

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PERSON.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
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7. MISCELLANEOUS.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Public intoxication.
 11-102. Minors in beer places.
 11-103. Drinking beer or any other alcoholic beverages in public places.

11-101. Public intoxication. A person commits the offense of public intoxication who appears in a public place under the influence of a controlled substance or any other intoxicating substance to the degree that the offender may be endangered; there is endangerment to other persons or property; or the offender unreasonably annoys people in the vicinity. (Ord. #986, July 1995)

11-102. Minors in beer places. No person under the age of 21 shall loiter in or around, work in, or otherwise frequent any place where beer is sold

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.

²Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

State law reference

- See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

at retail for consumption on the premises and where the sale of beer is the primary source of income for the business establishment. (Ord. #986, July 1995)

11-103. Drinking beer or any other alcoholic beverages in public places. (1) It shall be unlawful for any person to drink or consume 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.

(2) It shall be unlawful for any person to drink or consume intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or any other public place.

(3) Nothing in the section shall make it unlawful for any priest or minister of any religious denomination or sect to receive and possess wines for sacramental purposes, or for any common or other carrier to ship or transport wine for such purposes to any priest or minister of any religious denomination or sect; or for druggists to receive and possess alcohol and other intoxicating liquors and such preparations as may be sold by druggists for the special purposes and in the manner provided by law, for manufacturers of medicines that conform to the provisions of law, or for bona fide hospitals or medical clinics, to receive and possess alcohol for use on bona fide patients of such hospitals, or in the manufacturing of such medicines, or for any common or other carrier to ship or transport such liquor or alcohol, for such purposes to such druggists or hospitals, or manufacturer of medicines; for any person engaged in the manufacturer of thermostatic devices or temperature regulators to import alcohol into this municipality for use in the manufacture and charging of such devices and regulators; for bona fide educational institutions to receive and possess alcohol for scientific and therapeutic purposes, or for any common or other carrier to ship or transport such alcohol for such purposes to such bona fide educational institutions; or for any person to transport intoxicating liquor not in excess of the quantity permitted by applicable federal and state law.

(4) No person, including any driver of any vehicle, shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this municipality, nor shall any person have an open container of intoxicating beverage or beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place. For purposes of this section an open container means any container containing alcoholic beverages or beer, the contents of which are immediately capable of being consumed or the seal of which has been broken. For purposes of this section, a motor vehicle is in operation if the driver is in physical control of the automobile, whether or not the motor vehicle is moving.

(Ord. #986, July 1995)

CHAPTER 2

OFFENSES AGAINST THE PERSON

SECTION

11-201. Assault.

11-201. Assault. It shall be unlawful for any person to commit an assault. A person commits an assault who:

- (1) Intentionally, knowingly or recklessly causes bodily injury to another;
- (2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or
- (3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative. (Ord. #986, July 1995)

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CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disorderly conduct, disrupting meeting or procession. 11-302. Anti-noise regulations.

11-301. Disorderly conduct, disrupting meeting or procession. No person shall engage in disorderly conduct, obstruct or interfere with a lawful meeting, procession or gathering, or harass another person.

A person engages in disorderly conduct if that person, in a public place and with intent to cause public annoyance or alarm:

- (1) Engages in fighting or in violent or threatening behavior; (2) Refuses to obey an official order to disperse issued to maintain public safety; or
- (3) Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose. A person also violates this section who makes unreasonable noise which prevents others from carrying on lawful activities.

A person commits an offense of disrupting a meeting or procession if, with the intent to prevent or disrupt a lawful meeting, procession or gathering, the person substantially obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance. (Ord. #986, July 1995)

11-302. 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 an 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 unreasonable 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,

stereo, compact disc player, or any musical instrument or sound device, including but not limited to loud speakers or other devices

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for reproduction or amplification of sound, either independent 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 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) Uses of vehicle. The uses 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 to proper municipal 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 erections (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 6:30 A.M. and 8:00 P.M. Monday through Friday and 6:30 A.M. and 6:00 P.M. on Saturday, except in case of urgent necessity in the interest of public health and safety, and then only with the permit from the building inspector granted for the period which 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 excavations of streets and highways during any otherwise prohibited hours and/or Sunday, and if he should further determine that loss or inconvenience would result to any party in the interest through delay, he may grant permission for such work to be done during those otherwise prohibited hours and/or on Sunday upon application being made.

