

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PERSON.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
7. MISCELLANEOUS.
8. ANTI-LITTER ORDINANCE.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
 11-102. Minors in beer places.
 11-103. Open containers prohibited.

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. (1978 Code, § 10-228, 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).

11-102. Minors in beer places. No person under eighteen (18) 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 unless such place is licensed to sell liquor by the drink or derives fifty percent (50%) or more of its income from the sale of food. (1978 Code, § 10-222, modified)

11-103. Open containers prohibited. It shall be unlawful for any occupant of any vehicle, moving or stationary, to have in their possession an open can or bottle of beer or intoxicating liquor.

CHAPTER 2

OFFENSES AGAINST THE PERSON

SECTION

11-201. Assault and battery.

11-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1978 Code, § 10-201)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

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. (1978 Code, § 10-202)

11-302. Anti-noise regulations. Subject to the provisions of this section, the creation of any unnecessary loud or disturbing noise is determined to be detrimental to the health and welfare of the city and its residents and is prohibited.

(1) Miscellaneous prohibited noises. The creation of the following noises is prohibited:

(a) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on or near 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, residence, motel or public building.

(b) Buildings, structures, apartments. Frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property, including sounds from musical instruments, audio sound systems, band sessions, or social gatherings.

(c) Portable audio equipment. Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet (50') from the source.

(d) Blowing horns. Frequent, repetitive or continuous sounding of any horn on any motor vehicle.

(e) 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.

(f) Vehicle audio sound systems. Sound from motor vehicle audio sound systems, such as tape players, radios, and compact disc

players, operated at a volume so as to be audible greater than fifty feet (50') from the vehicle.

(g) Vehicle. Loud and unnecessary grating, grinding, rattling or other noise emanating from a motor vehicle which is out of repair.

(h) Exhaust discharge. The noise resulting from the exhaust of any steam engine, stationary internal, combustion engine, motor vehicle, or boat engine, excepting however, any such noise discharged through a muffler or other similar device.

(i) Loudspeakers or amplifiers on vehicles. Noise emanating from mechanical loud speakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(j) Pets. Frequent or continued noises emanating from animal, bird, or fowl which shall disturb the comfort or repose of any person in the vicinity.

(k) Noises to attract attention. Noise emanating from any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(l) Building operations. Noise emanating from the erection (including excavation), demolition, alteration, or repair of any building in any residential area or section of 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, alternation, 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.

(m) Loading and unloading operations. 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.

(2) Exceptions. None of the prohibitions stated hereinabove shall apply to or be enforced against:

(a) Municipal vehicles. Any vehicle of the municipality while engaged upon necessary public businesses.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the municipality, 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 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. (1978 Code, § 10-233)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-401. Escape from custody or confinement.

11-402. Impersonating a government officer or employee.

11-403. False emergency alarms.

11-404. Resisting or interfering with city personnel.

11-405. Coercing people not to work.

11-401. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality 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. (1978 Code, § 10-209)

11-402. Impersonating a government officer or employee. No person other than an official police officer of the municipality 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 municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1978 Code, § 10-211)

11-403. 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. (1978 Code, § 10-217)

11-404. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties. (1978 Code, § 10-210)

11-405. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1978 Code, § 10-230)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Air rifles, etc.

11-502. Throwing missiles.

11-503. Discharge of firearms.

11-504. Sidearms, firearms, etc.

11-505. Parent or guardian's responsibility for juvenile.

11-501. 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. (1978 Code, § 10-213)

11-502. Throwing missiles. It shall be unlawful for any person to throw maliciously any stone, snowball, bottle, or any other missile or to discharge any bow and arrow upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1978 Code, § 10-214, modified)

11-503. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1978 Code, § 10-212, modified)

11-504. Sidearms, firearms, etc. It shall be unlawful for any person to carry a sidearm or other firearm without a proper permit or other such authorization.

11-505. Parent or guardian's responsibility for juvenile. It shall be unlawful for any parent or guardian who knows that a juvenile is in illegal possession of a firearm on school property, a public park, playground or civic center, to fail to prevent such possession or fail to report it to the appropriate officials.

CHAPTER 6

**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC****SECTION**

11-601. Trespassing on trains.

11-602. Malicious mischief.

11-603. Interference with traffic.

