

CHATTANOOGA CITY CODE

Chapter 25

OFFENSES AND MISCELLANEOUS PROVISIONS¹

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- Art. II. Special Gathering Permit², §§ 25-46 – 25-65**
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ARTICLE I. IN GENERAL

Sec. 25-1. Obstruction of streets and street corners.

It shall be unlawful for persons to congregate upon any of the streets or street corners in the city so as to obstruct traffic. The officers of the police department shall disperse all such gatherings on the streets and keep the streets open.
(Code 1986, § 25-1)

Sec. 25-2. Curfew for minors--Established.

(a) It is unlawful for any minor under 16 years of age to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, place 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 11:00 p.m. on any day and 6:00 a.m. of the following day; provided, however, that on Fridays and Saturdays the effective hours are between 12:00 midnight and 6:00 a.m. of the following day; and provided, that the provisions of this section shall not apply in the following instances:

- (1) When a minor is accompanied by his or her parent, guardian or other adult person having the lawful care and custody of the minor;

¹ **Cross references--**General penalty for code violations, § 1-8; city court, Ch. 12; police department, § 16-41 et seq.; police to arrest and commit offenders, § 16-45.

² Article II, Beggars Permits, Sections 25-46 through 25-50 were repealed by Ord. No. 11536, 03-23-04).

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- (2) When the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the lawful care and custody of such minor;
- (3) When the minor is returning directly home from a school activity, entertainment, recreational activity or dance;
- (4) When the minor is returning directly home from lawful employment that makes it necessary to be in the above-referenced places during the proscribed period of time;
- (5) When the minor is attending or travelling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion;
- (6) When the minor is in a motor vehicle with parental consent for normal travel, with interstate travel through the City of Chattanooga, excepted in all cases from the curfew.

(b) It shall be unlawful for any person having the legal care and custody of any person under sixteen (16) years of age to allow or permit such minor to be in or upon the public streets or any other place listed in Section 25-2(a) within the time therein prohibited unless except in circumstances set out in sections (1) through (6) of said Section 25-2(a).
(Code 1986, § 25-2; Ord. No. 9587, § 1, 7-30-91)

Sec. 25-3. Same--Arrest of minor for violation.

Any police officer, while on duty, may arrest without warrant any minor willfully violating the provisions of section 25-2 of this chapter and detain him for a reasonable length of time, in which complaint can be made and a warrant issued and served; provided that, no minor so arrested shall be placed in confinement until he has first been taken home to ascertain his parents' or guardians' wishes and the parents or guardians have refused to be held responsible for the observance of section 25-2 of this chapter by such minor.
(Code 1986, § 25-3)

Sec. 25-4. Same--Proceedings pursuant to arrest.

Upon the arrest of any minor where the parents or guardians have refused to become responsible for such minor for violation of the provisions of section 25-2, the city judge shall inquire into the facts of the arrest and the condition and circumstances of such minor, and if it appears that such minor, for want of proper parental care, is growing up in mendicancy or vagrancy, or is incorrigible, he shall cause the proceedings provided by law in such case to be taken.
(Code 1986, § 25-4)

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Sec. 25-5. Same--Violations to be punished in juvenile court.

Any violation of the provisions of section 25-2 by a minor shall be punishable according to law in the juvenile court.

(Code 1986, § 25-5)

State law reference--Juvenile courts, T.C.A., §§ 37-1-101--37-1-506.

Sec. 25-6. Target or practice shooting.

(a) It shall be unlawful to target practice with a firearm without the express written consent of the owner of the property, either public or private, where such target practice occurs. Such written consent shall be on the person of the shooter while shooting. It shall further be unlawful to discharge a firearm on any property, public or private, with or without consent, wherein such discharge endangers adjacent or neighboring property, either public or private, or the owners or tenants thereof. It shall further be unlawful to discharge a firearm on any property, public or private, with or without such written consent, wherein such discharge disturbs nearby residents or businesses.

(b) For the purposes of this section, the term "firearm" shall mean any weapon from which a shot is discharged by force of an explosive or a weapon which acts by force of gunpowder, and shall also include all weapons which expel a projectile by means of the expansion of compressed air and/or carbon dioxide; the term "disturbs" shall mean to create a loud or obnoxious noise; the term "endangers" shall mean to discharge a firearm in a manner that shot or projectiles cross or fall on other properties; and the term "nearby" shall mean any property within six hundred (600) feet of the point of firearm discharge.

(Code 1986, § 25-6)

Sec. 25-7. Disorderly conduct.