(i) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading and unloading of any

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vehicle or the opening and destruction of bales, boxes, crates and other containers.

(j) Noises to attract attention. The use of any drum, loud speaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale, or display of merchandise.

(k) Loudspeakers or amplifiers on vehicles. The use of mechanical

loudspeakers or amplifiers on trucks or any moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions here 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 municipality, the county, or the state, when the public welfare or convenience renders it impractical 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 city recorder as provided for herein. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the uses of such systems shall be restricted to the hours so designated in the permit as provided for herein.

(3) If a particular activity is authorized herein upon application for, and obtaining, a permit from the city recorder, any person seeking such a permit must file with the city recorder a registration statement in writing. This registration statement shall be filed in duplicate and shall state the following: (a) Name and home address of the applicant.

(b) Address of place of business of applicant.

(c) License number and motor number of the sound truck, amplifiers or loudspeakers to be used by applicant.

(d) Name and address of person who own the sound truck, amplifiers or loudspeakers.

(e) Name and address of person having direct charge of sound truck, amplifiers or loudspeakers.

(f) Names and addresses of all persons who will use or operate the sound truck, amplifiers or loudspeakers.

(g) The purpose for which the sound truck, amplifiers or loudspeakers will be used.

(h) A general statement as to the section or sections of the city in which the sound truck, amplifiers or loudspeakers will be used.

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(i) The proposed hours of operation of the sound truck, amplifiers or loudspeakers.

(j) The number of days for the proposed operation of the sound truck, amplifiers or loudspeakers.

(k) A general description of the sound amplifying equipment which is to be used.

(l) The maximum sound producing power of the sound amplifying equipment in or on the sound truck, amplifiers or loudspeakers. State the following: The wattage to be used, the volume in decibels of the sound which will be produced, and the approximate maximum distance for which sound will be

thrown from the sound truck, amplifiers or loudspeakers.

Any such registration statement shall be amended by the person who has submitted the registration statement forty-eight (48) hours after any change in the information therein furnished. The city recorder shall return to each applicant one (1) copy of said registration statement duly certified by the city recorder as a correct copy of said application. Said certified copy of the application shall be in the possession of any person operating the sound truck, amplifier or loudspeaker at all times while the amplification equipment is in operation, and said copy shall be promptly displayed and shown to any policeman of the City of Alcoa upon request. (Ord. #986, July 1995, as amended by Ord. #13-318, Sept. 2013)

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CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-401. Obstruction of justice offenses.

11-402. False emergency alarms.

11-403. Coercing people not to work.

11-404. Criminal impersonation.

11-401. Obstruction of justice offenses. (1) The following definitions shall apply in this section:

(a) The term "complaining witness" means a person who makes a criminal complaint; and

(b) The term "custody" means under arrest by a law enforcement officer or under restraint by a public servant pursuant to an order of the court; and

(c) "Escape" means unauthorized departure from custody or failure to return to custody following temporary leave for a specific purpose or limited period, but does not include a violation of conditions of probation or parole.

(2) It is an offense for a person to intentionally prevent or obstruct anyone known to the person to be a law enforcement officer, or anyone acting in a law enforcement officer's presence and at such officer's direction, from effecting a stop, frisk, halt, arrest or search of any person, including the person who commits the offense, by interfering with the law enforcement officer or another. It is no defense to prosecution under this section that the stop, frisk, halt, arrest or search was unlawful. It is an offense for a person to intentionally prevent or obstruct an officer of the municipality in serving, or attempting to serve or execute, any legal writ or process. It is unlawful for any person to intentionally flee from anyone the person knows to be a law enforcement officer and the person:

(a) Knows the officer is attempting to arrest the person; or (b) Has been arrested.

