

TITLE 11**MUNICIPAL OFFENSES**¹**CHAPTER**

1. MISDEMEANORS OF THE STATE ADOPTED.
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CHAPTER 1**MISDEMEANORS OF THE STATE ADOPTED****SECTION**

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state 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 municipality also. Any violation of any such law within the corporate limits is also a violation of this section. (1968 Code, § 10-101)

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.

CHAPTER 2**ALCOHOL**¹**SECTION**

11-201. Drinking beer, etc., on streets, etc.

11-202. Minors in beer places.

11-201. 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 unless the place has a permit and license for on premises consumption of such beverage. (1968 Code, § 10-228)

11-202. Minors in beer places. No minor under twenty-one (21) years of age shall loiter in or around, or work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1968 Code, § 10-222)

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated, § 68-24-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

CHAPTER 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1968 Code, § 10-201)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. 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. (1968 Code, § 10-202)

11-402. 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, streetcar 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.

Loud sound amplification systems in vehicles shall also be prohibited.

(i) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway, whether public or

private property, shall operate or permit the operation of any sound amplification system from within the vehicle to that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(ii) `Sound amplification system' means any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

(iii) `Plainly audible' means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of fifty (50) or more feet. Measurement standards shall be by the auditory senses, based on a direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway on either public or private property.

(iv) It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

(A) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(B) The vehicle was an emergency or public safety vehicle;

(C) The vehicle was owned and operated by the City of Columbia or a gas, electric, communications or refuse company; or

(D) The system or vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, the Maury County Fair or any activities which have the approval of the city manager or the council or a department of the city authorized to grant such approval.

(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 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, streetcar 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.

(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 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. (1968 Code, § 10-233, as amended by Ord. #1947, June 1993)

CHAPTER 5**INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL****SECTION**

11-501. Escape from custody or confinement.

11-502. Impersonating a government officer or employee.

11-503. False emergency alarms.

11-501. 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. (1968 Code, § 10-209)

11-502. 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. (1968 Code, § 10-211)

11-503. 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. (1968 Code, § 10-217)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Weapons and firearms generally.

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 metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1968 Code, § 10-213)

11-602. 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. (1968 Code, § 10-214)

11-603. Weapons and firearms generally. (1) 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 municipality.

(2) It shall also be unlawful for any unauthorized person to discharge a firearm within the corporate limits of the City of Columbia. Turkey shoots or similar contests may be authorized by the chief of police and/or the city manager, when held for limited periods, at specific locations, by bona fide non-profit organizations for the raising of funds when such shoots are held in a safe manner with an adequate backstop.

(3) The chief of police and/or the city manager may authorize firearms qualification/training for area law enforcement officers and others under their direction within the corporate limits of the City of Columbia. (1968 Code, § 10-212)

CHAPTER 7

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

SECTION

11-701. Trespassing on trains.

11-702. Interference with traffic.

11-701. 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. (1968 Code, § 10-221)

11-702. 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. (1968 Code, § 10-232)

CHAPTER 8

MISCELLANEOUS

SECTION

- 11-801. Abandoned refrigerators, etc.
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Unauthorized utility taps, etc.
- 11-804. Fireworks.
- 11-805. Wearing masks.
- 11-806. Aiding and abetting.
- 11-807. False reports or prank calls.
- 11-808. Curfew for minors.

11-801. 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. (1968 Code, § 10-223)

11-802. 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. (1968 Code, § 10-231)

11-803. Unauthorized utility taps, etc. It shall be unlawful for any person, without lawful authority, to tap, tie on to, or in any other way interfere with or tamper with any electric, water, gas, telephone, sewer or other utility line, meter, or other facility. (1968 Code, § 10-235)

11-804. Fireworks. It shall be unlawful for any person to cast, throw, or fire any squib, rocket, cracker, or other combustible fireworks on or in any public way or place or business house within the city. (1968 Code, § 10-236)

11-805. 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 twelve (12) 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 manager to wear a traditional holiday costume. (1968 Code, § 10-237)

11-806. Aiding and abetting. It shall be unlawful for any person to aid or abet another in violating any provision of this code. (1968 Code, § 10-239)

11-807. False reports or prank calls. It shall be unlawful for any person to make a prank telephone call or to report to a law enforcement officer or the local E-911 office an offense or incident:

- (1) Knowing the offense or incident did not occur;
- (2) Knowing the person reporting has no information relating to the offense or incidence; or
- (3) Knowing the information relating to the offense is false.

Any person found guilty by the city court of violating the provisions of this section shall be guilty of a misdemeanor and punished accordingly. (Ord. #1893, Sept. 1992)

11-808. Curfew for minors. (1) It shall be unlawful for any person under the age of eighteen (18) years to loiter, idle, wander, or play in and upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or any unsupervised place within the corporate limits of the City of Columbia, Tennessee, between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday and 12:00 midnight and 5:00 A.M. on Friday and Saturday, provided, however, that this section shall not apply to any minor accompanied by his or her parent, guardian or other adult person having the care and custody of said minor; any minor upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of said minor; a child attending or returning from a school or social function for which he or she has written permission in his or her possession from his or her parent, guardian or other adult person having the care and custody of said minor; or any minor going to or returning from any legitimate employment.

(2) When any minor is apprehended for an apparent violation of this section, the apprehending officer shall, in his or her sole discretion, act in one of the following manners:

(a) Take the minor to his or her home and advise and counsel with the parents, guardians or other adult person having the care and custody of said minor and the reasons for said action.

(b) File an appropriate petition summoning the said minor and/or parents, guardians or other adult person having the care and custody of said minor to appear in the Juvenile Court of Maury County, Tennessee.

(c) Deliver the minor into custody of appropriate officials of the Juvenile Court of Maury County, Tennessee, for disposition.

(3) No parent, guardian or other person having the care and custody of a child under the age of eighteen (18) years shall knowingly permit such minor to loiter, idle, wander, or play in and upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places, public buildings, places of amusement and entertainment, vacant lots or any other unsupervised place in the corporate limits of the City of Columbia, Tennessee, between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday and 12:00 midnight and 5:00 A.M. Friday and Saturday, provided, however, that this shall not apply to a minor that falls within the exceptions set forth in paragraph (1) above.

(4) When any minor violates this section on a second or other subsequent occasion, the parent, guardian or other person having the care and custody of said minor shall be subject to the penalty provided in this section.

(5) Any parent, guardian or other person having the care and custody of a minor who is found guilty of the violation of either paragraph (3) or (4) of this section shall be subject to a fine of fifty dollars (\$50.00) for each violation. (Ord. #1985, April 1994, modified)