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

- (1) He acts in a violent or tumultuous manner toward another whereby any person is placed in danger of safety of his life, limb or health; or
- (2) He acts in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged; or
- (3) He causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another; or

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- (4) In a public place, he uses fighting words. "Fighting words," for the purposes of this subparagraph (4), are those words which by their very utterance inflict injury or are likely to provoke the average person to commit an immediate, retaliatory breach of the peace; or
- (5) Without lawful authority, he disturbs any lawful assembly or meeting of persons with intent to disrupt and deprive others of their right to attend or participate; or
- (6) He obstructs vehicular or pedestrian traffic; or
- (7) He congregates with another or others in a public place depriving others of the lawful use and refusing to comply with a lawful order of the police to disperse; or
- (8) By acts of violence interferes with another's pursuit of a lawful occupation or activity.

(Code 1986, § 25-7)

Sec. 25-8. Reserved.

Sec. 25-9. Fortunetelling.

It shall be unlawful for any person to engage in the business of fortunetelling in the city. The word "fortunetelling" as used in this section, shall mean and include the activity of any person who tells fortunes by means of occult or psychic powers, facilities or forces, clairvoyance, psychology, psychometry, spirits, mediumship, seership, prophecy, astrology, palmistry, necromancy, phrenology, talismans, cards, graphology or other craft or mystery, science or character or magic of any kind or character.

(Code 1986, § 25-13)

Sec. 25-10. Interference with use of public places.

No person shall so conduct oneself, individually or in concert with others, in the use of or upon or in any of the following places so as to interfere with the free and uninterrupted use of such places by others lawfully there, or to fail or refuse to leave the premises upon the lawful request of the owner or person in charge of the premises of any of the following places which are privately owned:

- (1) Any street, alley, highway or park within the city.
- (2) Any public building, railroad or bus station, airport, poolroom, bowling alley or theater.

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- (3) Any restaurant, cafe, lunchstand, drive-in, tavern, hotel, motel, tourist court or trailer camp or on the premises used in the operation of any such places.

(Code 1986, § 25-14)

Sec. 25-11. Cruising in motor vehicles on shopping center parking areas and roadways.

(a) Owners and operators of shopping centers in the city are hereby authorized to post signs on and about the parking areas and private roadways on their properties giving notice that cruising on the property is prohibited.

(b) The term "cruising," as used in this section, is defined as the continual, repeated and aimless operation of a motor vehicle back and forth, through, around or within the parking areas and private roadways of a shopping center after 9:00 p.m. until the following sunrise other than for the purpose of entering or leaving a parking space where the vehicle has been parked while the driver or passenger(s) is or was visiting the shopping center or business.

(c) It shall be a violation of this section and a trespass for any person to cruise on any shopping center parking area and/or private roadways that have been posted by the owner or operator as authorized in paragraph (a) of this section.

(Code 1986, § 25-15)

Sec. 25-12. Playing games near improved premises.

It shall be unlawful for any person to play baseball or any similar game on property adjacent to or near any improved premises without having obtained the written consent of the persons owning such improved premises.

(Code 1986, § 25-16)

Cross reference--Parks and playgrounds, Ch. 26.

Sec. 25-13. Slugs and fraudulent tokens--Unlawful use.

It shall be unlawful for any person to operate, or cause to be operated or to attempt to operate any automatic vending machine, slot machine, coin box telephone, gas meter or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service by means of a slug, or any false, counterfeit, mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever, not lawfully authorized by the owner, lessee or licensee of such machine, coin box telephone, meter or receptacle, or to take, obtain or receive from, or in connection with, any such machine, coin box telephone, meter or other receptacle, any goods, wares, merchandise, gas, electric current, or article of value, or the use or enjoyment of any facilities or service, or other property, without the depositing in and surrendering to such machine, coin box

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telephone, meter or receptacle, lawful coin of the United States to the amount required therefor by the owner, lessee or licensee thereof.

(Code 1986, § 25-18)

Sec. 25-14. Same--Manufacture and disposal.

It shall be unlawful for any person, who, with intent to cheat or defraud the owner, lessee, licensee or any other person entitled to the contents of any automatic vending machine, slot machine, coin box telephone, gas meter or other receptacle, designed to receive lawful coin in connection with the sale, use or enjoyment of property or service, or who, knowing that the same is intended for unlawful use, shall manufacture for sale, or sell or give away, any slug or device whatsoever intended or calculated to be placed or deposited in any such machine, coin box telephone, meter or other receptacle.

(Code 1986, § 25-19)

Sec. 25-15. Smoking on public conveyances.

It shall be unlawful for any person in any bus or other public conveyance to smoke any pipe, cigar or cigarette. The owner or operator of every bus or other public conveyance in the city shall display signs therein stating, in substance, that it is unlawful to smoke in such conveyance. The provisions hereof shall not apply to taxicabs and other vehicles for hire regulated under chapter 35, article II of this Code.