11-601. 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. (1978 Code, § 10-221)

11-602. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1978 Code, § 10-225)

11-603. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever or to park any motor vehicle, 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. (1978 Code, § 10-232, modified)

CHAPTER 7**MISCELLANEOUS****SECTION**

- 11-701. Abandoned refrigerators, etc.
- 11-702. Caves, wells, cisterns, etc.
- 11-703. Posting notices, etc.
- 11-704. Curfew for minors.
- 11-705. Tampering with or bypassing utility meters.
- 11-706. Loitering, congregating, or assembling on city property.
- 11-707. Excessive yard sales.

11-701. 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. (1978 Code, § 10-223)

11-702. 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. (1978 Code, § 10-231)

11-703. 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. (1978 Code, § 10-226)

11-704. Curfew for minors. (1) It is unlawful for any minor between seventeen (17) and eighteen (18) years of age to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the City of Dyersburg during the following time frames:

- (a) Monday through Thursday between the hours of eleven o'clock P.M. (11:00 P.M.) to six o'clock A.M. (6:00 A.M.);
- (b) Friday through Sunday between the hours of twelve o'clock (12:00) midnight to six o'clock (6:00) A.M.

(2) It is unlawful for any minor sixteen (16) years of age or younger to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the City of Dyersburg during the following time frames:

- (a) Monday through Thursday between the hours of ten o'clock P.M. (10:00 P.M.) to six o'clock A.M. (6:00 A.M.);
- (b) Friday through Sunday between the hours of eleven o'clock P.M. (11:00 P.M.) to six o'clock A.M. (6:00 A.M.).

(3) It is unlawful for a parent or guardian of a minor to knowingly permit or by inefficient control to allow such minor to be or remain upon any public street, highway, park, vacant lot, establishment or other public place within the City of Dyersburg, under circumstances not constituting an exception too, or otherwise beyond the scope of subsections (1) and (2). The term "knowingly" is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It is not a defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor child.

(4) The following are valid exceptions to the operation of the curfew:

(a) At any time, if a minor is accompanied by such minor's parent or guardian;

(b) When accompanied by an adult authorized by a parent or guardian of such minor to take such parent or guardian's place in accompanying the minor for a designated period of time and purpose within a specified area;

(c) Until the hour of twelve-thirty A.M. (12:30 A.M.), if the minor is on an errand as directed by such minor's parent;

(d) If the minor is legally employed, for the period from forty-five (45) minutes before to forty-five (45) minutes after work, while going directly between the minor's home and place of employment. This exception shall also apply if the minor is in a public place during the curfew hours in the course of the minor's employment. To come within this exception the minor must be carrying written evidence of employment which is issued by the employer;

(e) Until the hour of twelve-thirty A.M. (12:30 A.M.) if the minor is on the property of or on the sidewalk directly adjacent to the place where such minor resides or the place immediately adjacent thereto, if the owner of the adjacent building does not communicate an objection to the minor and the law enforcement officer;

(f) When returning home by a direct route from (and within thirty (30) minutes of the termination of) a school activity or an activity of religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception does not apply beyond one o'clock A.M. (1:00 A.M.).

(g) In the case of reasonable necessity, but only after such minor's parent has communicated to law enforcement personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including place or origin and destination. A copy of such communication, or the record thereof, an appropriate notation of the time it was received and of the names and addresses of such parent or guardian and minor constitute evidence of qualification under this exception.

(h) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. A minor shall show evidence of the good faith of such exercise and provide notice to the city officials by first delivering to the appropriate law enforcement authority a written communication, signed by such minor, with the minor's home address and telephone number, addressed to the Mayor of the City of Dyersburg specifying when, where and in what manner the minor will be on the streets at night during hours when the curfew is still otherwise applicable to the minor in the exercise of a First Amendment right specified in such communication; and

(i) When a minor is, with parental consent, in a motor vehicle engaged in good faith interstate travel.

(5) When any child is in violation of this section, the apprehending officer shall act in one (1) of the following ways:

(a) In the case of a first violation, and if in the opinion of the officer such action would be effective, take the child to the child's home and warn and counsel the parents or guardians;

(b) Issue a summons to the child and/or parents or guardians to appear at the juvenile court; or

(c) Bring the child into the custody of the juvenile court for disposition.