It is a defense to prosecution under this section that the attempted arrest was unlawful.

It is unlawful for any person to solicit, accept or agree to accept any benefit in consideration of refraining from reporting to a law enforcement officer the commission or suspected commission of an offense. It is unlawful for a complaining witness to solicit, accept or agree to accept any benefit in consideration of abstaining from, discontinuing or

delaying the prosecution of another for an offense. It is a defense to prosecution under this section that the benefit was solicited or accepted by the victim and did not exceed an amount

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reasonably believed by the victim to be due as restitution or indemnification for loss caused by the offense.

It is unlawful for any person to intentionally or knowingly permit or facilitate the escape of a person in custody.

It is unlawful for any person to knowingly fail to appear as directed by a lawful authority if the person has been lawfully issued a citation in lieu of arrest; or knowingly goes into hiding to avoid prosecution or court appearance. It is a defense to prosecution under this section that the person had a reasonable excuse for failure to appear at the specified time and place. Nothing in this section shall apply to witnesses. (Ord. #986, July 1995)

11-402. False emergency alarms. It is unlawful for any person to: (1) Report to a law enforcement officer an offense or incident within the officer's concern knowing the offense or incident did not occur or knowing the information relating to the offense is false;

(2) Intentionally initiate or circulate a report of a past, present, or impending bombing, fire or other emergency, knowing that the report is false or baseless and knowing it will cause action of any sort by an official or volunteer agency organized to deal with those emergencies; it will place a person in fear of imminent bodily injury; or it will prevent or interrupt the occupation of any building, place of assembly, form of conveyance, or any other place to which the public has access. (Ord. #986, July 1995)

11-403. 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. (Ord. #986, July 1995)

11-404. Criminal impersonation. A person commits criminal impersonation who, with intent to injure or defraud another person, assumes a false identity; pretends to be a representative of some person or organization; pretends to be a law enforcement officer, or another officer or employee of the government; or pretends to have a handicap or disability. (Ord. #986, July 1995)

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CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Weapons and firearms generally. Throwing missiles.

11-501. Weapons and firearms generally. Throwing missiles. (1) It shall be unlawful for any person within the corporate limits to carry in any manner whatever with the intent to go armed, any razor, dirk, bowie knife or other knife of like form, shape or size, sword cane, ice pick, sling shot, black-jack, brass-knucks, spanish stiletto, or a fountain pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, except an army or navy pistol which shall be carried openly in the hand, or any other dangerous weapon; provided, however, that this section shall not apply to any person employed in the army, air force, navy or marine service of the United States, or to any officer or policeman, or to any director, commissioner, or similar head of any metropolitan or municipal police department in this state, whether elected or appointed, while bona fide engaged in his official duties, in the execution of process, or while searching for or engaged in arresting criminals, nor to persons who may have been summoned by such officer or policeman, in the discharge of his said duties, and in arresting criminals and transporting and turning them over to the proper authorities; nor shall said provisions apply to any conductor of any passenger or freight train of any steam railroad while he is on duty; provided further that persons who may be employed in the army, air force, navy or marine service as aforesaid shall only carry such pistols as are prescribed by the army, air force, navy or marine regulations.

(2) It shall be unlawful for any person within the corporate limits to carry in any manner whatever, with the intent to go armed, any pocket knife with a blade exceeding four (4) inches in length.

(3) Whenever any person is arrested and convicted for the possession or carrying of any dangerous weapons, which under this section he is prohibited from possessing or carrying, said weapon shall be confiscated and become the property of the City of Alcoa.

(4) All dangerous weapons confiscated under the provisions of this section may be destroyed or otherwise disposed of under the supervision of the city judge of the City of Alcoa before whom the arrested person is tried; provided, however, that in no event shall said weapon or weapons be returned to the person arrested or any of his relatives or friends.