(Code 1986, § 25-20)

Sec. 25-16. Soliciting--In business buildings.

It shall be unlawful for any person knowingly to enter into or remain for the purpose of soliciting anything whatsoever in any privately owned building containing one (1) or more professional or business offices after such person has been previously notified by the owner or other person in charge thereof to keep out of such building.

(Code 1986, § 25-21)

Cross reference--Businesses, trades and occupations generally, Ch. 11.

Sec. 25-17. Same--Employment in connection with tort claims.

It shall be unlawful for any person to solicit employment for himself or for any other person, either directly or through another person acting on his behalf, to prosecute, collect, settle, compromise or negotiate for the settlement, compromise or collection of any tort claim, on behalf of any tort claimant, in which he himself has no pecuniary interest arising from such tort.

(Code 1986, § 25-22)

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Sec. 25-18. Spitting.

It shall be unlawful for any person to spit upon any sidewalk or in any public conveyance or in any school, church or other building where the public assemble in the city.
(Code 1986, § 25-23)

Sec. 25-19. Structures, obstructions on public property.

It shall be unlawful for any person to place or cause to be placed any buildings, erections, depositories or other obstructions with any sort of permanency, for private use, benefit or profit, upon any part or portion of the public grounds or streets of the city.
(Code 1986, § 25-24)

Sec. 25-20. Repealed. (Ord. No. 11548, §1, 05-04-04)

Editor's note--The repealed section dealt with Sunday business. When repealed, this section was numbered 25-25.

Sec. 25-21. Throwing missiles at houses or through windows.

It shall be unlawful for any person to throw or fling any stone or other missile against any house or other building in the city, or against or through the window of any building, public or private.
(Code 1986, § 25-26)

Sec. 25-22. Throwing water or other substances from windows.

It shall be unlawful for any person to throw water or other substances from the windows of any building in the city into the streets or public places or upon the premises of others.
(Code 1986, § 25-27)

Sec. 25-23. Trespass on and injuries to property.

It shall be unlawful for any person to trespass on any property, public or private, in the city, by entering the premises without the consent of the owner or custodian thereof when such property is not occupied or in use, or to injure or disfigure any public or private building or fixture attached thereto, or to injure any shade tree, shrub or equipment on private premises in the city.
(Code 1986, § 25-28)

Sec. 25-24. Disturbing or interfering with school activities at or near public facilities; penalty.

It shall be unlawful for any person to come upon the premises of, or in proximity to, the campus or buildings or any public school or any public facility where school functions

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are taking place, in such a manner as to disturb or interfere with the normal, orderly, peaceful or efficient conduct of the activities of such school or facility. This prohibition shall include, but not be limited to disturbance or interference with activities by the use of symbols, signs, gestures or excessive noise. Upon conviction of a violation of this section, such person shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) and the commission of each separate act shall constitute a separate offense.
(Code 1986, § 25-29)

Sec. 25-25. Use of public school property and buildings for private profit.

(a) It shall be unlawful for any person to enter upon any property on which a public school is located or into public school buildings at any time and to use such property or buildings for private profit.

(b) It shall be unlawful for any food vendor to sell or offer for sale any candy, ice cream, fruit or other food on any street right-of-way in the city in a block in which a public school is located, or on any street right-of-way within one thousand (1,000) feet of said school property, during a period starting one (1) hour before school is in session and until one (1) hour after school is out on any school day.
(Code 1986, § 25-30)

Sec. 25-26. False alarms and false reports to police.

It shall be unlawful for any person or persons to:

- (1) Intentionally make, transmit, or give an untrue report or a false alarm of need for police, fire department, or ambulance assistance, or aid or abet in the commission of such act; or
- (2) Intentionally make or file with the department of fire and police or any officer thereof any false, misleading, or unfounded statement or report concerning the commission or alleged commission of any offense against the ordinances of the city or laws of the state;
- (3) Anyone found guilty of violating this section shall be fined not less than fifty dollars (\$50.00).

(Code 1986, § 25-31)

Sec. 25-27. Prohibition of containers in the Memorial Auditorium and Tivoli Theater.

It shall be unlawful for any person attending an event at either the Memorial Auditorium or Tivoli Theater to bring into or possess within either of these facilities a bottle or can.

(Code 1986, § 25-32)

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Sec. 25-28. Prohibition of skateboards and aggressive skates on downtown streets and sidewalks.

