

## TITLE 10

OFFENSES--MISCELLANEOUS<sup>1</sup>

## CHAPTER

1. GENERALLY.
2. ENUMERATED.

## CHAPTER 1

GENERALLY

## SECTION

10-101. Misdemeanors of the state adopted.

10-101. Misdemeanors of the state<sup>2</sup> adopted. 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.

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<sup>1</sup>For offenses relating to animals and fowls, see title 3 in this code; for offenses relating to fireworks, etc., see the fire code adopted in title 7; for offenses relating to health and sanitation, see title 8; for traffic offenses, see title 9; for non-traffic offenses relating to streets and sidewalks, see title 12.

<sup>2</sup>See sections 39-103 and 39-106 of the Tennessee Code Annotated for definitions of "misdemeanor."

## CHAPTER 2

ENUMERATED

## SECTION

- 10-201. Assault and battery.
- 10-202. Disturbing the peace.
- 10-203. Disorderly houses.
- 10-204. Immoral conduct.
- 10-205. Obscene literature, etc.
- 10-206. Indecent or improper exposure or dress.
- 10-207. Window peeping.
- 10-208. Profanity, etc.
- 10-209. Escape from custody or confinement.
- 10-210. Resisting or interfering with city personnel.
- 10-211. Impersonating a government officer or employee.
- 10-212. Weapons and firearms generally.
- 10-213. Throwing of missiles.
- 10-214. Tampering with fire hydrants.
- 10-215. Gambling.
- 10-216. Promotion of gambling.
- 10-217. False emergency alarms.
- 10-218. Loitering.
- 10-219. Prowling.
- 10-220. Vagrancy.
- 10-221. Trespassing on trains.
- 10-222. Minors in beer places.
- 10-223. Abandoned refrigerators, etc.
- 10-224. Curfew for minors.
- 10-225. Malicious mischief.
- 10-226. Trespassing.
- 10-227. Posting notices, etc.
- 10-228. Public drunkenness.
- 10-229. Drinking beer, etc., on streets, etc.
- 10-230. Coercing people not to work.
- 10-231. Caves, wells, cisterns, etc.
- 10-232. Interference with traffic.
- 10-233. Loud musical instruments, radios, etc.
- 10-234. Fortune telling, etc.
- 10-235. Wearing masks.

10-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person.

10-202. 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.

10-203. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarrelling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person knowingly to visit any such house for the purpose of engaging in such activities.

10-204. Immoral conduct. No person shall commit, offer, or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose.

10-205. Obscene literature, etc. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of lending, selling, or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed, or filmed matter containing obscene language, prints, pictures, or descriptions manifestly intended to corrupt the morals.

10-206. Indecent or improper exposure or dress. It shall be unlawful for any person publicly to appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or otherwise to make any indecent exposure of his or her person.

10-207. Window peeping. No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy, nor shall he loiter around or within view of any such window with the intent of watching or looking through it.

10-208. Profanity, etc. No person shall use any profane, vulgar, or indecent language in or near any public street or other public place or in or around any place of business open to the use of the public in general.

10-209. 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.

10-210. 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 city duties.

10-211. 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.

10-212. Weapons and firearms generally. (1) It shall be unlawful for any person, except such as may be authorized by law, to discharge or fire any firearms within the corporate limits of the city.

(2) It shall further be unlawful for any person to fire or discharge any air gun or air pistol, spring gun or spring pistol, or other device which is calculated or intended to propel or project a bullet, pellet, arrow, or similar projector within the corporate limits of the city. If any person is arrested for violating the provisions of this section the police are hereby authorized, empowered, and directed to confiscate any such air gun or air pistol, spring gun or spring pistol or firearm or other device and it shall be the duty of the police to turn the same into the municipal court for disposition of the same by the court.

(3) The city manager is authorized and empowered to grant permits to residents of the city upon proper application being made, upon forms furnished by the city, to permit the discharge of firearms in the city for all lawful and legal purposes. (ord. 76, as amended)

10-213. Throwing of 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.

10-214. Tampering with fire hydrants. It shall be unlawful for any unauthorized person to injure, deface, tamper with, or turn on any fire hydrant or any lines, pipes, or connections to any fire hydrant within the city. (ord. 53, modified)

10-215. Gambling. 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. (ord. 21, secs. 2 and 3, modified)

10-216. 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. (ord. 21, sec. 1, modified)

10-217. 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 an act.

10-218. Loitering. It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, or idle in, upon, or about any way or place customarily open to public use.

10-219. Prowling. It shall be unlawful for any person to prowl or wander about the streets, alleys, or other public or private ways or places, or be found abroad at night, between the hours of midnight and 6:00 A.M., without any visible or lawful business and when unable to give a satisfactory account of himself.

10-220. Vagrancy. It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, willfully to neglect to apply himself to some honest occupation. (ord. 24, modified)

10-221. 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 in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle.

10-222. Minors in beer places. No person under nineteen (19) years of age shall loiter in or around or otherwise frequent any place where beer is sold at retail for consumption on the premises.

10-223. 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.

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

10-225. 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. (ord. 47, modified)

10-226. Trespassing. (1) 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.

(2) It shall also 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.

(3) The city manager is hereby authorized and directed to post signs against trespassing within the corporate limits concerning all public parks, buildings, and public property by a sign or board with notice inscribed thereon to stay off the same and if any person shall go upon the said real estate or property so posted without the permission of the city, he shall be guilty of a misdemeanor. (ord. 70, modified)

10-227. 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.

10-228. Public drunkenness. (See the Tennessee Code Annotated, sections 39-2531, et seq; see also title 33, ch.8)

10-229. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has an appropriate permit and/or license for on premises consumption.

10-230. 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 expressly is not the purpose of this section to prohibit peaceful picketing.

10-231. 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 placing thereon an adequate cover or safeguard.

10-232. 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.

10-233. Loud musical instruments, radios, etc. No person or persons owning, employing, or having the care, custody, or possession of any musical instrument, radio set, television set, phonograph, victrola, or other instrument, machine, or device for amplifying, producing, or reproducing sound, shall operate, use, or permit to be operated or used such instrument, machine, or device 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 or chamber 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 10:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building or structure in which it is located shall be *prima facie* evidence of a violation of this section (ord. 83)

10-234. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers.

10-235. 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.