procuring an inmate for a house of prostitution;
 - (iii) Encouraging, inducing, or otherwise purposely causing another to become a prostitute;
 - (iv) Soliciting a person to patronize a prostitute;
 - (v) Procuring a prostitute for a patron; or
 - (vi) Soliciting, receiving, or agreeing to receive any benefit for engaging in any of the activities defined in subdivisions (d)(i)-(v).

¹The definition of prostitution is taken from Tennessee Code Annotated, § 39-13-512.

(e) "Prostitution" means engaging in sexual activity as a business or being an inmate in a house of prostitution or loitering in a public place for the purpose of being hired to engage in sexual activity; and

(f) "Sexual activity" means any sexual relations including homosexual sexual relations.

(2) Prostitution prohibited. It shall be unlawful for any person to commit an act of prostitution.

(3) Patronizing prostitution prohibited. It shall be unlawful for any person to patronize prostitution.

(4) Promoting prostitution prohibited. It shall be unlawful for any person to promote prostitution. (1995 Code, § 11-801)

11-802. Public indecency. (1) A person who knowingly or intentionally, in a public place:

(a) Engages in sexual intercourse;

(b) Engages in deviant sexual conduct;

(c) Appears in a state of nudity; or

(d) Fondles the genitals of himself or another person;

(e) Commits public indecency.

(2) The following definitions shall apply in the interpretation and application of this section:

(a) "Person" includes the individual who commits the act as well as any person who, having ownership or control over a public place to which any member of the public is invited to enter or be, knowingly allows public indecency to occur within or upon such public place.

(b) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, showing of the female breasts with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernably turgid state, excluding nursing mothers.

(c) "Public place" shall include: streets, sidewalks of highways, transportation facilities, schools, places of amusement, parks, playgrounds, restaurants, nightclubs, cocktail lounges, burlesque houses, bars, cabarets, taverns, taprooms, private fraternal, social, golf or country clubs, or any place to which the public is invited, whether or not a fee or charge is made to enter.

(3) Any person violating this section shall be punished and penalized according to the general penalty provisions of this municipal code of ordinances. (1995 Code, § 11-802)

11-803. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type

latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child. (1995 Code, § 11-803)

11-804. 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. (1995 Code, § 11-804)

11-805. Posting notices, etc. It shall be unlawful for any person to paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1995 Code, § 11-805)¹

11-806. Barbed wire fences. It shall be unlawful for any property owner or his agent to erect, maintain or permit a barbed wire fence on his premises along or adjacent to any street, square or public alley in the city. If, after one day's notice the fence is not removed, it shall be the duty of the chief of police to cut and remove the wires of such fence.

Provided, however, that within industrial areas as provided in the zoning ordinance of the City of Jackson or around industrial plants which are nonconforming uses within the City of Jackson barbed wire may be installed to chain link fences in those cases where such chainlink fence is at least six feet (6') above sidewalk or street level, provided the barbed wire overhang be attached to forty-five degree (45°) brackets projecting over private property. (1995 Code, § 11-806)

11-807. Cemetery, injury to. It is unlawful to destroy, injure, mutilate, deface or disfigure any tomb, monument, vault, mound, head-board, footboard, or memorial, placed or erected to the memory of any person in the city cemetery or elsewhere in the city, or any railing, fence, enclosure, tree, shrubbery, or any ornamental work about any cemetery or grave in the city, or steal or carry away any flower or shrub placed upon any grave therein, or to pluck, remove, mutilate, take cuttings from, injure or destroy any shrub, plant, tree, or flower therein, whether the same be on a private lot or on public ground, without written permission from the owner of the lot. (1995 Code, § 11-807)

¹Municipal code references

Comprehensive sign regulations: title 14, chapter 4.

Handbills, political signs, etc: this title, chapter 7, especially see § 11-702.