

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
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4. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
5. REGISTERED SEX OFFENDERS ON OR ABOUT PUBLIC PARKS AND RECREATION FACILITIES.
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CHAPTER 1

ALCOHOL²

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 the place has a beer permit and license for on-premises consumption. (2008 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. (2008 Code, § 11-102)

11-103. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

¹Municipal code references

- Animals and fowls: title 10.
- Fireworks and explosives: title 7.
- Residential and utilities: title 12.
- Streets and sidewalks (non-traffic): title 16.
- Traffic offenses: title 15.

²Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Anti-noise regulations.

11-202. Violations and penalty.

11-201. Anti-noise regulations. It is unlawful to create, emit or cause to be emitted any excessive, loud and disturbing noise in a residential zoned area. The following shall be prima facie evidence of excessive, loud and disturbing noise:

(1) The use of any musical instrument, radio set, television set, or other instrument, machine or device for amplifying, producing or reproducing sound, in such manner as to disturb the peace and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are in the room, chamber or in the vicinity in which such instrument, machine or device is operated and who are voluntary listeners thereto. The operation of any such instrument, machine or device between the hours of 9:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of fifty feet (50') or more from the source of the sound shall be prima facie violation of this section.

(2) Any noise created for the entertainment, enjoyment or benefit of the creator or their guests, or any noise resulting from the action or activity of the creator or their guests, shall be presumed to be excessive, loud and disturbing if any of the following apply:

(a) The noise is clearly audible for a distance of fifty feet (50') or more from the property line from which the noise emanates, or

(b) The noise is clearly audible by a passenger of a motor vehicle, other than a vehicle from which the noise may come, on a public street or thoroughfare with the doors and windows of the vehicle closed; or

(c) The noise occurs between the hours of 9:00 P.M. and 7:00 A.M. and can be heard more than thirty feet (30') beyond the property line from which the noise emanates or inside any neighboring residence with doors and windows closed; or

(d) In the event noise measuring devices or equipment are available, or become available, to measure the noise as against the ambient background noise, and the noise exceeds the ambient background noise by fifteen (15) decibels at any time between 9:00 P.M. and 7:00 A.M. or the noise is twenty five (25) decibels louder than the ambient background noise at any hour without regard to cause. Measurements of noise and ambient background noise shall be made at the property line. The use of measuring devices may be used as a

supplement to other evidence or as evidence of a violation but is not required for the establishment of a violation. This section is not intended to be exclusive of any other section or provision of this chapter and use of a measuring device or equipment, when used, may be supplemental and does not preclude establishing a violation of other sections or through other evidence.

(3) Noise created in vehicles, including through audio speakers or by a device or devices on the vehicle or from the vehicle, other than vehicle horns, shall be a violation of this section and presumed excessive, loud and disturbing if the noise is audible at a distance of twenty-five feet (25') or more from the vehicle.

(4) Vehicle horn blown when the vehicle or operator is not in immediate danger or when not used to warn or signal immediate and/or imminent danger.

(5) Noise made to attract attention to an event or sale which is audible fifty feet (50') or more from the source or which exceeds the ambient background noise by fifteen (15) decibels.

(6) Persistent barking of a dog or other animal sounds which are audible fifty feet (50') or more from the source or which exceeds the ambient background noise by fifteen (15) decibels. Dog barking or any other animal sounds which are fifteen (15) decibels louder than the ambient background noise shall be presumed to be unreasonable and disturbing if it is created between 9:00 P.M. and 7:00 A.M.

(7) Construction, repair, or maintenance activities, using hammers, power tools, motor driven tools or other sound producing tools between the hours of 9:00 P.M. and 7:00 A.M.

(8) Lawnmowers, bush clearing equipment, blowers, and other equipment used for cleaning or maintenance shall be exempted from this section if the equipment meets the following provisions:

(a) The equipment is being operated and used for the purpose for which it was intended.

(b) The equipment is being operated with the use of all sound dampening devices which meet or exceed original equipment.

(c) The equipment is being used between the hours of 7:00 A.M. and 9:00 P.M.

(d) The equipment is used for the limited time required to accomplish the particular work or job activity.

