

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

- 11-101. Disturbing the peace.
 11-102. Anti-noise regulations.

11-101. 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. (1983 Code, § 10-202)

11-102. 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, street car, or vehicle while not in

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.

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 nor 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, street car, 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 of the Town of White Bluff.

(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 mayor granted for a period while the emergency continues not to exceed thirty (30) days. If the mayor 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.

(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) Municipal vehicles. Any vehicle of the Town of White Bluff 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 town, 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 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. (1983 Code, § 10-234)

CHAPTER 2

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL**SECTION**

11-201. Impersonating a government officer or employee.

11-202. False emergency alarms.

11-201. Impersonating a government officer or employee. No person other than an official police officer of the Town of White Bluff 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 Town of White Bluff. Furthermore, no person shall deceitfully impersonate or represent that he is any other government officer or employee. (1983 Code, § 10-211)

11-202. 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. (1983 Code, § 10-217)

CHAPTER 3

FIREARMS, WEAPONS AND MISSILES

SECTION

11-301. Air rifles, etc.

11-302. Throwing missiles.

11-303. Weapons and firearms generally.

11-304. Handguns in parks, nature trails, etc. prohibited.

11-305. Indoor firing ranges.

11-301. Air rifles, etc. It shall be unlawful for any person in the Town of White Bluff 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. (1983 Code, § 10-213)

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. (1983 Code, § 10-214)

11-303. Weapons and firearms generally. It shall be unlawful for any unauthorized person to discharge a firearm within the Town of White Bluff, Tennessee.

Persons wishing to raise money for a charitable organization may obtain a permit from the recorder to sponsor target shooting contests. In order to obtain a permit, the applicant must:

(1) Present evidence demonstrating the charitable organization sponsoring the event.

(2) Agree that the only firearms to be used at these events will be shotguns.

(3) Agree that the location of these events shall be in a sparsely populated area to be approved by the White Bluff Chief of Police. (Ord. #103, Aug. 1990)

11-304. Handguns in parks, nature trails, etc. prohibited.

(1) Any person authorized to carry a handgun under Tennessee Code Annotated, § 39-17-1351, is prohibited from possessing any handgun while within a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place that is owned or operated by the Town of White Bluff or any of its instrumentalities. This prohibition of handguns within any municipal park applies to the entire park, notwithstanding the provisions of Tennessee Code Annotated,

§ 39-17-1311(b)(1)(I). However, this section does not prohibit lawful possession of any handgun in accordance with Tennessee Code Annotated, § 39-17-1311(b)(1)(A)-(H).

(2) The Town of White Bluff shall display signs in prominent locations about the public recreational property, at least six inches (6") high and fourteen inches (14") wide, stating:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

(3) If a part of this section is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this section is invalid in one (1) or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications. (as added by Ord. #304, Aug. 2009)

11-305. Indoor firing ranges. Indoor firing ranges shall be permitted as set forth below.

(1) Due to the specific safety concerns and noise impacts associated with indoor firing ranges, such establishments shall be operated so as to minimize risk of personal injury and adverse effects on adjoining properties. Indoor firing range may be operated only in locations authorized under the town's zoning ordinance and shall be subject to the written approval of the chief of police. The decision of the chief of police shall be rendered within forty-five (45) days of his receipt of a completed application for approval of an indoor firing range. Approval of the chief of police shall be contingent upon the following.

(a) The owners and employees of such establishments shall be free of any criminal record involving any felony or any weapons violation, and shall be subject to initial and annual background investigations.

(b) The chief of police may require, as a condition of approval for all firing ranges, proof of applicable certifications by governmental or professional agencies.

(c) If the operator is not the owner of the property on which the firing range is to be located, the operator shall submit evidence that the property owner has agreed to allow the proposed firing range to be operated on the property.

(d) The operator of the proposed firing range shall agree to each of the following conditions:

(i) The location, design, construction and operation of the facility shall fully comply with the provisions of title 12 (building, utility, etc. codes) of the municipal code and any applicable

regulations in the municipal zoning ordinance. Upon approval of the application for operation by the chief of police, a plan shall be submitted to the codes department in accordance with said provisions. Failure to comply with said provisions shall result in revocation of any approval granted by the chief of police.

(ii) Noise levels from the firing range as measured from the outside shall not exceed fifty-five (55) decibels.

(iii) Hours of operation shall be limited to 7:00 A.M. -11:00 P.M.

(iv) Prior to commencement of operations, the operator shall provide evidence of liability insurance in an amount not less than one million dollars (\$1,000,000.00) and in a form acceptable to the town attorney, and shall provide annual verification of coverage. Such insurance shall name the town as an additional insured party.

(e) Each operator of a firing range shall sign an indemnification agreement, under which the operator shall save and hold the town, its elected and appointed officials, and its employees acting within the scope of their duties, harmless from and against any and all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising out of the acts or omissions of said operator and the operator's agents and employees.

(2) The approval of the chief of police for the operation of an indoor firing range shall be applicable to the operator to whom the approval is granted, and may not be transferred to another operator, without the further written approval of the chief of police.

(3) The approval of the chief of police for the operation of an indoor firing range may be withdrawn at any time for failure of the operators to comply with the requirements of this section, or with any other applicable federal, state or local law, code or regulation.

(4) Denial of a request for approval or the withdrawal of approval by the chief of police may be appealed to the mayor, provided that any such appeal must be submitted in writing within fifteen (15) days of the decision rendered by the chief of police. The mayor shall conduct a hearing within fifteen (15) days after receiving a written appeal of the decision of the chief of police. At such hearing, the mayor shall hear from both the person who submitted the appeal and the chief of police, as well as any witnesses presented on their behalf. The mayor's decision to uphold or overturn the decision of the chief of police shall be rendered within fifteen (15) days of the hearing. (as added by Ord. #353, Aug. 2012 *Ch2_5-7-19*)

CHAPTER 4

TRESPASSING AND INTERFERENCE WITH TRAFFIC**SECTION**

- 11-401. Trespassing.
- 11-402. Trespassing on trains.
- 11-403. Interference with traffic.

11-401. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1983 Code, § 10-226)

11-402. 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. (1983 Code, § 10-221)

11-403. 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. (1983 Code, § 10-233)

CHAPTER 5

MISCELLANEOUS

SECTION

- 11-501. Abandoned refrigerators, etc.
- 11-502. Caves, wells, cisterns, etc.
- 11-503. Posting notices, etc.
- 11-504. Curfew for minors.
- 11-505. Wearing masks.
- 11-506. Tobacco products on municipal property.

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. (1983 Code, § 10-223)

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. (1983 Code, § 10-232)

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. (1983 Code, § 10-227)

11-504. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between 11:00 P.M. and 5:30 A.M. unless upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1983 Code, § 10-224)

11-505. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1983 Code, § 10-236)

11-506. Tobacco products on municipal property. (1) The use of tobacco products, including cigars, cigarettes, pipes and smokeless tobacco products including snuff, chewing tobacco and similar products are prohibited for use inside of all municipal buildings. Use of tobacco products shall also be prohibited within twenty-five feet (25') of the entrance of any municipal building.

(2) The use of tobacco products, including cigars, cigarettes, pipes and smokeless tobacco products including snuff, chewing tobacco and similar products are restricted and prohibited for use on municipal park property except for those areas identified as "smoking areas" which shall be established by the parks board.

(3) That a violation of this section shall be enforced pursuant to title 15, chapter 7, of the White Bluff Municipal Code and subject to maximum fines and court costs as provided by the municipal code. (as added by Ord. #301, Aug. 2009)