

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
4. FIREARMS, WEAPONS AND MISSILES.
5. TRESPASSING AND MALICIOUS MISCHIEF.
6. MISCELLANEOUS.
7. MISDEMEANORS OF THE STATE.

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 or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place within the city unless the place has an appropriate permit and/or license. (1982 Code, § 10-228)

11-102. Minors in beer places. No person 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. (1982 Code, § 10-222, modified)

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

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. (1982 Code, § 10-202)

11-202. Anti-noise regulations. Subject to the provisions of this section the creating of any unreasonably loud, disturbing, and unnecessary noise within the corporate limits 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 other device on any automobile, motorcycle, bus, streetcar, or 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 person 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 city 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.

(l) 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 impossible 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 city clerk. 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. (1982 Code, § 10-229)

CHAPTER 3

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

- 11-301. Escape from custody or confinement.
- 11-302. Impersonating an officer.
- 11-303. False emergency alarms.
- 11-304. Resisting or interfering with an officer.

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. (1982 Code, § 10-209)

11-302. Impersonating an officer. 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. (1982 Code, § 10-211)

11-303. 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. (1982 Code, § 10-217)

11-304. Resisting or interfering with an officer. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any city officer or employee while the latter is in the discharge or apparent discharge of his duty. (1982 Code, § 10-210)

CHAPTER 4

FIREARMS, WEAPONS AND MISSILES

SECTION

- 11-401. Air rifles, etc.
- 11-402. Throwing missiles.
- 11-403. Discharge of firearms.

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 metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1982 Code, § 10-213)

11-402. 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 in any public or private way or place. (1982 Code, § 10-214)

11-403. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1982 Code, § 10-212, modified)

CHAPTER 5

TRESPASSING AND MALICIOUS MISCHIEF

SECTION

11-501. Trespassing on trains.

11-502. Malicious mischief.

11-501. 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. (1982 Code, § 10-221)

11-502. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, wantonly, or negligently to damage, deface, destroy, tamper with, conceal, remove, or trespass upon real or personal property which does not belong to him. (1982 Code, § 10-225)

CHAPTER 6

MISCELLANEOUS**SECTION**

- 11-601. Abandoned refrigerators, etc.
- 11-602. Posting notices, etc.
- 11-603. Curfew for minors.
- 11-604. Narcotic drugs.
- 11-605. Begging.
- 11-606. Misuse of public water fountains.
- 11-607. Penalty for violation of civil emergency orders.
- 11-608. Safety glass required in all doors, windows, and windshields of all motor vehicles.
- 11-609. Maintenance of dilapidated buildings, stagnant water, weeds, etc.

11-601. Abandoned refrigerators, etc. It shall be unlawful for any person to maintain on his premises in any place which is accessible to children, any abandoned, unattended, or discarded refrigerator, ice box, or any other airtight or nearly air-tight container unless the door lock or fastening device has been removed therefrom so that no child may be inadvertently locked inside such container. (1982 Code, § 10-232)

11-602. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property within the corporate limits unless legally authorized to do so. (1982 Code, § 10-226)

11-603. Curfew for minors. It shall be unlawful for any minor under the age of eighteen (18) years to be abroad at night after 11:00 P.M. unless upon a legitimate errand for or accompanied by a parent, guardian, or other adult person having lawful custody of such minor. (1982 Code, § 10-224)

11-604. Narcotic drugs. It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drugs, except as authorized in Tennessee Code Annotated, title 53, chapter 11. (1982 Code, § 10-230)

11-605. Begging. It shall be unlawful for any person to go along the streets or from house to house for the purpose of begging, soliciting, accepting, or receiving alms or charitable funds for his own personal use or disposition. (1982 Code, § 10-231)

11-606. Misuse of public water fountains. Where public water drinking fountains or spigots have been installed on the streets, it shall be unlawful for any person to use such fountains or spigots for bathing purposes,

or for any person to spit in or on them, or to place any foreign matter whatever in them. (1982 Code, § 10-233)

11-607. Penalty for violation of civil emergency orders. Any person who violates any of the provisions or orders issued by the city manager, pursuant to the authority vested in him by virtue of Tennessee Code Annotated, title 38, chapter 9, during any proclaimed civil emergency shall be guilty of a misdemeanor. (1982 Code, § 10-234)

11-608. Safety glass required in all doors, windows and windshields of all motor vehicles. Each motor vehicle operated upon the public streets and highways of the City of Elizabethton, Tennessee, shall have installed in all doors, windows, and windshields safety glass as required by Tennessee Code Annotated § 55-9-210 which safety glass shall be defect free. Any violation of this section shall be a misdemeanor and shall incur a fine of not more than fifty dollars (\$50.00). (1982 Code, § 10-235)

11-609. Maintenance of dilapidated buildings, stagnant water, weeds, etc. It shall be unlawful for any person to allow any dilapidated building, stagnant water, or weeds to stand on his property. Furthermore, no person shall maintain or allow any open pools of water or other unfenced hazards on his property. (1982 Code, § 10-223)

CHAPTER 7

MISDEMEANORS OF THE STATE

SECTION

11-701. Adoption of Class C state misdemeanors as municipal ordinances.

11-701. Adoption of Class C state misdemeanors as municipal ordinances. Pursuant to the authority granted to municipalities by Tennessee Code Annotated, § 16-18-302(a) by the Tennessee General Assembly during the 2006 Legislative Session, the City of Elizabethton hereby adopts and ratifies, as though copied verbatim herein, together with all future amendments of state law, these State of Tennessee Criminal Misdemeanors currently or hereafter classified as Class C Misdemeanors. (as added by Ord. #43-3, Feb. 2007)