

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

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CHAPTER 1**GENERALLY****SECTION**

- 11-101. Certain offenses declared to be misdemeanors.
11-102. Penalty for misdemeanor.

11-101. Certain offenses declared to be misdemeanors. When the performance of any act is prohibited by ordinance or state statute and no penalty, punishment, or forfeiture for the violation of such ordinance or statute is imposed, the doing of such act is hereby declared to be a misdemeanor. (1970 Code, § 10-101)

11-102. Penalty for misdemeanor. Every person who is convicted of a misdemeanor, the punishment for which is not otherwise prescribed by ordinance, shall be punished by fine not exceeding the lawful amount permitted under provisions of Tennessee Code Annotated, § 6-54-308. (1970 Code, § 10-102)

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

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Disturbing the peace.

11-202. Anti-noise regulations.

11-203. Disturbing the municipal court.

11-201. 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. (1970 Code, § 10-202)

11-202. Anti-noise regulations. (1) Preamble. The Council of the City of Cookeville finds that excessive noise is detrimental to the physical, mental, and social well being of the citizens of the City of Cookeville as well as to their comfort, living conditions, general welfare and safety and hereby declares it necessary to provide for more effective regulation of excessive noise. It is the intent of this chapter to establish standards that will eliminate or reduce unnecessary and excessive noise which is physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of business.

(2) Definitions. As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

(a) "A-weighted sound pressure level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network, as defined in American National Standard S1.4-1983 (R 1997). The level so read is designated dB(A).

(b) "Ambient noise" means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

(c) "City" means City of Cookeville.

(d) "Commercial use" means activity within or upon a premise where offices, clinics, kennels, shopping and service establishments exist and none of the gross floor area meets the definition of residential use, as set forth below.

(e) "DB(A)" means a unit for measuring the volume of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).

(f) "Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

(g) "Industrial use" means any activity within or upon a premise where manufacturing, processing or fabrication of goods or produces takes place.

(h) "Motor vehicle" means any motor required to be registered by the Department of Safety for the State of Tennessee, pursuant to Title 55 of the Tennessee Code.

(i) "Person" means any individual, association, partnership, or corporation, and includes any officer or employee thereof.

(j) "Public premise" means all real property, including appurtenances thereon, which is owned or controlled by any public governmental entity and shall include streets, alleys, parks and navigable waterways, but shall not include real property leased to any non-governmental entity for residential, commercial or industrial use, as defined herein.

(k) "Real property boundary" means a line along the ground surface, and its vertical extension, which separates the real property owned by one person or entity from that owned by another person or entity, but not including intrabuilding real property divisions.

(l) "Residential use" means any premises lawfully used for human habitation under the ordinances of the City of Cookeville and the laws of the State of Tennessee and shall include schools, churches, hospitals, nursing homes, and similar institutional facilities. For purposes of this section only, premises adjoining, adjacent to or opposite hospitals or nursing homes shall also be deemed residential use.

(m) "Sound pressure" means the average rate at which sound energy is transmitted through a unit area in a specified direction.

(n) "Sound pressure level meter" means an instrument used for measurement of the intensity of sound and accurately calibrated in decibels. Readings shall be made on a dB(A) scale.

(3) Standards. (a) No person shall cause, suffer, allow or permit sound from any source which, when measured from the real property boundary of the source of the sound, is in excess of the following standards:

(i) Residential use. (A) When the offending sound emanates from a residential use between the hours of 7:00 A.M. and 12:00 midnight, sound which has an A-weighted sound pressure level of 65 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(B) When the offending sound emanates from a residential use between the hours of 12:00 midnight and

7:00 A.M., sound which as an A-weighted sound pressure level of 60 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(ii) Commercial use. (A) When the offending sound emanates from a commercial use between the hours of 7:00 A.M. and 12:00 midnight, sound which has an A-weighted sound pressure level of 80dB(A), or impulsive sound which as an A-weighted sound pressure level of 80 dB(A).

