

TITLE 11

MUNICIPAL OFFENSES¹

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CHAPTER 1

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

- 11-101. Automobile radios and tape players and similar audio devices; volume limited.
- 11-102. Noise curfew imposed.
- 11-103. Loud, disturbing and unnecessary noises generally.
- 11-104. Muffler cutout prohibited.

11-101. Automobile radios and tape players and similar audio devices; volume limited. (1) It shall be unlawful for any person, while driving or operating a vehicle on a public street or highway, to play or permit a passenger to play any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound so loudly that the driver cannot hear the audible warning signals of an approaching emergency vehicle.

(2) A violation of this section shall be punishable by a fine of no less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (Ord. #86-19, Aug. 1986, modified)

¹Municipal code references

Alarm system standards: title 20, chapter 4.

Animal control: title 10.

Housing and utility codes: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

11-102. Noise curfew imposed. It shall be unlawful for any person, organization, corporation, group or agent or representative, invitee, or employee thereof to make any loud or disturbing noise in the City of Bartlett, 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 the vicinity. (Ord. #71-3, Aug. 1971, as amended by Ord. #03-16, Aug. 2003)

11-103. Loud, disturbing and unnecessary noises generally. The creation of any unreasonably loud, disturbing and unnecessary noise within the limits of the city is prohibited. Any 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. (Ord. #71-3, Aug. 1971)

11-104. Muffler cutout prohibited. It shall be unlawful to use a muffler cutout on any motor vehicle upon any street or roadway of the City of Bartlett. (Ord. #71-3, Aug. 1971)

CHAPTER 2

FIREARMS, WEAPONS AND MISSILES

SECTION

11-201. Air rifles, etc.

11-202. Discharge of firearms within the city limits prohibited.

11-203. Shooting ranges and discharge of rifles, etc. permitted under certain circumstances.

11-201. Air rifles, etc. (1) It shall be unlawful to shoot air rifles, air pistols, carbon dioxide rifles and pistols within the corporate limits of the City of Bartlett, Tennessee.

(2) The penalty for the violation of the section shall be not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense, the fines to be imposed by the judge sitting in court. (Ord. #63-2, April 1963)

11-202. Discharge of firearms within the city limits prohibited.

(1) It shall be unlawful for any person to shoot or fire a firearm within the corporate limits of the City of Bartlett, Tennessee.

(2) A firearm is defined as any pistol or rifle of a 22 caliber or larger caliber, and a shotgun of 410 gauge or larger.

(3) Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than ten dollars (\$10.00) for each offense. Each violation shall constitute a separate offense. (Ord. #58-1, Jan. 1958)

11-203. Shooting ranges and discharge of rifles, etc. permitted under certain circumstances. It shall not be prohibited to discharge a firearm at an approved practice range, after same shall be inspected and approved for operation by the chief of police, said approval not to be unreasonably withheld according to reasonable safety practices and construction and said approval may be revoked upon violation of said reasonable safety practices and construction, the action of the chief of police in refusing approval or revoking same being appealable for final determination by the board of mayor and aldermen. (Ord. #79-25, Aug. 1979)

CHAPTER 3

MISCELLANEOUS

SECTION

11-301. Abusive or insulting language.

11-302. Curfews.

11-303. Distribution of handbills regulated.

11-304. Swimming, bathing, skating sledding, etc. on any city-owned lake, pond, detention basin, or other public waterway prohibited.

11-305. Smoking prohibited in certain public places and areas.

11-306. Water crafts, boats, etc. on any city-owned lake, pond, detention basin or other public waterways prohibited.

11-301. Abusive or insulting language. It shall be unlawful for any person to address any abusive or insulting language to another. (Ord. #71-3, Aug. 1971)

11-302. Curfews. (1) Definition. The following words and phrases, when used in this section, shall have the meanings respectively ascribed to them:

(2) Curfew established; exceptions; duties of apprehending authority.

(a) 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 Bartlett during the following time frames:

(i) Monday through Thursday between the hours of eleven o'clock (11:00) P.M. to six o'clock (6:00) A.M.

(ii) Friday through Sunday between the hours of twelve o'clock (12:00) midnight to six o'clock (6:00) A.M.

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

(i) Monday through Thursday between the hours of ten o'clock (10:00) P.M. to six o'clock (6:00) A.M.

(ii) Friday through Sunday between the hours of eleven o'clock (11:00) P.M. to six o'clock (6:00) A.M.

(c) 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 street or establishment under circumstances not constituting an exception to, or otherwise beyond the scope of subsections (a) or (b). The term "knowingly" includes knowledge which a parent or guardian should reasonably be expected to have concerning the

whereabouts of a minor in that parent's legal custody. The term concerning "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.

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

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

(ii) 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;

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

(iv) If the minor is legally employed, for the period of 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 carry written evidence of employment which is issued by the employer;

(v) Until the hour of twelve-thirty (12:30) A.M. if the minor is on the property of or 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;

(vi) When returning home by a direct route from (and within thirty (30) minutes of the termination of) a school activity or an activity of a 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 (1:00) A.M.

(vii) 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 of origin and destination. A copy of such communication, or the record thereof, an appropriate notation of the time it was received and the names and addresses of such parent or guardian and minor constitute evidence of qualification under this exception;

(viii) 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 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

(ix) When a minor is, with parental consent, in a motor vehicle engaged in good faith interstate travel. Each of the foregoing exceptions, and the limitations are severable.

