

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. FIREARMS, WEAPONS AND MISSILES.
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CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
 11-102. Minors in beer places.

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 the place has a beer permit and license for on premises consumption. (1994 Code, § 11-101)

11-102. Minors in beer places. No minor under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1994 Code, § 11-102)

¹Municipal code references

Animal control: title 10.

Housing and utilities: title 12.

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 § 68-24-203 (Arrest for Public Intoxication), cities may not pass separate legislation).

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Disturbing the peace.

11-202. Anti-noise regulations.

11-201. 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. (1994 Code, § 11-201)

11-202. 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) City 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.

(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 amplified 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. (1994 Code, § 11-202)

CHAPTER 3**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-301. Air rifles, etc.

11-302. Throwing missiles.

11-303. Discharge of firearms.

11-301. 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 metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1994 Code, § 11-301)

11-302. Throwing missiles. It shall be unlawful for any person to maliciously 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. (1994 Code, § 11-302)

11-303. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1994 Code, § 11-303)

CHAPTER 4**INTERFERENCE WITH TRAFFIC****SECTION**

11-401. Interference with traffic.

11-401. 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. (1994 Code, § 11-401)

CHAPTER 5**MISCELLANEOUS****SECTION**

11-501. Abandoned refrigerators, etc.

11-502. Caves, wells, cisterns, etc.

11-503. Posting notices, etc.

11-504. Fortune telling, etc.

11-501. 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. (1994 Code, § 11-501)

11-502. 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. (1994 Code, § 11-502)

11-503. 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. (1994 Code, § 11-503)

11-504. Fortune telling etc. It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1994 Code, § 11-504)

CHAPTER 6

LOITERING AND CRUISING

SECTION

11-601. Definition of "loitering."

11-602. Definition of "cruising."

11-603. Places where loitering and cruising prohibited.

11-604. Violations.

11-601. Definition of "loitering." The term "loitering" as used in this chapter is defined as willfully loafing, lounging, lingering, consorting or remaining idle, with no apparent purpose, either with others or alone, on a public street, public highway, public sidewalk, public parking lot, or any other public place or building when such behavior tends to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians, or when such behavior interferes with the free exercise of commercial trade or other lawful activity in, on or near any such public place. "Loitering" is also defined as the act of parking a vehicle in a commercial parking area without any intent to shop or otherwise conduct business at the commercial establishments for which such parking area is used. "Loitering" is further defined as any behavior in a public place which manifests the purpose of selling or purchasing illegal drugs or effecting a pattern of criminal gang activity, and behavior which is intended to establish control over identifiable areas, to intimidate others from entering those areas, or to conceal illegal activities. "Loitering" does not include any activity by a person who passively stands or sits without impeding others' use of such place, and in no manner intimidates to uses aggressive behavior. (Ord. #650, Sept. 2003)

11-602. Definition of "cruising." The term "cruising" as used in this chapter is defined as the continual, repeated, and aimless operation of a motor vehicle back and forth, through, around or within the parking areas, and private roadways and other areas of any property after 8:00 P.M. and until the following sunrise other than for the purpose of entering or leaving a parking space where the vehicle has been parked while the driver or passenger(s) is or was visiting the shopping center, business, or recreational facility. (Ord. #634, April 2002)

11-603. Places where loitering and cruising prohibited. It shall be unlawful to loiter or cruise in any public place, including but not limited to, sidewalks, public streets and highways, public parking lots, school playgrounds and public parks and recreation areas. No posting of signs is required for the enforcement of this chapter in such public areas. Business owners maintaining parking areas of customer use may post signs in such parking areas giving notice that loitering and cruising is prohibited. Such posting shall

provide notice that this chapter shall be effective and may be enforced in the parking areas of such businesses. (Ord. #650, Sept. 2003)

11-604. Violations. Any person or persons found to be in violation of this chapter in a public place, or private property where a sign is posted as discussed in the preceding section, shall be issued a citation to the South Pittsburgh Municipal Court and shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) plus court costs. Any vehicle left unattended in a commercial parking area, on which a sign is posted as discussed in the preceding section, whose owner or driver is not a legitimate customer, may be removed at the owner's expense. (Ord. #650, Sept. 2003).