

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. MISDEMEANORS OF STATE ADOPTED.
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CHAPTER 1

MISDEMEANORS OF STATE ADOPTED

SECTION

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted.² All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the Common Law to be misdemeanors are hereby designated and declared to be offenses against this city also. Any violation of any such law within the corporate limits is also a violation of this section. (1975 code, sec. 10-101)

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.

²State law reference

For the definition of "misdemeanor," see Tennessee Code Annotated, sections 39-1-103 and 39-1-104.

CHAPTER 2

OFFENSES INVOLVING ALCOHOL¹

SECTION

11-201. Public drunkenness.

11-202. Drinking alcoholic beverages in public, etc.

11-203. Minors in beer places.

11-201. Public drunkenness. See Tennessee Code Annotated, section 39-6-925, et. seq.; also see title 33, chapter 8. (1975 code, sec. 10-227, modified)

11-202. 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. (1975 code, sec. 10-228, modified)

11-203. 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. (1975 code, sec. 10-222, modified)

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

CHAPTER 3

OFFENSES AGAINST ADMINISTRATION OF GOVERNMENT

SECTION

11-301. Escape from custody or confinement.

11-302. Impersonating a government officer or employee.

11-303. False emergency alarms.

11-304. Resisting or interfering with city personnel.

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. (1975 code, sec. 10-209)

11-302. Impersonating a government officer or employee. 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. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1975 code, sec. 10-211)

11-303. False emergency alarms. It shall be unlawful for any person to intentionally 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. (1975 code, sec. 10-217)

11-304. 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. (1975 code, sec. 10-210)

CHAPTER 4

OFFENSES AGAINST PROPERTY

SECTION

11-401. Trespassing.

11-402. Malicious mischief.

11-403. Interference with traffic.

11-401. Trespassing.¹ (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.²

¹State law reference

Subsections (1) through (4) of this section were taken substantially from Tennessee Code Annotated, section 39-3-1201, et seq.

²Municipal code reference

Provisions governing peddlers and solicitors, etc.: title 9, chapter 1.

11-402. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1975 code, sec. 10-225)

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 with the free passage of pedestrian or vehicular traffic thereon. (1975 code, sec. 10-232)

CHAPTER 5

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-501. Disturbing the peace.

11-502. Anti-noise regulations.

11-501. 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. (1975 code, sec. 10-202)

11-502. 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 any person 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 (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, or sale or display of merchandise.

(1) 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. (1975 code, sec. 10-235, modified)

CHAPTER 6

OFFENSES AGAINST PUBLIC HEALTH, SAFETY OR WELFARE

SECTION

- 11-601. Air rifles, etc.
- 11-602. Throwing missiles.
- 11-603. Discharge of firearms.
- 11-604. Gambling.
- 11-605. Abandoned refrigerators, etc.
- 11-606. Caves, wells, cisterns, etc.
- 11-607. Posting notices, etc.
- 11-608. Curfew for minors.
- 11-609. Interfering with radio or television reception.
- 11-610. Weapons on city property.

11-601. 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. (1975 code, sec. 10-213)

11-602. 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. (1975 code, sec. 10-214, modified)

11-603. Discharge of firearms. (1) It shall be unlawful for any person to discharge firearms within the corporate limits of the city. Notwithstanding any other provisions in this section to the contrary, nothing in this section is intended to prohibit the discharge or firing of firearms:

(a) When the discharge of firearms is made by a person authorized under the laws of the State of Tennessee and the United States to discharge firearms in connection with duties that person is authorized by those laws to perform;

(b) When the discharge of firearms is made by a person in the activity of hunting, but only to the extent that hunting is conducted strictly in accordance with the laws, rules, and regulations of the State of Tennessee governing the right of citizens to hunt within the municipal limits of the city.

(c) By anyone within a legally established shooting range, shooting gallery, firearm training facility or a parcel of land exceeding five (5) or more acres where precautions have been taken to insure the protection of human life and property.

(2) The violation of this section is a civil offence, punishable under the general penalty provision of this municipal code of ordinances. (1975 code, sec. 10-212, modified, as replaced by Ord. #5-8-9-1, Sept. 2005)

11-604. Gambling. (1) Gambling prohibited. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing.

