

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. [REPEALED.]
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. FIREARMS, WEAPONS AND MISSILES.
5. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
6. MISCELLANEOUS.
7. GRAFFITI.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking alcoholic beverages in public, etc.
11-102. Minors in beer places.
11-103. Violations and penalty.

11-101. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, 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.

11-102. Minors in beer places. No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption. (1993 Code, § 10-222, modified)

¹Municipal code references

Animal control: 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).

11-103. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense.

CHAPTER 2

[REPEALED]

(This chapter was repealed by Ord. #889, January 2011)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-303. Violation and penalty.

11-301. 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. (1993 Code, § 10-202)

11-302. 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 other device on any automobile, motorcycle, bus, truck, 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, etc. Yelling, shouting, 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, truck, 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, excavation, demolition, exterior alteration, or exterior repair of any building in any residential area or section, or the construction, excavation, or repair of streets or highways in any residential area or section, shall only be permitted between the hours of 7:00 A.M. and 6:00 P.M. on weekdays and Saturdays, or between the hours of 9:00 A.M. and 6:00 P.M. on Sundays, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the building official granted for a period while the urgent necessity continues not to exceed thirty (30) days.

If the building official should determine that the public health and safety will not be impaired by the erection, excavation, demolition, exterior alteration, or exterior repair of any building, or by the construction, excavation, or repair of streets or highways outside of the times permitted hereinabove, and if he/she shall further determine that loss or inconvenience would result to any party in interest through delay, he/she may grant permission for such work to be done outside the times permitted hereinabove upon application being made at the time the permit for the work is granted or during the process of the work.

The work described hereinabove shall not be allowed on the following holidays without said permit granted by the building official: Independence Day, Labor Day, Memorial Day, Easter Day, Thanksgiving Day, and Christmas Day.

(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) 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 city council. 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. (1993 Code, § 10-233, modified, as amended by Ord. #1019, Sept. 2016)

11-303. Violation and penalty. A violation of any provision of this chapter shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense.

CHAPTER 4**FIREARMS, WEAPONS AND MISSILES****SECTION**

- 11-401. Air rifles, etc.
- 11-402. Throwing missiles.
- 11-403. Discharge of firearms.
- 11-404. Violation and penalty.

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 bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1993 Code, § 10-213)

11-402. 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. (1993 Code, § 10-214)

11-403. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1993 Code, § 10-212, modified)

11-404. Violation and penalty. A violation of this chapter shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense.

CHAPTER 5

TRESPASSING AND INTERFERENCE WITH TRAFFIC**SECTION**

11-501. Trespassing.

11-502. Interference with traffic.

11-503. Violation and penalty.

11-501. Trespassing. (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful 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.

(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 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 also be unlawful and deemed to be 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.¹

11-502. 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

¹Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

with the free passage of pedestrian or vehicular traffic thereon. (1993 Code, § 10-232)

11-503. Violation and penalty. A violation of any provision of this chapter shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense.

CHAPTER 6

MISCELLANEOUS

SECTION

11-601. Abandoned refrigerators, etc.

11-602. Caves, wells, cisterns, etc.

11-603. Posting notices, etc.

11-604. Curfew for minors.

11-605. Violations and penalty.

11-606. Tobacco use on municipal property and in municipal vehicles prohibited.

11-601. 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 or otherwise sealing the door in such a manner that it cannot be opened by any child. (1993 Code, § 10-223, modified)

11-602. 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. (1993 Code, § 10-231)

11-603. Posting notices, etc. No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. Each posting of such unauthorized notice shall constitute a separate offense. (1993 Code, § 10-226, modified)

11-604. 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 or accompanied by a parent, guardian or other adult person having lawful custody of such minor. (1993 Code, § 10-224)

11-605. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense.

11-606. Tobacco use on municipal property and in municipal vehicles prohibited. It shall only be lawful for anyone to smoke or use tobacco type products on the asphalted parking areas of city owned property, in areas designated by city manager or city manager's designee, and smoking and use of

tobacco type products in vehicles owned, operated or leased by the City of East Ridge shall be prohibited.