(9) A violation of this chapter shall be punishable by a fine not to exceed fifty dollars (\$50.00). (Ord. #02-13-23-163, _____)

11-202. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

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

11-301. Air rifles, etc.

11-302. Weapons and firearms generally.

11-301. Air rifles, etc. It shall be unlawful for any person in the municipality 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. (2008 Code, § 11-501)

11-302. Weapons and firearms generally. It shall be unlawful for any unauthorized person to discharge a firearm within the municipality. (2008 Code, § 11-502)

CHAPTER 4

TRESPASSING AND INTERFERENCE WITH TRAFFIC**SECTION**

11-401. Trespassing.

11-402. Interference with traffic.

11-403. Violations and penalty.

11-401. Trespassing. (1) On premises open to the public. (a) It shall be unlawful for any person to defy a local 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; and

(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 the 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 be unlawful and deemed 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. (2008 Code, § 11-601)

11-402. 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. (2008 Code, § 11-603)

11-403. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 5

REGISTERED SEX OFFENDERS ON OR ABOUT PUBLIC PARKS AND RECREATION FACILITIES

SECTION

11-501. Definitions.

11-502. Registered sex offenders prohibited from any public park.

11-503. Town manager to post regulation at park entrances.

11-504. Violations and penalty.

11-501. Definitions. (1) "Public park." Any publicly owned or maintained land or building which is designated by the Town of Englewood, Tennessee as a park or recreational facility.

(2) "Registered sex offender." An individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registered sex offender listing, including, but not limited to, the sex offender registry established by *Tennessee Code Annotated*, §§ 40-39-201 to 40-39-211. (2008 Code, § 11-901)

11-502. Registered sex offenders prohibited from any public park. It shall constitute a general offense against the regulations of the Town of Englewood for any person or persons registered as a sex offender with the State of Tennessee and/or any other state or federal agency to knowingly enter into or on any public park owned, operated, or maintained by the Town of Englewood. (2008 Code, § 11-902)

11-503. Town manager to post regulation at park entrances. The town manager shall be charged with posting this regulation at the main entrance of each park within thirty (30) days of the passage of the ordinance comprising this chapter. (2008 Code, § 11-904)

11-504. Violations and penalty. Anyone who is found in violation of this chapter shall be subject to a fine of not less than fifty dollars (\$50.00) per offense. Each and every entry into the park, regardless of the time period involved, shall constitute a separate offense under this chapter. (2008 Code, § 11-903)

CHAPTER 6

LITTERING

SECTION

- 11-601. Definitions.
- 11-602. Littering offenses.
- 11-603. Scope of regulation.
- 11-604. Violations and penalty.

11-601. Definition. As used in this chapter, unless the context otherwise requires:

- (1) "Garbage" includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;
- (2) "Litter" includes garbage, refuse, rubbish and all other waste material, including a tobacco product as defined in *Tennessee Code Annotated*, § 39-17-1503(11) and any other item primarily designed to hold or filter a tobacco product while the tobacco is being smoked.
- (3) "Refuse" includes all putrescible and nonputrescible solid waste; and
- (4) "Rubbish" includes nonputrescible solid waste consisting of both combustible and non-combustible waste.

11-602. Littering offenses. (1) A person commits the civil offense of littering who:

- (a) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;
 - (b) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway; or
 - (c) Negligently discharges sewage, minerals, oil products or litter into any public waters or lakes within this state.
- (2) Whenever litter is placed, dropped, or thrown from any motor vehicle, boat, airplane, or other conveyance in violation of this section, the town judge may, in his or her discretion and in consideration of the totality of the circumstances, infer that the operator of the conveyance has committed littering.
- (3) Whenever litter discovered on public or private property is found to contain any article or articles, including, but not limited to, letters, bills, publications, or other writings that display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, the town judge may, in his or her discretion and in consideration of the totality of the circumstances, infer that such person has committed littering.

11-603. Scope of regulation. The regulation of litter in this chapter is limited to amounts of litter less than or equal to five pounds (5 lbs.) in weight or seven and one-half (7.5) cubic feet in volume.¹

11-604. Violations and penalty. Littering is a civil offense punishable by a penalty under the general penalty provision of this code.

¹State law reference
Tennessee Code Annotated, § 39-14-503.