(B) When the offending sound emanates from a commercial use between the hours of 12:00 midnight and 7:00 A.M., sound which as an A-weighted sound pressure level of 75 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(iii) Industrial use. When the offending sound emanates from an industrial use, continuous or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(b) No person shall cause, suffer, allow or permit from any source within a public premise any airborne sound which, when measured from the source of the sound, has an A-weighted sound pressure level in excess of 65 dB(A), or any impulsive sound which has an A-weighted sound pressure level of 80 dB(A). This subsection shall not apply to legitimate government operations.

(c) Sound, whether continuous or impulsive, shall be measured at approximately five feet above grade, using a slow meter response setting and using a windscreen when appropriate.

(4) Loud, unusual or unnecessary noises prohibited; criteria; other prohibited noises.

(a) Consistent with other provisions of this section, and in addition thereto, it shall be unlawful for any person within the limits of the city to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.

(b) The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to the following:

- (i) The frequency of the noise;
- (ii) The intensity of the noise;
- (iii) Whether the nature of the noise is usual or unusual;
- (iv) Whether the origin of the noise is natural or unnatural;

- (v) The frequency and intensity of the ambient noise, if any;
- (vi) The proximity of the noise to residential sleeping facilities;
- (vii) The nature and land use of the area within which the noise emanates;
- (viii) The population density of the inhabitation of the area within which the noise emanates;
- (ix) The time of the day the noise occurs;
- (x) The duration of the noise; and
- (xi) Whether the noise is recurrent, intermittent, or constant.

(c) The following acts, among others, are declared to be unreasonably loud, unusual or unnecessary noises in violation of this chapter, even if the noises referred to do not violate the noise level standards set forth in this section.

(i) Horns and signaling devices on vehicles. The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicles 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 signaling device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(ii) Steam 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.

(iii) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(iv) Drums and other attention-attracting devices. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(v) Animals and birds. The keeping of any animal or bird which, by frequent barking, howling, crying, singing or causing any other frequent or long-continued noise, disturbs the comfort and repose of any person in the vicinity.

(vi) Sound trucks. The use or operation on or upon the public streets in the city or on driveways or throughways owned by

or leased to the City of Cookeville of any device known as a sound truck, or any loudspeaker, sound amplifier or other instrument of any kind or character which emits therefrom loud raucous noises and is attached to and upon any vehicle operated or standing upon the city streets or on driveways or throughways owned by or leased to the City of Cookeville.

(vii) Defect in vehicle or noisy load. The use of any automobile, motorcycle, or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(viii) Pneumatic devices. The use of any mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(ix) Fireworks. The use of any combustible novelty or recreational items generating a whistle or loud report.

(5) Noise from motor vehicle audio equipment. Consistent with other provisions of this section, and in addition thereto, no person shall use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on the public streets of the City of Cookeville, property owned by or leased to the City of Cookeville, or within a public park, within a public parking lot or on any other public premise within the city, which is audible to a person of normal hearing sensitivity more than fifty feet from such vehicle, nor shall any person use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than fifty feet outside the real property boundary of said property. Words and phrases need not be discernible for said sound to be audible, and said sound shall include bass reverberation.

(6) Continuing violations. Each violation of this section shall be considered a separate offense, and any violation continuing more than one half (1/2) hour or recurring within one half (1/2) hour shall be considered a separate offense for each half hour of violation.

(7) No warning required. Nothing contained in this section shall be construed as requiring any warning to any person before the enforcement of the provisions of this section.

(8) Exceptions. None of the terms or prohibitions contained in this section shall apply to or be enforced against:

(a) Any vehicle of the city or a public utility while engaged in necessary public business.

(b) Excavations or repairs of bridges, streets or highways by or on behalf of the city, the county or the state during the night, when the public welfare and convenience renders it impossible to perform such work during the day.

(c) Emergency activities of the city, the county, or the state and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare is involved.

(d) Any special event authorized by the city pursuant to the law, rules and regulations of the city.

(e) Excavation, construction, demolition, repair, paving or alteration of buildings or streets. This exception shall not apply to such excavation, construction, demolition, repair, paving or alteration of buildings or streets in a residential use between the hours of 6:00 P.M. and 7:00 A.M. except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector. 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, 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 progress of the work.