(1) Anyone found to be violating this provision shall be subject to a fine of up to fifty dollars (\$50.00).

(2) Any employee of the City of East Ridge found violating this provision shall be subject to, in addition to the above fine, disciplinary action being taken against them up to and including termination.

(3) Such designated areas shall be posted in conspicuous areas. (as added by Ord. #712, Feb. 2001, and replaced by Ord. #919, July 2012)

CHAPTER 7**GRAFFITI****SECTION**

- 11-701. Intent and findings.
- 11-702. Declaration of public nuisance.
- 11-703. Terms defined.
- 11-704. Graffiti unlawful.
- 11-705. Removal of graffiti.
- 11-706. Notice to owner, possessor of property.
- 11-707. Authorization to use municipal funds.
- 11-708. Authorization for the municipality to remove graffiti.
- 11-709. Authorization to use persons assigned to perform community service.
- 11-710. Reimbursement to municipality.
- 11-711. Reward for information.
- 11-712. Violations.

11-701. Intent and findings. Graffiti on public and private property is a blighting factor which deteriorates property and also depreciates the value of the property and the value of the adjacent and surrounding properties. The City Council of the City of East Ridge concurs with the findings of the general assembly of the State of Tennessee related to graffiti. It is the city council's intent to provide for the prohibition of the placement of graffiti on public and private property as herein set forth. Graffiti is inconsistent with the city's aesthetic standards and goals, and unless it is quickly removed from public and private properties, other adjacent properties will become the target of graffiti. The existence of graffiti tends to breed community discontent and criminal activity. The prompt removal of graffiti is necessary to prevent its proliferation. While the property and its owner or possessor is a victim of the graffiti, it is always the duty of the property owner or possessor to remove graffiti as soon as reasonably possible. To assist in preventing and controlling the further spread of graffiti, city council authorizes the use of city funds and the establishing of a partnership with the community to remove graffiti on public and private property as set forth herein and as provided in accordance with Tennessee Code Annotated, § 6-54-127. (as added by Ord. #876, May 2010)

11-702. Declaration of public nuisance. For the purpose of promoting the public safety, health, welfare, convenience and enjoyment, to protect the public investment in public property, and to preserve and enhance the scenic beauty of property visible from publicly owned property, the City Council of the City of East Ridge finds and declares that graffiti constitutes a public nuisance that may be abated and curtailed in accordance with the laws of this state. (as added by Ord. #876, May 2010)

11-703. Terms defined. (1) "Advertising" shall for purposes of this section mean any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner or tenant of the property, or an agent of such owner or tenant, for the purpose of promoting products or services or conveying information to the public.

(2) "Graffiti" shall mean, without limitation, any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched or etched on a rock, tree, wall, bridge, fences, gate, building, facade or other structure; provided, this definition shall not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing, designed mural or other mark of any kind lawfully placed on property by an owner of the property, a tenant of the property, by an authorized agent for such owner or tenant, or unless otherwise approved by the owner or tenant.

(3) "Publicly owned property" shall mean the property owned or controlled by a federal, state, or local governmental entity, including, but not limited to, public parks, streets, roads and sidewalks.

(4) "Tenant" shall mean any person shown by the records of the register of deed's office as a lessee of property, or any person lawfully in actual physical possession of property. (as added by Ord. #876, May 2010)

11-704. Graffiti unlawful. (1) It shall be unlawful for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, structure or any other real or personal property.

(2) It shall be unlawful for any person to possess, while in any public building or facility, or while on private property, any of the following materials with the intent to use such materials to violate subsection (1) and/or subsection (3): spray paint containers, paint, ink, marking pens containing non-water soluble fluid, brushes, applicators or other materials for marking, scratching, or etching.