(6) (a) A minor violating the provisions of this section shall commit an unruly act disposition of which shall be governed pursuant to Title 37.

(b) Any parent, guardian, or other person having the care, custody and control of a minor violating the provisions of this section shall be fined no more than fifty dollars (\$50.00) for each offense; each violation of the provisions of this section shall constitute a separate offense. (1978 Code, § 10-224, as replaced by Ord. #BB-581, Aug. 2006)

11-705. Tampering with or bypassing utility meters. It shall be unlawful for any person, firm, or corporation to damage, tamper with, or bypass any gas, water, or electric meter within the corporate limits of Dyersburg, Tennessee.

It shall be unlawful for any person to "jump" electric meters or to run electric lines directly from the electric transmission lines of the City of Dyersburg to the house, home, outbuildings, or business or premises occupied by them or any other person, firm, or corporation without passing through an electric meter furnished by the city for that purpose. It shall be unlawful for any person to run gas or water lines directly from city gas or water mains without passing through water or gas meters. It shall be unlawful to use or consume any gas, water, or electricity without paying therefor. (1978 Code, § 10-235)

11-706. Loitering, congregating, or assembling on city property.

It shall be unlawful for any person or group of persons to loiter, congregate, or assemble on property owned by the City of Dyersburg after the hours of 10:00 P.M. to 6:00 A.M. unless for a legitimate purpose or function approved by the board of mayor and aldermen. (1978 Code, § 10-236, modified)

11-707. Excessive yard sales. It shall be unlawful for any person, firm or organization to have, hold or participate in more than two (2) yard, garage, carport or house sales within a twelve (12) month period of time at any residence or lot in the residential zone or in the business zone without proper license.

Each yard sale may not last more than seven (7) days and a permit must be purchased at city hall and posted in the yard for the entire duration of the sale. No advertising signs for the sale will be permitted on utility poles or any other public property. (1978 Code, § 10-237, modified)

CHAPTER 8

ANTI-LITTER ORDINANCE

SECTION

- 11-801. Definitions.
- 11-802. Littering generally.
- 11-803. Sweeping into gutters, etc; abutting businesses to keep sidewalks clean.
- 11-804. Littering from vehicles.
- 11-805. Private premises to be kept free of litter.
- 11-806. Monthly pickups by city.
- 11-807. Notice to violators.
- 11-808. Violations.

11-801. Definitions. For the purposes of this chapter, the following words, terms, and phrases shall have the following meanings:

(1) "Litter" is paper, wrappings, cigarettes, cardboard, bottles, tin cans, glass, and all other refuse materials, and out-of-date posters, placards, and advertisements.

(2) "Person" is any person, firm, partnership, association, company, or organization of any kind. (1978 Code, § 8-1001)

11-802. Littering generally. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city, except in public trash receptacles, and no person shall throw or deposit litter upon private property. (1978 Code, § 8-1002)

11-803. Sweeping into gutters, etc.; abutting businesses to keep sidewalks clean. No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway. Persons owning or occupying business property shall keep the public sidewalk in front of their premises free from litter. (1978 Code, § 8-1003)

11-804. Littering from vehicles. No person, while a driver or a passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property; and a driver of a vehicle shall not allow litter to be thrown, deposited, or to fall from such vehicle within the city or upon private property. (1978 Code, § 8-1004)

11-805. Private premises to be kept free of litter. The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit

the storage of litter in authorized private receptacles for collection. (1978 Code, § 8-1005)

11-806. Monthly pickups by city. The City of Dyersburg will monthly pick up certain litter and trash which is packaged and placed at the curb of a city street as authorized and prescribed by the city, at the times so designated by the city; provided, however, it shall be unlawful to so accumulate or place litter and trash at any time other than during the time so designated. (1978 Code, § 8-1006, modified)

11-807. Notice to violators. The chief of police or his authorized delegate is hereby authorized and empowered to notify the owner or person in control of property, or the agent of such owner or person in control of property, or the agent of such owner or person in control, of any violation of the provisions of this chapter. Such notice shall be mailed to such person's last known address. Provided, however, that failure to send any such notice shall not prevent the invoking of the penalty provisions of this code. (1978 Code, § 8-1007)

11-808. Violations. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and penalized in accordance with the general penalty clause of this municipal code. (1978 Code, § 8-1008, modified)