(f) Use of domestic power equipment (including but not limited to power lawn mowers, leaf blowers, trimmers, snowblowers, tillers, saws, sanders, drills, or similar devices) between 8:00 A.M. and 9:00 P.M.

(g) Attendant on-site noise connected with the actual performance of organized sporting events on school campuses and in publicly owned parks or facilities.

(h) Warning devices on authorized emergency vehicles and on motor vehicles used for traffic safety purposes.

(i) Amplified and unamplified bells and chimes on schools, public buildings and other places of assembly.

(j) Use of motor vehicles for the collection and/or compacting of refuse, except that such vehicles shall not operate between 10:00 P.M. and 7:00 A.M. in a residential use.

(k) Cleaning and maintenance of parking lots and access roadways held open to the public, but only when such activities are not feasible between 7:00 A.M. and 10:00 P.M.

(l) Any aircraft in flight subject to federal law regarding noise control and any helicopter in the act of landing or taking off, if such landing or taking off is approved.

(m) Air conditioning and refrigeration units appurtenant to a permanent structure, so long as the unit or any of its component parts is not so out of repair as to create loud or unnecessary grating, grinding, rattling or other noise.

(n) Human sounds emanating from children twelve (12) years of age or under, including but not limited to speech and utterances of laughter, cries, and sounds associated with play.

(o) Security alarms on structures or motor vehicles, except that such alarms must terminate operation within five (5) minutes after activation for continuous airborne sound and within fifteen (15) minutes for impulsive sound unless otherwise provided in this code.

(9) Special noise permits. (a) The City of Cookeville shall, upon proper application, grant special permits for limited exceptions from the provisions of this section.

(b) Special noise permits shall be issued only for events occurring on Friday, Saturday, or a federally recognized holiday, and shall be effective only between the hours of 7:00 A.M. and 10:00 P.M. Special noise permits shall be limited to a single day, and no more than two permits shall be issued to any premises in any twelve (12) month period, regardless of any change in ownership of the premises.

(c) Any person seeking a special noise permit pursuant to this section shall file an application with the city clerk. The application shall contain specific information regarding the nature of the event for which the permit is sought, including the anticipated duration of the event, the address of the premises for which the permit is sought, the name (and address, if different from the premises for which the permit is sought) of the person seeking the permit, an acknowledgement of responsibility of the applicant for any violations of this section resulting from non-compliance with the terms of the permit, and the signature of the applicant. Said application shall be filed no less than three (3) business days prior to the effective date of the permit. No permit shall be issued by the city clerk unless the application has been approved in writing by the Cookeville Police Department.

(d) Upon receipt of a properly executed and signed application, the City of Cookeville shall issue a special noise permit to the applicant, which permit shall exempt the premises specified in the permit from the provisions of this section for the date specified in the permit, except that sound emitted from the premises shall in no way exceed the standards set forth in this section by more than 10 dB(A).

(e) Non-compliance with any conditions of the permit or any of the provisions of this section shall invalidate the permit and subject the applicant and any other person on the premises to all provisions of this section.

(f) The permit shall be displayed prominently on the premises covered by the permit. (Ord. #099-02-03, March 1999, as amended by Ord. #001-11-16, Feb. 2002)

11-203. Disturbing the municipal court. It shall be unlawful for any person to create a disturbance of any proceedings before the municipal court by any distracting conduct, loud, or unusual noise, or any indecorous, profane, or blasphemous language. (1970 Code, § 10-209, modified)

CHAPTER 3**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-301. Air rifles, etc.

11-302. Missiles.

11-303. Discharging firearms.

11-304. Dangerous instruments, etc.

11-301. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1970 Code, § 10-216)

11-302. Missiles. It shall be unlawful for any person to maliciously throw, launch, drop, shoot or propel any object or liquid upon or at any person, vehicle, structure, utility device or other public or privately owned property. (1970 Code, § 10-217, as amended by Ord. #001-11-16, Feb. 2002)

11-303. Discharging firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the city except while lawfully hunting as defined by Title 70, Tennessee Code Annotated. Anyone discharging a firearm, even when lawfully hunting, must not discharge that firearm in a reckless manner that places or may place another person in imminent danger of death or serious bodily injury. It shall also be unlawful for any unauthorized person to discharge a firearm within the city except in cases of legitimate self defense or defense of an innocent third party. (1970 Code, § 10-215, as amended by Ord. #001-11-16, Feb. 2002)

11-304. Dangerous instruments, etc. (1) It is a municipal offense to carry, for the purpose of going armed, any dangerous instrument or substance which is capable of inflicting injury on any person.