(5) It shall be unlawful for any person in the municipality to discharge any firearm, 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.

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This section shall not apply to persons engaged in organized and supervised shooting sponsored by a person, firm, or corporation holding a permit for such activity issued by the city manager as hereinafter provided. Any person, firm, or corporation desiring such a permit shall make application in writing to the city manager, which application shall contain such information as the city manager shall direct, including but not limited to the following: the name of the person, firm, or corporation desiring such permit, the name of the person supervising such activity, the location where such activity will be conducted, the provisions for the safety of the public, a diagram of the shooting area, the dates when such shooting will be conducted, and the financial responsibility of such applicant. If the city manager finds that reasonable safety precautions have been taken, and that applicant is financially responsible, or has sufficient liability insurance coverage, he may issue a permit to engage in such activity together with a list of conditions and limitations the city manager deems advisable. Said permit may be revoked

by the city manager without notice if, in his opinion, the public welfare requires it.

(6) 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. (Ord. #986, July 1995)

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CHAPTER 6

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

11-601. Trespassing.

11-602. Trespassing on trains.

11-603. Interference with traffic.

11-604. Criminal trespass or trespass by motor vehicle.

11-605. Loitering.

11-601. Trespassing. A person commits the offense of trespassing who, knowing he does not have the owner's effective consent to do so, enters or remains on property, or a portion thereof. Knowledge that the person did not have the owner's effective consent may be inferred where notice against entering or remaining is given by personal communication to the person by the owner or by someone with apparent authority to act for the owner; fencing or other enclosure obviously designed to exclude intruders; or posting reasonably likely to come to the attention of intruders. It is a defense to prosecution under this section that the property was open to the public when the person entered and remained; the person's conduct did not substantially interfere with the owner's use of the property; and the person immediately left the premises upon request. (Ord. #986, July 1995)

11-602. 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. (Ord. #986, July 1995)

11-603. Interference with traffic. A person commits an offense who, without legal privilege, intentionally, knowingly or recklessly: (1) Obstructs a highway, street, sidewalk, railway, waterway, elevator, aisle, or hallway to which the public, or a substantial portion of the public, has access; or any other place used for the passage of persons, vehicles or conveyances, whether the obstruction arises from the person's acts alone or person's acts and the acts of others; or

(2) Disobeys a reasonable request or order to move issued by a person known to be a law enforcement officer, a fireman, or a person with authority to control the use of the premises to prevent obstruction of a highway or passageway; or maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot or other hazard. For purposes of this section,

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"obstruct" means to render impassable or to render passage unreasonably inconvenient or potentially injurious to persons or property. (Ord. #986, July 1995)

11-604. Criminal trespass or trespass by motor vehicle. A person commits criminal trespass who, knowing he does not have the owner's effective consent to do so, enters or remains on property, or a portion thereof. Knowledge that the person did not have the owner's effective consent may be inferred where notice against entering or remaining is given by:

(1) Personal communication to the person by the owner or by someone with apparent authority to act for the owner;

(2) Fencing or other enclosure obviously designed to exclude intruders; or

(3) Posting reasonably likely to come to the attention of intruders. It is a defense under this section that:

(a) The property was open to the public when the person entered and remained;

(b) The person's conduct did not substantially interfere with the owner's use of the property; and

(c) The person immediately left the premises upon request. For purposes of this section, the term "enter" means intrusion of the entire body.