(3) It shall be unlawful for the owner and/or occupant of fixed real or personal property located within the public view to place or give permission to place graffiti, as defined herein, on said real or personal property if the graffiti tends to incite violence by referring to gang or criminal activity, depicts or expresses obscenity as defined by Tennessee Code Annotated, § 39-17-901 or contains defamatory material about a public or private person, except as otherwise allowed by law. (as added by Ord. #876, May 2010)

11-705. Removal of graffiti. It shall be unlawful for any person owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti upon such property. (as added by Ord. #876, May 2010)

11-706. Notice to owner, possessor of property. (1) In the event that the police department finds that graffiti exists, the chief of police or his designee, shall mail or deliver a written order to the owner and possessor of the subject real property, addressed to the owner's last known address and to the property address. Notice may also be accomplished by posting the order in a clearly visible location on the subject property. The written order should contain the following:

- (a) A description of the real estate sufficient for identification;
- (b) Inform the owner/possessor that the police department has found graffiti exists on the property; and
- (c) An order that the owner and/or possessor remove or obliterate the graffiti within four (4) days;
- (d) Inform the owner that graffiti has been declared a public nuisance and that failure to remove the graffiti may result in further civil action by the city; and
- (e) Inform the owner that failure to remove graffiti is unlawful and may result in citation to municipal court.

(2) By written request, the four (4) day time period for removal of graffiti may be waived due to weather conditions by the chief of police.

(3) The property owner may also request assistance, in writing, for the graffiti removal based on the owner's inability to perform removal.

(4) A property owner, occupant, or lessee may appeal the order to remove the graffiti by filing a written appeal with the city manager before the expiration of the four (4) day time period. Unless resolved otherwise, the city manager shall place the appeal for consideration by the city council at the next regularly scheduled city council meeting. (as added by Ord. #876, May 2010)

11-707. Authorization to use municipal funds. The municipality may use municipal funds to remove graffiti or other inscribed material from publicly owned real or personal property or privately owned real or personal property visible from publicly owned property and located within the City of East Ridge and to replace or repair publicly owned property or privately owned property visible from publicly owned property within the City of East Ridge that has been defaced with graffiti or other inscribed material. The city manager, or his designee, may authorize the use of municipal funds for the purposes described herein in an amount up to dollars. (Expenditure of amounts in excess of _____ dollars (\$_____) shall be submitted for city council approval. (as added by Ord. #876, May 2010)

11-708. Authorization for the municipality to remove graffiti. The municipality may remove graffiti or other inscribed material, or if the graffiti or other inscribed material cannot be removed cost-effectively, repair or replace that portion of the property that was defaced, but the municipality may not paint, repair, or replace other parts of the property that were not defaced by

graffiti. Written consent of the property owner and possessor of the property, if not the same, shall be obtained. The written consent shall contain method of removal of the graffiti. (as added by Ord. #876, May 2010)

11-709. Authorization to use persons assigned to perform community service. The municipality may use persons assigned to perform community service work, as ordered by a general sessions, criminal, or juvenile court, to perform graffiti removal services under supervision. (as added by Ord. #876, May 2010)

11-710. Reimbursement to municipality. In the event the person or persons responsible for the graffiti are convicted and the court orders the offender(s) to pay restitution for the cost of the clean up, and the city has expended funds to remove the graffiti, the restitution shall be directed to the city as reimbursement for the cost of the clean up. (as added by Ord. #876, May 2010)

11-711. Reward for information. The city shall pay a reward of two hundred fifty dollars (\$250.00) to person(s) who report information to the police department, which information leads to the arrest and conviction of any person who unlawfully applies graffiti to any public property or private property visible from the public right-of-way. The determination of the reward shall be made by the chief of police or his designee. (as added by Ord. #876, May 2010)

11-712. Violations. Any person, firm, or corporation, whether owner, occupant, or lessee, violating or failing to comply with any provision of this chapter or any notice or order issued pursuant to its provisions, shall be punished by a fine not to exceed the state authorized maximum of fifty dollars (\$50.00) per violation. Each day that a violation continues shall be deemed a separate offense and punishable as such. (as added by Ord. #876, May 2010)