

## TITLE 11

MUNICIPAL OFFENSES<sup>1</sup>

## CHAPTER

1. GENERALLY.
2. ENUMERATED.
3. MUNICIPAL PARKS, ETC.; HOURS OF OPERATION.

## CHAPTER 1

GENERALLY

## SECTION

- 11-101. Misdemeanors of the state adopted.
- 11-102. Financial responsibility.
- 11-103. Basketball goals alongside or within public rights-of-way.

11-101. Misdemeanors of the state<sup>2</sup> adopted. Except as prohibited by law, 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 the Town of Selmer also. Any violation of any such law within the corporate limits is also a violation of this section. (Code of 1977, § 10-101, modified)

11-102. Financial responsibility. (1) Effective January 1, 2002, every vehicle driven on city streets and the public roads of the Town of Selmer, Tennessee, must be in compliance with the Tennessee Financial Responsibility Law.

(2) At the time a driver of a motor vehicle is charged with any moving violation under title 55 of the Tennessee Code Annotated, chapters 8 and 10, parts 1 through 5, or chapter 50; or any city ordinance regulating the operation of motor vehicles within the city under this section; or the time of an accident for which notice is required under Tennessee Code Annotated 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee

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<sup>1</sup>For offenses relating to fireworks, etc., see the fire code adopted in title 7; for traffic offenses, see title 15; for non-traffic offenses relating to streets and sidewalks, see title 16.

<sup>2</sup>See sections 39-1-103 and 39-1-104 of the Tennessee Code Annotated for the definition of a "misdemeanor."

Code Annotated 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For purposes of this section, "proof of financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, and insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1997 has been issued; or,

(b) A certificate, valid for one (1) year, issued by the Commissioner of the Department of Safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1997 has been paid or filed with the Commissioner, or has qualified as a self-insurer under Tennessee Code Annotated 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the Department of Safety or the Interstate Commerce Commission, or was owned by the United States, the State of Tennessee, or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) It is an offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a fine of fifty dollars (\$50.00), plus the court cost.

(5) The fine imposed by this section shall be in addition to any other fine imposed for any other violations of state law or any other ordinance under the city code.

(6) On or before the court date for the hearing of the citation for failure to provide financial responsibility as required by this section, the person charged may submit evidence of compliance with this section at the time of the violation. If the city judge is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #489, Feb. 2002)

11-103. Basketball goals alongside or within public rights-of-way. (1) No portable or fixed basketball goal shall be placed, erected or maintained on or alongside the right-of-way of any public street within the municipal limits of the City of Selmer so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right-of-way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of fifty dollars (\$50). (as added by Ord. #507, July 2004)

## CHAPTER 2

ENUMERATED

## SECTION

- 11-201. Assault and battery.
- 11-202. Disturbing the peace.
- 11-203. Disorderly houses.
- 11-204. Immoral conduct.
- 11-205. Obscene literature, etc.
- 11-206. Indecent or improper exposure or dress.
- 11-207. Window peeping.
- 11-208. Profanity, etc.
- 11-209. Escape from custody or confinement.
- 11-210. Resisting or interfering with town personnel.
- 11-211. Impersonating a government officer or employee.
- 11-212. Weapons and firearms generally.
- 11-213. Air rifles, etc.
- 11-214. Throwing of missiles.
- 11-215. Gambling.
- 11-216. Promotion of gambling.
- 11-217. False emergency alarms.
- 11-218. Loitering.
- 11-219. Prowling.
- 11-220. Vagrancy.
- 11-221. Trespassing on trains.
- 11-222. Minors in beer places.
- 11-223. Abandoned refrigerators, etc.
- 11-224. Curfew for minors.
- 11-225. Malicious mischief.
- 11-226. Trespassing.
- 11-227. Posting notices, etc.
- 11-228. Drinking beer, etc., on streets, etc.
- 11-229. Coercing people not to work.
- 11-230. Caves, wells, cisterns, etc.
- 11-231. Interference with traffic.
- 11-232. Anti-noise regulations.
- 11-233. Fortune telling, etc.
- 11-234. Wearing masks.