Any person who drives, parks, stands or otherwise operates a motor vehicle on, through or within a parking area, driving area or roadway located on privately owned property which is provided for use by patrons, customers or employees of business establishments upon such property, or adjoining property or for use otherwise in connection with activities conducted upon such property, or adjoining property, after such person has been requested or ordered to leave the property or to cease doing any of the foregoing actions is guilty of an offense against the municipality. A request or order under this section may be given by a law enforcement officer or by the owner, lessee, or other person having the right to the use or control of the property, or any authorized agent or representative thereof, including, but not limited to private security guards hired to patrol the property. As used in this section, the term "motor vehicle" includes an automobile, truck, van, bus, recreational vehicle, camper, motorcycle, motorbike, moped, go-cart, all-terrain vehicle, dune buggy, and any other vehicle propelled by motor. (Ord. #986, July 1995)

11-605. Loitering. (1) A person commits the offense of loitering when he or she is lingering, remaining or prowling in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, including but not limited to any of the following circumstances:

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(a) In or near a school, college or university building or grounds, not having any reason or relationship involving custody of or responsibility for a student or any other specific legitimate reason for being there and not having written permission to be there from anyone authorized to grant permission.

(b) In a public place or on the premises of another for the purpose of begging.

(c) In a public place for the purpose of unlawful gambling. Indicia of

gambling include, but are not limited to, the presence of cards, dice or other gambling paraphernalia.

(d) In a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviant sexual activity. (e) In a public place for the purpose of unlawfully obtaining, distributing, or consuming an alcoholic beverage.

(f) In a public place for the purpose of unlawfully obtaining, distributing or using a controlled substance. Conduct that is deemed, where warranted under the circumstances, adequate to establish one's purpose to engage in obtaining or distributing a controlled substance, includes but is not limited to:

(i) Repeatedly beckoning to or stopping pedestrian or motorists in a public place; and/or,

(ii) Repeatedly passing an object to or receiving an object from pedestrians or motorists in a public place; and/or,

(iii) Repeatedly circling in a public place in a motor vehicle and on one or more occasions passing an object to or receiving an object from a person in a public place;

(g) On or about the premises of another for the purpose of spying upon or invading the privacy of another.

(h) On or about the premises of any off-site customer-bank communication terminal without any legitimate purpose.

(2) Among the circumstances which may be considered in determining whether alarm or immediate concern is warranted is the fact that: (a) The person takes flight upon appearance of law enforcement; and/or,

(b) The person refuses to identify himself or herself; and/or, (c) The person manifestly endeavors to conceal himself or herself or any object.

(3) Prior to any arrest for violation of this section, unless flight or other circumstances make it impracticable, a law enforcement officer shall give the person an opportunity to dispel any alarm or immediate concern by requesting the person to identify himself or herself and explain his or her presence and conduct.

(4) No person shall be convicted for this offense if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that

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the explanation given by the person was true and should have dispelled the alarm or immediate concern.

(5) Violation of this offense constitutes a civil offense punishable by a fine of up to fifty dollars (\$50.00). (as added by Ord.#08-176, Sept. 2008)

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CHAPTER 7

MISCELLANEOUS

SECTION

11-701. Abandonment of airtight containers.

11-702. Caves, wells, cisterns, etc.

11-703. Posting notices.

- 11-704. Indecent exposure.
- 11-705. Vandalism.
- 11-706. Inciting to riot, etc.
- 11-707. Fireworks.
- 11-708. Curfew for minors.
- 11-709. Failure to appear.
- 11-710. Capture or use of image using unmanned aircraft: use of unmanned aircraft over prohibited sites or facilities; offense and penalty.

11-701. Abandonment of airtight containers. It is an offense for a person to place or permit to remain outside any dwelling, building, or other structure, or within any warehouse or storage or any unoccupied or abandoned dwelling, building, or other structure, under such circumstances as to be accessible to children, any icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with a latch or other fastening device capable of securing such door or lid shut. (Ord. #986, July 1995)

11-702. 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 is dangerous to life and limb without an adequate cover or safeguard. (Ord. #986, July 1995)

11-703. Posting notices. No person should fasten, in any way, any show-card, poster or any other advertising device upon public property unless legally authorized to do so. (Ord. #986, July 1995)

11-704. Indecent exposure. It shall be unlawful for any person to, in a public place or on the private premises of another, or so near thereto as to be seen from such private premises intentionally:

- (1) Expose such person's genitals or buttocks to one (1) or more persons; or
- (2) Engages in sexual contact or sexual penetration; and (3) Reasonably expects the acts will be viewed by another and such acts:

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- (a) Will offend an ordinary viewing person; or
- (b) Offer the purpose of sexual arousal and gratification of the person committing the offense. (Ord. #986, July 1995)

11-705. Vandalism. Any person who knowingly causes damage to or destruction to any real or personal property of another person or of the municipality, knowing that he does not have the owner's effective consent, is guilty of an offense under this section. "Damage" includes, but is not limited to, destroying, polluting or contaminating property; or tampering with property and causing pecuniary loss or substantial inconvenience to the owner or a third person. "Polluting" is the contamination by manmade or maninduced alteration of the chemical, physical, logical or radiological integrity of the atmosphere, water, or soil to the material injury of the right of another. Pollutants include dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sledge, munitions,

chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste. (Ord. #986, July 1995)

11-706. Inciting to riot. (1) As used in this section, the following terms shall have the following meanings:

(a) The term "participates" includes:

(i) Assembling with or joining a group of three (3) or more persons who riot; and

(ii) Being present, aiding and abetting a riot; or

(iii) Refusing any lawful order of law enforcement officers during the course of a riot; and

(b) The term "riot" means a disturbance in a public place involving an assemblage of three (3) or more persons which, by tumultuous and violent conduct, creates grave danger of substantial damage to property or serious bodily injury to persons or substantially obstructs law enforcement or other governmental functions.

(2) A person commits an offense who knowingly participates in a riot. A person commits an offense who incites or urges three (3) or more persons to create or engage in a riot. (Ord. #986, July 1995)

11-707. Fireworks. It shall be a violation of this section for an individual, firm, partnership, or corporation to possess, sell, manufacture, or use within this municipality any pyrotechnics commonly known as "fireworks".

Fireworks shall not be used, including igniting or discharging the same, within the city limits of Alcoa. Nor shall any fireworks be used in such a manner as to constitute a violation of § 11-302.

This section shall not apply to the possession or use of fireworks, for public display, by employees of the municipality, in lawful performance of their duties, or by an individual, firm, partnership, or corporation who has first

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obtained a permit from the State of Tennessee to possess, store, or use fireworks. (Ord. #986, July 1995)

11-708. Curfew for minors. (1) It is unlawful for any person who has not reached his/her eighteenth (18th) birthday to loiter, wander, stroll, or play in or upon the public streets, sidewalks, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any place unsupervised by an adult having the lawful authority to be at such places between the hours of 10:30 p.m. and 6:00 a.m. Sunday through Friday and between the hours of 11:30 p.m. and 6:00 a.m. Friday through Sunday, provided that the provisions of this section shall not apply in the following instances:

(a) When a minor is accompanied by his/her parent, guardian, or other adult person having the lawful care and custody of the minor; (b) When a minor is upon an emergency errand directed by his/her parent or guardian or other adult person having the lawful care and custody of such minor;

(c) When a minor is returning directly home from a sanctioned school

function, religious activity, or place of public entertainment. This exception does not apply beyond 1:00 a.m. on any day;

(d) When a minor is directly en route to or from lawful employment that makes it necessary to be in the above-referenced places during the prescribed period of time. This travel time shall not exceed forty-five (45) minutes;

(e) When a minor is attending or traveling directly to or from an activity involving his/her first amendment rights;

(f) When a minor is within a motor vehicle, with parental consent, for interstate travel through the City of Alcoa.

(2) It shall be unlawful for any person having the legal care and custody of any person under eighteen (18) years of age to allow or permit such minor to be in or upon the public streets or any other place listed in paragraph (1) above within the time therein prohibited except in circumstances set forth within that section. The violation of this subsection of this section shall be declared a misdemeanor and any person upon being found guilty of such violation shall be fined up to fifty dollars (\$50.00) for each offense.