(2) Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (1975 code, secs. 10-215 and 10-216)

11-605. 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. (1975 code, sec. 10-223, modified)

11-606. 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. (1975 code, sec. 10-231)

11-607. 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. (1975 code, sec. 10-226)

11-608. Curfew for minors. It shall be unlawful for any minor, under the age of 18 years, to be abroad at night after twelve (12) midnight unless accompanied by a parent, guardian or other adult person having lawful custody of such minor. (1975 code, sec. 10-224, as modified by ord. 89-2-14-1)

11-609. Interfering with radio or television reception. It shall be unlawful for any person to operate, within the corporate limits, any electrical apparatus, wires, device, machine, or equipment which causes interference with radio or television reception when such interference can be reasonably prevented by means of repairs, adjustments, the installation of corrective appliances, or other practicable alterations. (1975 code, sec. 10-233, modified)

11-610. Weapons on city property. (3) No person shall bring onto, or have in his or her possession while on city property, a weapon, whether or not such weapon is concealed or unconcealed, or loaded or unloaded.

(4) Definitions. For the purposes of the interpretation and application of this ordinance, the following words shall have the indicated meanings:

(a) "City property." City property shall mean any property owned or leased by, or otherwise in the possession of, the city, and used for city purposes. Such property shall include, but is not limited to, city hall, schools and any other educational facilities, fire and police stations, courts, jails and other detective facilities, auditoriums and civic buildings, hospitals and other curative institutions, equipment service and storage facilities, supply facilities, public utility facilities, land fills, and recreational facilities, and motor and other vehicles.

(b) "Weapon." Weapon shall include any and all of the following instruments, implements and devices:

(i) Bombs, grenades, rockets or mines designed to be loaded with any explosive, incendiary, or poisonous gas, whether or not loaded with an explosive, incendiary or poisonous gas;

(ii) Firearms of every kind and description designed to fire and propel a projectile, including but not limited to, rifles, shotguns, machine guns, and handguns, whether or not such firearm is loaded or unloaded. This definition shall include antique firearms and firearms that are not immediately capable of firing and propelling a projectile.

(c) Switchblade knives, which means any knives that have a blade that opens automatically by hand pressure applied to a button or other device on any part of the knife or by inertia or gravity;

(d) Knuckles, which means any instrument, implement or device that consists of finger rings or guards made of metal or any other hard substance that is designed, made or adapted for the purpose of inflicting bodily harm or death by striking the person with a hand or fist enclosed in such knuckles;

(e) Any other device, instrument, or implement especially made, designed, altered or adapted for the purpose of inflicting bodily injury or death by striking a person with the instrument.

(5) Exceptions. Of the ordinance to prohibit the carrying of weapons on the property of the City of Kingston is hereby amended to read as follows:

(a) Federal, state or local law enforcement officers authorized by their political subdivision to carry a firearm or to have in their possession any other weapon in the course of their employment under the laws of the United States and the State of Tennessee and its political subdivisions is exempt from the application of this section. However, this exemption shall only apply to the weapon or weapons the law

enforcement officer is entitled under the applicable law to carry or have in his or her possession.

(b) Any provision in this section notwithstanding, the possession and use of the ceremonial cannon at Fort Southwest Point or on any other city property and the possession and use of weapons by persons engaged solely in re-enactments of battles at Fort Southwest Point and/or as a part of parades or funeral or national holiday ceremonies is exempt from the application of this section.

(6) Pursuant to Tennessee Code Annotated, § 39-17-1359, notice of this prohibition shall be posted in prominent locations, including all entrances primarily used by persons entering the premises. The sign shall be of a size that is plainly visible to the average person entering the building, premises or property and shall contain language substantially similar to the following:

Pursuant to § 39-17-1359, the owner/operator of this property has banned weapons on this property, or within this building or this portion of this building. Failure to comply with this prohibition is punishable as a criminal act under state law and may subject the violator to a fine of not more than five hundred dollars (\$500.00). (as added by Ord. #3-8-12-1, Aug. 2003, and amended by Ord. # 3-12-9-1, Jan. 2004)