11-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (Code of 1977, § 10-201)

11-202. 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. (Code of 1977, § 10-202)

11-203. 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. (Code of 1977, § 10-203)

11-204. 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. (Code of 1977, § 10-204)

11-205. Obscene literature, etc. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of loaning, 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. (Code of 1977, § 10-205)

11-206. 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. (Code of 1977, § 10-206)

11-207. 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. (Code of 1977, § 10-207)

11-208. 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. (Code of 1977, § 10-208)

11-209. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the Town of Selmer 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. (Code of 1977, § 10-209)

11-210. Resisting or interfering with town 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 Town of Selmer while such officer or employee is performing or attempting to perform his municipal duties. (Code of 1977, § 10-210)

11-211. Impersonating a government officer or employee. No person other than an official police officer of the Town of Selmer 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 Selmer. Furthermore no person shall deceitfully impersonate or represent that he is any government officer or employee. (Code of 1977, § 10-211)

11-212. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the Town of Selmer. (Code of 1977, § 10-212)

11-213. Air rifles, etc. It shall be unlawful for any person in the Town of Selmer 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. (Code of 1977, § 10-213)

11-214. Throwing of missiles. It shall be unlawful for any person to throw any stone, snowball, bottle, or any other missile maliciously upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (Code of 1977, § 10-214)

11-215. 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. (Code of 1977, § 10-215)

11-216. 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. (Code of 1977, § 10-216)

11-217. 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. (Code of 1977, § 10-217)

11-218. Loitering. (1) Definitions. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "Loitering" means remaining idle in essentially one location and includes the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around, and also includes the colloquial expression "hanging around."

(b) "Public place" means any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, restaurant, tavern or other place of business and also public grounds, areas, or parks.

(2) Prohibited. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either along and/or in consort with others in a public place in such manner so as to obstruct any public street, public highway, public sidewalk or any other public place or building or to do any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building.

(3) Order to move; penalty. When any person causes or commits any of the conditions enumerated in subsection (2) a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a misdemeanor and shall be subject to the penalty provided in the general penalty clause for this code. (Code of 1977, § 10-218)

11-219. Prowling. It shall be unlawful for any person to prowl about the streets, alleys, or other public or private ways or places. (Code of 1977, § 10-219, modified)

11-220. Vagrancy. It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, wilfully to neglect to apply himself to some honest occupation. (Code of 1977, § 10-220)

11-221. 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. (Code of 1977, § 10-221)

11-222. Minors in beer places. No person under twenty-one (21) years of age shall loiter in or around, any place where beer is sold at retail for consumption on the premises. (Code of 1977, § 10-222, modified)

11-223. 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. (Code of 1977, § 10-223)

11-224. Curfew for minors. (1) A curfew is imposed in the Town of Selmer, Tennessee making it unlawful for anyone under the age of sixteen (16) to walk or ride with the corporate limits of Selmer, Tennessee between the hours of 12:01 A.M. and 6:00 A.M. without being accompanied by a parent or guardian.

(2) The violation of this section will be treated as an act of delinquency. (Code of 1977, § 10-224, as replaced by ord. #423, §§ 1 and 2, Sept. 1993)

11-225. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person wilfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (Code of 1977, § 10-225)

11-226. 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 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. (Code of 1977, § 10-226)

11-227. 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. (Code of 1977, § 10-227)

11-228. 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 in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has a beer permit and license for on premises consumption. (Code of 1977, § 10-229)

11-229. 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. (Code of 1977, § 10-230)

11-230. 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. (Code of 1977, § 10-231)

11-231. 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. (Code of 1977, § 10-232)

11-232. 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, truck, or other 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, 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, 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 town 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.

(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 municipality 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. (Code of 1977, § 10-233)

11-233. 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. (Code of 1977, § 10-234)

11-234. 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 town recorder to wear a traditional holiday costume. (Code of 1977, § 10-235)

## CHAPTER 3

MUNICIPAL PARKS, ETC.; HOURS OF OPERATION

## SECTION

11-301. Municipal parks, etc.; hours of operation.

11-301. Municipal parks, etc.; hours of operation. The Selmer Town Park, specifically including the park area and all improvements located thereon, the municipal tennis courts, the municipal swimming pool, the municipal basketball courts, and all parking areas attendant thereto, shall be closed to public use and occupancy between the hours of 11:00 o'clock p.m., and 6:00 o'clock a.m., and during such period of time a curfew is imposed upon these defined public areas. Anyone violating the terms of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of \$50.00. (Ord. # 338)