(3) Confinement of minor for violation. (a) Any police officer may confine any minor willfully violating the provisions of paragraph (1) above of this chapter and detain him/her for a reasonable length of time, in which complaint can be made and a petition issued and served; provided that no minor so confined shall be placed in detention until he/she has first been taken to the Alcoa Police Department and contact has been made with his/her parents or guardians and the parents or guardians have refused to be held responsible for the violation of paragraph (1) above by such minor.

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(b) In cases where the parents or guardians have refused to become responsible for minors in violation of the provisions of paragraph (1) above, the officer shall have an option of summoning the minor to juvenile court or placing the minor into the custody of the juvenile court.

(Ord. #1008, June 1996)

11-709. Failure to appear. Adoption, by reference, of Tennessee Code Annotated, § 7-63-105. A violation of this section shall be punishable by a fine of up to fifty dollars (\$50.00). (as added by Ord. #06-105, Dec. 2006)

11-710. Capture or use of image using unmanned aircraft: use of unmanned aircraft over prohibited sites or facilities; offense and penalty. (1) To protect the identity and security of persons, particularly youth who participate in curriculum, extracurricular activities and other events within the City of Alcoa, and subject to the exceptions set forth in Tennessee Code Annotated, § 39-13-902(a), a person commits an offense if the person:

(a) Uses an unmanned aircraft to capture an image of an individual or privately owned real property in this state with the intent to conduct surveillance on the individual or property captured in the image; or,

(b) Knowingly uses an image in a manner prohibited by Tennessee Code Annotated, § 39-13-902(b); or,

(c) Without the consent of the venue owner or operator, uses an unmanned aircraft to intentionally capture an image of an individual or event at an open-air

event venue wherein more than one hundred (100) individuals are gathered for a ticketed event, whether said event is being held on private or public property; or,

(d) (i) Knowingly uses an unmanned aircraft within or over a designated fireworks discharge site, fireworks display site, or fireworks fallout area during an event as defined in Tennessee Code Annotated, § 68-104-202, without the consent of the owner or operator of the event; and

(ii) For purposes of this subdivision (1)(d):

(A) "Discharge site" means the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;

(B) "Display site" means the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to spectator viewing areas, but not including the spectator viewing areas or vehicle parking areas; and

(C) "Fallout area" means the designated area in which hazardous debris is intended to fall after a pyrotechnic device, including display fireworks, is fired; or

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(e) (i) Without the business operator's written consent, knowingly uses an unmanned aircraft within two hundred fifty feet (250') of the perimeter of any critical infrastructure facility for the purpose of conducting surveillance of, gathering evidence or collecting information about, or photographically or electronically recording, critical infrastructure data.

(ii) As used in this subdivision (1)(e), "critical infrastructure facility" means:

(A) An electrical power generation system; electrical transmission system, either as a whole system or any individual component of the transmission system; or electrical distribution substation;

(B) A petroleum refinery;

(C) A manufacturing facility that utilizes any hazardous substance, as defined in § 68-131-102, either in storage or in the process of manufacturing;

(D) A chemical or rubber manufacturing facility;

(E) A petroleum or chemical storage facility;

(F) A water or wastewater treatment facility;

(G) Any facility, equipment, or pipeline infrastructure utilized in the storage, transmission, or distribution of natural gas or propane; and

(H) Railroad yards and facilities not open to the general public.

(iii) This subdivision (1)(e) shall not prohibit an unmanned aircraft system from operating for commercial purposes in compliance with authorization granted by the Federal Aviation

Administration.

(2) A person commits an offense if the person captures an image in violation hereof, and possesses that image.

(3) An offense under this section is a Class C misdemeanor civil ordinance violation punishable by a fine of up to fifty dollars (\$50.00). (4) It is a defense to prosecution under this section that the person destroyed the image:

(a) As soon as the person had knowledge that the image was captured in violation of this section; and,

(b) Without disclosing, displaying, or distributing the image to a third party.

(5) Any other use of such image is prosecutable as a criminal violation of state law. (as added by Ord. #16-388, June 2016)