

## TITLE 11

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

#### 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.

#### CHAPTER 1

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

#### SECTION

- 11-101. Drinking beer, etc., on streets, etc.  
 11-102. Repealed.

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have in any open container, including but not limited to, cans, bottles, cups, glasses or any other like device capable of holding liquids, an intoxicant, including but not limited to beer, wine, liquor or any other intoxicating beverage, on any public street, alley, avenue, highway, sidewalk or any public place unless the place has a beer permit and license for on-premises consumption. Mere possession of an intoxicant, as above defined,

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<sup>1</sup>Municipal 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.

<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).

in a public park or on a public school ground shall be deemed unlawful irrespective of whether that intoxicant is opened or unopened at the time it is found. (1972 Code, § 10-228)

**11-102. Repealed.** (1972 Code, § 10-222, as repealed by Ord. #1043, Sept. 2003)

**CHAPTER 2****FORTUNE TELLING, ETC.****SECTION**

11-201. Fortune telling, etc.

**11-201. Fortune telling, etc.** It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1972 Code, § 10-234)

**CHAPTER 3**

**OFFENSES AGAINST THE PERSON**

**SECTION**

11-301. [Repealed.]

**11-301. [Repealed.]** (1972 Code, § 10-201, as repealed by Ord. #1186, Nov. 2007)

## 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. (1972 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, streetcar, 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, streetcar, 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, or 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 municipality 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 municipality, 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 finance director. 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. (1972 Code, § 10-233, as amended by Ord. #808, Jan. 1998)

## 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 a policeman or fireman.

11-505. Coercing people not to work.

**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 municipality 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. (1972 Code, § 10-209)

**11-502. Impersonating a government officer or employee.** No person other than an official police officer of the municipality 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 municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1972 Code, § 10-211)

**11-503. 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. (1972 Code, § 10-217)

**11-504. Resisting or interfering with a policeman or fireman.** It shall be unlawful for any person to resist or in any way interfere with or attempt to interfere with any policeman or fireman while such officer is in the discharge or apparent discharge of his duty. (1972 Code, § 10-210)

**11-505. 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. (1972 Code, § 10-230)



## CHAPTER 6

### FIREARMS, WEAPONS AND MISSILES

#### SECTION

11-601. Air rifles, etc.

11-602. [Repealed.]

11-603. Weapons and firearms generally.

**11-601. Air rifles, etc.** It shall be unlawful for any person in the municipality to discharge an air gun or arrow or a "BB" gun except as follows:

(1) A "BB" gun may be discharged only while shooting at a protected target, either by an adult, or with adult supervision.

(2) An air gun or arrow shall not be discharged, except at an indoor range, or at an approved outdoor location, either by an adult, or with adult supervision present.

(3) Outdoor locations shall be approved by the Manchester Safety Committee, and a list of all approved locations shall be kept by the Manchester Police Department. Any person objecting to a location may petition that committee for a site change or abandonment.

(4) In addition to the approval requirements of subsections (2) and (3), any indoor or outdoor archery range must also have the approval and be in compliance with the rules and regulations of the National Field Archery Association. (1972 Code, § 10-213)

**11-602. [Repealed.]** (1972 Code, § 10-214, as repealed by Ord. #1186, Nov. 2007)

**11-603. 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 except the army or navy pistol which shall be carried openly in the hand. 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 committee 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 municipality. (1972 Code, § 10-212)

## CHAPTER 7

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

11-701. Trespassing on trains.

11-702. [Repealed.]

11-703. Interference with traffic.

**11-701. 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. (1972 Code, § 10-221)

**11-702. [Repealed.]** (1972 Code, § 10-225, as repealed by Ord. #1186, Nov. 2007)

**11-703. 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. (1972 Code, § 10-232)

## CHAPTER 8

### MISCELLANEOUS

#### SECTION

- 11-801. [Repealed.]
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Posting notices, etc.
- 11-804. Curfew for minors.
- 11-805. Skateboards prohibited.
- 11-806. Hunting prohibited.
- 11-807. Unlawful to be under the influence or possess any drug or chemical substance.
- 11-808. Resale of entertainment admission tickets or tokens prohibited.

**11-801. [Repealed.]** (1972 Code, § 10-223, as repealed by Ord. #1186, Nov. 2007)

**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. (1972 Code, § 10-231)

**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. (1972 Code, § 10-226)

**11-804. Curfew for minors.** 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 places and public buildings between the hours of 9:00 o'clock P.M. and 6:00 o'clock A.M., on Sunday, Monday, Tuesday, Wednesday, Thursday, and Friday of each week, and between the hours of 10:00 o'clock P.M. and 6:00 o'clock A.M. on Saturday of each week; provided, however, that the provisions of this section shall not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his parent, guardian, or other adult person having the care and custody of the minor; and, provided further that this section shall not apply to minors going to or returning from church or entertainments of legal character.

