

ORDINANCE NO. 71-6

AN ORDINANCE TO DECLARE CERTAIN OFFENSES RECOGNIZED, DESIGNATED, DEFINED AND PROHIBITED BY THE STATE OF TENNESSEE TO BE OFFENSES AGAINST THE CITY OF BELLE MEADE, ALSO; AND TO ENUMERATE CERTAIN OFFENSES; AND TO INCLUDE BY REFERENCE OTHERS NOT SPECIFICALLY ENUMERATED, AND TO DECLARE THE COMMISSION OF SUCH OFFENSE, AND THE VIOLATION OF THIS ORDINANCE, TO BE A MISDEMEANOR; AND TO PROVIDE PENALTIES FOR SUCH VIOLATIONS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY OF BELLE MEADE AS FOLLOWS:

SECTION 1.01 MISDEMEANORS OF THE STATE OF TENNESSEE ADOPTED. All

offenses against the State of Tennessee which are committed within the corporate limits of Belle Meade and which are defined by the state law to be misdemeanors are hereby designated and declared to be offenses against the City of Belle Meade, as well. Any violation of such law within the corporate limits is a violation of this section.

SECTION 2.00 CERTAIN MISDEMEANORS ENUMERATED.

SECTION 2.01 ASSAULT AND BATTERY. It shall be unlawful for any person to commit an assault or an assault and battery.

SECTION 2.02 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.

SECTION 2.03 DISORDERLY HOUSES. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarrelling, fighting or other breaches of the peach are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person to knowingly visit any such house.

SECTION 2.04 IMMORAL CONDUCT. No person shall commit, offer or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act or prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree

to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose.

SECTION 2.05 OBSCENE LITERATURE, ETC. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of loaning, selling or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed or filmed matter containing obscene language, prints, pictures or descriptions manifestly intended to corrupt the morals.

SECTION 2.06 INDECENT OR IMPROPER EXPOSURE OR DRESS. It shall be unlawful for any person to publicly appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or to otherwise make any indecent exposure of his or her person.

SECTION 2.07 WINDOW PEEPING. No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy nor shall he loiter around or within view of any such window with the intent of watching or looking through it.

SECTION 2.08 PROFANITY, ETC. No person shall use any profane, vulgar or indecent language in or near any public street or other public place or in or around any place of business open to the use of the public in general.

SECTION 2.09 ESCAPE FROM CUSTODY OR CONFINEMENT. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the City of Belle Meade 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.

SECTION 2.10 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.

SECTION 2.11 IMPERSONATING A GOVERNMENT OFFICER OR EMPLOYEE. No person other than an official police officer of the City of Belle Meade 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 of Belle Meade. Furthermore no person shall deceitfully impersonate or represent that he is any other government officer or employee.

SECTION 2.12 WEAPONS AND FIREARMS GENERALLY. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties.

SECTION 2.13 THROWING OF 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.

SECTION 2.14 GAMBLING. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing.

SECTION 2.15 PROMOTION OF GAMBLING. It shall be unlawful for any person to encourage, promote, aid or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep or exhibit for the purpose of gambling, any gaming table, device, ticket or any other gambling paraphernalia.

SECTION 2.16 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 an act.

SECTION 2.17 LOITERING. It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander or idle in, upon, or about any way or place customarily open to public use.

SECTION 2.18 PROWLING. It shall be unlawful for any person to prowl or wander about the streets, alleys, or other public or private ways or places, or be found abroad at later or unusual hours in the night without any visible or lawful business and when unable to give a satisfactory account of himself.

SECTION 2.19 VAGRANCY. It shall be unlawful for any person to beg or solicit alms.

SECTION 2.20 MINORS IN BEER PLACES. No minor under eighteen (18) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises.

SECTION 2.21 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.

SECTION 2.22 CURFEW FOR MINORS. It shall be unlawful for any minor, under age of eighteen (18) years, to be abroad at night after 12:00 midnight unless upon a legitimate errand or accompanied by a parent, guardian or other adult person having lawful custody of such minor.

SECTION 2.23 MALICIOUS MISCHIEF. It shall be unlawful and deemed to be malicious mischief for any person to wilfully, maliciously or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold any real or personal property which does not belong to him.

SECTION 2.24 POSTING NOTICES, ETC. No person shall fasten, in any way, any show-card, poster or other advertising device upon any public or private property unless legally authorized to do so.

SECTION 2.25 PUBLIC DRUNKENNESS. It shall be unlawful for any person to be drunk in a public place or in any other place open to public view.

SECTION 2.26 DRINKING BEER OR ALCOHOLIC BEVERAGES ON THE STREETS. It shall be unlawful for any person to drink or consume, or have an open can or bottle or glass of beer or any alcoholic beverages as defined by the laws of Tennessee in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place.

SECTION 2.27 SPITTING. It shall be unlawful for any person to spit upon any public street or sidewalk or upon the floors or walks of any public place.

SECTION 2.28 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.

SECTION 2.29 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.

SECTION 2.30 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 manner as to prevent obstruct or interfere with the free passage of pedestrian or vehicular traffic thereon.

SECTION 2.31 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.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p. m. and 7:00 a. m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or other type of residence or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, 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 authorities of the City of Belle Meade.

(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 or merchandise.

(1) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(2) EXCEPTIONS. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) Municipal Vehicles. Any vehicle of the City of Belle Meade 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 of Belle Meade, the county, or the state, when the public welfare and convenience renders it impossible to perform such work during the day.

(c) Noncommercial and non-profit 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 non-profit organizations. However, no such use shall be made until a permit therefor is secured from the City Manager. 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.

SECTION 3.00 The enumeration of the offenses in the preceding sections of this ordinance shall not be deemed exclusive, it being the intent of the Board of Commissioners by this ordinance to declare the commission of any act which is designated by the State of Tennessee at present, or shall be in the future, as a misdemeanor, to be a violation of this ordinance.

SECTION 4.00 Any person found guilty of a violation of this ordinance, or any provision thereof, shall be deemed guilty of a misdemeanor and subject to such penalties as may legally be imposed on account of such violation by the City Court of the City of Belle Meade.

SECTION 5.00 All ordinances or parts of ordinances in conflict herewith



are hereby expressly repealed.

SECTION 6.00 The provisions of the foregoing ordinance are hereby declared to be severable, and in the event any portion, section, or subsection hereof shall be found invalid by any court having jurisdiction to make such determination, then such invalid portion shall be stricken and the remainder of this ordinance shall remain in effect, it being the intention of the Board of Commissioners to have enacted herein only such portions of this ordinance as shall be deemed valid and constitutional.

Passed First Reading at Meeting of Board of Commissioners the 21 day of July, 1971.

Passed Second Reading at Meeting of Board of Commissioners the 9th day of August, 1971.

Passed Third Reading and adopted at Meeting of the Board of Commissioners the 1st day of February, 1972.

Bill

John T. ...

Wm. B. Hill

C. J. ...