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

(i) In the case of a first violation, and if 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;

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

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

(f) (i) A minor violating the provisions of this section shall commit an unruly act disposition of which shall be governed pursuant to Tennessee Code Annotated, title 37.

(ii) Any parent, guardian, or other person having the care, custody and control of a minor violating the provisions of this section commits a Class C misdemeanor and 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. (Ord. #96-11, Sept. 1996)

11-303. Distribution of handbills regulated. (1) Any person, organization, corporation or group which wants to pass out, hand out or distribute handbills, place handbills on motor vehicles or distribute handbills, circulars or any form of paper writing or any item of any nature must first before entering upon privately owned public access property either for profit or not for profit, any person, organization, corporation or group must first obtain permission in writing from the owner, manager or supervisor of the property.

(2) Violation of this section shall be a misdemeanor and subject to misdemeanor fines and penalties. (Ord. #93-16, Aug. 1993)

11-304. Swimming, bathing, skating, sledding, etc. on any city-owned lake, pond, detention basin, or other public waterway prohibited.¹

(1) Swimming, bathing or wading in (or walking, skating or sledding on when frozen) any waters, ponds, lakes, detention basins or waterways on any city-owned or managed property is prohibited unless a permit is obtained from the City of Bartlett Chief of Police.

(2) Penalty. Violations of this section shall be a misdemeanor and subject to misdemeanor fines and penalties. (Ord. #00-12, July 2000)

11-305. Smoking prohibited in certain public places and areas.

(1) Definitions. (a) "Restaurant" means any eating place which is open to the public, having a seating capacity of fifty (50) individuals or more.

(b) "Smoking" includes carrying a lighted cigar, cigarette, cigarillo, pipe or any other lighted smoking material and/or equipment.

(2) Areas affected. Smoking in certain enclosed areas has been determined to be injurious to human health, to constitute a source of annoyance and discomfort to nonsmokers, and to be a public nuisance. Therefore:

(a) Smoking shall be unlawful and prohibited in:

(i) All public elevators;

(ii) Any theater, hall, hotel, public building, store, warehouse, factory, or on the premises of any establishment, public conveyance or anywhere that smoking is dangerous, provided signs of a suitable size are posted in such places where they can be seen;

(iii) All publicly or privately owned restaurants or other eating establishments, as defined herein, except that the prohibition shall not apply to any such eating establishment which maintains a nonsmoking area adequate to meet demand and which informs all patrons that a nonsmoking area is provided. At the request of the patron, the patron shall be seated in the nonsmoking area. This prohibition shall not apply to any rooms being used for private functions. Notwithstanding the provisions of this subsection, any owner or person in charge of a business activity hereby governed may designate the restaurant as a nonsmoking area in its entirety.

(iv) All enclosed areas open to the public in any shopping area of a retail merchandising store, including grocery stores, having more than five (5) employees; however, nothing herein shall prevent areas other than shopping areas from being established for "smoking" and "non-smoking" employees and/or patrons by posting proper signs.

¹Municipal code reference

Public swimming pools: title 9, chapter 8.

(b) Nonsmoking areas shall be designated by the person in charge of all hospital lobbies and waiting rooms. After such designation, smoking shall be unlawful and prohibited in such areas.

(3) Both the places described in the foregoing subsection (2)(a) and the areas designated as nonsmoking areas pursuant to foregoing subsection (2)(b) shall henceforth be referred to as "nonsmoking areas."

(a) Exception. This section is not intended to regulate smoking in retail stores whose sales consists principally of tobacco or tobacco related product sales.

(b) Note requirements. The proprietor or other person in charge of any of the places or areas described in subsection (2)(a) above shall post and maintain conspicuous signs in all nonsmoking areas, advising the public that smoking is prohibited therein, describing generally the perimeters of the nonsmoking area, and stating the penalty for violation of the prohibition in language similar to the following:

NO SMOKING
(general description of nonsmoking area)
Up to \$50.00 fine

(c) Penalties. Any person or entity who fails to post and maintain the signs required by this section is guilty of a misdemeanor punishable by a fine of up to fifty dollars (\$50.00) per required sign for each day during which a required sign is either not posted or not maintained. Any person who smokes or carries a lighted cigar, cigarette, cigarillo, pipe or any other lighted smoking material and/or equipment in a nonsmoking area is guilty of a misdemeanor punishable by a fine of up to fifty dollars (\$50.00).

(d) Injunction. The director of the county health department, the director of city police services division, the director of the city fire services division, or any adversely affected party may institute an action to enjoin repeated violations of this section in any court of competent jurisdiction. (Ord. #89-13, Sept. 1989)

11-306. Water crafts, boats, etc. on any city-owned lake, pond, detention basin or other public waterways prohibited. (1) No person shall bring into or operate any motorized watercraft, excluding remote controlled model watercraft, upon any public waters, ponds, detention basins or any other publicly owned or managed waterway. The mayor shall have the authority to allow exceptions.

(2) Penalty. Violations of this section shall be a misdemeanor and subject to misdemeanor fines and penalties. (Ord. #00-11, July 2000, as amended by Ord. #17-08, Jan. 2018)

CHAPTER 4

TRESPASSING

SECTION

11-401. Trespassing.

11-401. Trespassing. (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.

CHAPTER 5

DELETED

[this chapter was deleted by Ord. #18-01, March 2018]

CHAPTER 6

GAMBLING¹

¹State law reference

Gambling: Tennessee Code Annotated, §§ 39-17-501--39-17-509.