It shall also be unlawful for the parent, guardian, or other adult person having the care and custody 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 and public buildings, between the hours and on the days as specified above. (1972 Code, § 10-224)

**11-805. Skateboards prohibited.** It shall be unlawful for any person to operate a skateboard or skates or an object of that nature on a public street or parking lot in a business district during normal business hours, or on a city sidewalk in any district, at any time.

It shall also be unlawful to place a ramp, jump or other device used to force a skateboard, skates or other object of that nature off the pavement of any street or parking lot in a business district during normal business hours, or on a city sidewalk at any time.

It shall also be unlawful to operate a skateboard, skates or other objects of that nature during daylight hours unless the operator is wearing reflective material and yields to all traffic laws applicable to motor vehicles, or under any circumstances, after dark. (1972 Code, § 10-235)

**11-806. Hunting prohibited.** It shall be unlawful for any person to hunt inside the city limits, whether on public or private property, except the owner or someone with his written permission hunting by archery on tracts of 25 acres or more which have been previously approved by the safety committee. (1972 Code, § 10-236)

**11-807. Unlawful to be under the influence or to possess any drug or chemical substance.** (1) It shall be a municipal offense for any person within a public area of the City of Manchester, Tennessee to be under the influence of or possess any drug or chemical substance, the possession of which is made unlawful by Tennessee Code Annotated, § 39-17-402, title 39, chapter 17 of Tennessee Code and/or any drug paraphernalia as defined by as in effect on the date of this section. For the purposes of this section, "public area" shall mean any street, highway, avenue or thoroughfare, no matter how described, whether owned by the federal, state, county or city government, any business open to the public, including parking lots and other ancillary areas, whether or not such business is actually open for business, any public building, park or other facility owned or operated by any government or governmental board, commission or like organization, whether federal, state, county or city, any area generally frequented by the public and/or any area generally accessible by the public whether or not an admission charge is made. A vehicle located in any area defined as a "public area" shall be deemed to be in the public area.

(2) Violations of this section shall be punished by a fine of up to fifty dollars (\$50.00) and court costs.

(3) In addition thereto the court shall impose a remedial incentive of up to five hundred dollars (\$500.00) upon all persons violating this section. Said incentive shall be waived provided the defendant files with the court a negative

drug test for amphetamines, barbiturates, benzodiazepines, cocaine metabolites, marijuana metabolites, methadone, methaqualone, opiates, phencyclidine and propoxyphene, administered to a sample of such person's blood, urine or hair under circumstances indicating its reliability within fifteen (15) days of the date of the offense.

(4) The court may waive such portions of the remedial incentive as it deems appropriate in the event the defendant files with the court a negative drug test for those drugs identified above administered to a sample of such person's blood, urine or hair under circumstances indicating its reliability after fifteen (15) days from the date of the offense. (as added by Ord. #1199, June 2008)

**11-808. Resale of entertainment admission tickets or tokens prohibited.** (1) Public resale of tickets banned. It shall be unlawful for any person or entity to publicly offer for resale within the City of Manchester any ticket, pass, admission card, token, access bracelet or any other evidence of entitlement to admission to an entertainment event. Any person or entity violating this provision shall be fined fifty dollars (\$50.00) for each such ticket, pass, admission card, token, access bracelet or any other evidence of entitlement to admission to entertainment events in his or her possession and shall forfeit each such ticket.

(2) Public resale of tickets defined. Public resale of tickets is defined as the offering for sale, solicitation for sales or actual sale to a member of the public of a ticket, pass, admission card, token, access bracelet or any other evidence of entitlement to an entertainment event. It includes all such offers, solicitations or actual sales except an isolated sale of a ticket, pass, admission card, token, access bracelet or any other evidence of entitlement to admission to entertainment events.

In determining whether the sale is an isolated sale, the court can consider the public nature of the offer or solicitation or the public context of the sale; whether the transaction is offered on an indiscriminate basis; under what conditions the seller acquired the ticket(s); the number of tickets possessed by the seller and what motivated the sale (including but not limited to the reason the seller is not using the ticket himself).

It is the intent of this section to prohibit the resale of tickets for commercial purposes and not to prohibit the sale of tickets by one who intended to attend the event when he/she purchased the tickets; but, due to unforeseen circumstances, it became inconvenient or impossible to attend or if the tickets to be resold were part of a group of tickets (such as season tickets) and the seller simply did not wish to attend certain events.

(3) Tickets in possession subject to forfeiture. Any tickets in the possession of any person found to have violated this section shall be forfeited by such person.

Upon citing any person for violation of this section, the officer shall immediately seize and hold all tickets in such person's possession. The person may obtain return of the tickets by posting a cash bond in double the face value of the tickets. If the person is found not guilty, the court shall return the tickets or the bond in full. If the person does not appear for the court hearing, the tickets or the total amount of the bond shall be forfeited. If the person is found guilty, the court can return all or a portion of the bond as the court deems appropriate to promote the intent of this section. (as added by Ord. #1450, April 2015)