(2) A person commits an offense who carries with the intent to go armed a firearm, a knife with a blade length exceeding four inches (4"), or a club.

CHAPTER 4

TRESPASSING, ETC.

SECTION

11-401. Trespassing on trains.

11-402. Damaging/destroying property.

11-403. Interference with traffic.

11-404. Jumping or hanging on motor vehicles.

11-401. Trespassing on trains. It shall be unlawful for any minor or other 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. (1970 Code, § 10-226)

11-402. Damaging/destroying property. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, wantonly or negligently damage, deface, destroy, conceal, or remove any real or personal property which does not belong to him. (1970 Code, § 10-228)

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 unreasonably with the free passage of pedestrian or vehicular traffic thereon.

Any person violating this article shall be deemed guilty of a misdemeanor and fined accordingly. (1970 Code, § 10-234)

11-404. Jumping or hanging on motor vehicles. It shall be unlawful for any person to attempt to or to actually jump on or hang to any moving motor vehicle. (1970 Code, § 10-221)

CHAPTER 5**MISCELLANEOUS****SECTION**

- 11-501. Public urination/defecation.
- 11-502. Indecent exposure.
- 11-503. Illegal voting.
- 11-504. Vote soliciting at polling places.
- 11-505. Smoking in city-owned buildings.
- 11-506. Laser pointers prohibited.
- 11-507. Resisting or interfering with a police officer.

11-501. Public urination/defecation. It shall be unlawful for any person to urinate or defecate in any place within the city that is not a restroom and is likely to be frequented by the public or is in view of the public at large. (Ord. #001-11-16, Feb. 2002)

11-502. Indecent exposure. It shall be unlawful for any person to knowingly expose his/her genitals, pubic area or buttocks or for a female person to knowingly expose the nipple of either breast other than for the purpose of breast feeding an infant while in any place that is in view of the public at large. (1970 Code, § 10-206, as amended by Ord. #001-11-16, Feb. 2002)

11-503. Illegal voting. It shall be unlawful for any unauthorized person to vote in any municipal election. (1970 Code, § 10-210)

11-504. Vote soliciting at polling places. It shall be unlawful for any person, including those authorized to be watchers or observers, to hand out or distribute cards, pamphlets, pictures, or literature within one hundred and fifty (150) feet of any ballot box or voting machine during the time the polls are lawfully open on the day of any election or primary held in the city. It shall also be unlawful for any person to do any other act whatsoever within said limits and during said time for the purpose of attempting to influence the vote of any voter. (1970 Code, § 10-211)

11-505. Smoking in city-owned buildings. It shall be unlawful for any person to smoke in any city-owned building. For the purposes of this section, smoking means the act of burning any tobacco product, weed filler or plant of any kind in a cigarette, cigar, pipe, water pipe, or any other device. Any person violating this section shall be deemed guilty of a misdemeanor and fined accordingly. (1970 Code, § 10-235)

11-506. Laser pointers prohibited. It shall be unlawful for any person to mischievously or maliciously operate in any place within the city that is open to the public any hand held laser or other device that emits a concentrated visible light beam. (Ord. #001-11-16, Feb. 2002)

11-507. Resisting or interfering with a police officer. It shall be unlawful for any person to resist or in any way interfere with or attempt to interfere with any police officer while the latter is in the discharge or apparent discharge of his duty. (1970 Code, § 10-213)

CHAPTER 6

ALCOHOL

SECTION

11-601. Drinking beer, alcoholic beverages, on streets, etc.

11-601. Drinking beer, alcoholic beverages, on streets, etc. It shall be unlawful for any person to drink, consume, or possess in an open container of any kind, beer or any alcoholic beverage, within a vehicle, or in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place within the city unless the premises has a beer permit and/or liquor license.