It shall be unlawful for any person or persons to skate on skateboards or aggressive skates on public streets and sidewalks, in the downtown area, which is more particularly described as follows:

LEGAL DESCRIPTION (map attached)³

BEGINNING at a point in the southeast bank of the Tennessee River, said point being the southwest corner of Parcel 4, Group B, Map 145-B, currently owned by ADM Holding, Inc.; **thence** running with the property of ADM Holdings in a southeasterly direction and crossing the Southern Railway right-of-way to a point in the east right-of-way line of Southern Railroad; **thence** running with the north right-of-way line of the Southern Railway and crossing Riverfront Parkway to a point in the east right-of-way line of Riverfront Parkway; **thence** running with the east right-of-way line of Riverfront Parkway in a northeasterly direction to the southeast corner of Main Street; **thence** in a southeasterly direction with the south right-of-way line of Main Street to the southeast corner of Central Avenue; **thence** running in a northeasterly direction to the southeast corner of 11th Street (extended); **thence** northwesterly with the south right-of-way of 11th street to southeast corner of Magnolia Street; **thence** northeasterly with the east right-of-way line of Magnolia Street to a point on the north side of McCallie Avenue; **thence** northwesterly with the north right-of-way of McCallie to southeast corner of Palmetto Street; **thence** with east right-of-way of Palmetto Street in a northeasterly direction to a point on the north right-of-way of 3rd Street; **thence** with the north right-of-way of 3rd Street in a northwesterly direction to the west right-of-way of Southern Railway; **thence** with the northwesterly right-of-way of Southern Railway in a northeasterly direction to the corner of Parcel 1, Group D, Map 136-P; **thence** with the line of said Parcel 1 in a northwesterly direction to the south right-of-way of Riverfront Parkway; **thence** in an easterly direction with the south right-of-way of Riverfront Parkway to the center of Citico Creek; **thence** with Citico Creek in a northwesterly direction to the south bank of the Tennessee River; **thence** running in a westerly direction with the south bank of the Tennessee River to a point at the intersection of east right-of-way of Georgia Avenue at the Veterans Bridge; **thence** with the east right-of-way of Veterans Bridge in a northeasterly direction crossing the Tennessee River to the north right-of-way of Frazier Avenue (extended);

³ Map is attached to Ordinance No. 11028, adopted June 27, 2000, and is filed with the City Council Clerk's Office.

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thence with the north right-of-way of Frazier Avenue in a northwesterly direction to the northwest corner of Market Street; **thence** in a southwesterly direction across the Tennessee River to a point in the south bank of the Tennessee River; **thence** in a southwesterly direction along the southeast bank of the Tennessee River to the point of **BEGINNING**.

(Ord. No. 11028, § 1, 6-27-00)

Sec. 25-29. Prohibition of smoking in public buildings.

(a) It shall be unlawful for any person to smoke tobacco or use tobacco or tobacco products in any form in the following public buildings:

- (1) City Hall;
- (2) City Hall Annex;
- (3) Chattanooga Metropolitan Airport Authority Passenger Terminal Facility; and
- (4) Chattanooga-Hamilton County Courts Building.

(b) Every owner or person in charge of a public place where smoking is prohibited shall post one or more signs in the area heretofore described which reads, "Smoking Prohibited by City Ordinance" in letters at least one inch in height. Such signs shall be prominently displayed and located so as to be clearly visible to the public.

(c) The owner or person in charge of any public place where a specific area or areas are designated as areas where smoking is permitted shall post one or more signs which read: "Smoking Permitted In This Area."

(d) Anyone found guilty of violating this Section shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

(Ord. No. 9656, § 1, 1-6-92; Ord. No. 9695, § 1, 4-14-92; Ord. No. 9723, § 1, 5-19-92)

Sec. 25-30. Dissemination of smoking materials to minors.

(a) *Definitions.*

- (1) "*Disseminate*" means to sell, offer to sell, give or otherwise transfer to a minor.
- (2) "*Minor*" means any unemancipated person under eighteen (18) years of age.
- (3) "*Purchase*" means to buy, attempt to buy or offer to buy.

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(4) *"Smokeless tobacco product"* means chewing tobacco, snuff, or any other tobacco product, the consumption of which does not require the ignition thereof.

(5) *"Smoking paraphernalia"* means a cigarette holder, cigarette papers, smoking pipe, water pipe or other item that is designated primarily to hold smoking material while the smoking material is being smoked.

(b) It shall be unlawful for any person to disseminate smoking material, smoking paraphernalia or any smokeless tobacco product to a minor within the city.
(Ord. No. 9903, § 1, 7-13-93)

Sec. 25-31. Evading arrest.

It shall be unlawful for any person in the city to intentionally flee from a person known to be a law enforcement officer and the person knows that the officer is attempting to arrest the person, or has been arrested by a law enforcement officer.
(Ord. No. 9904, § 1, 7-13-93)

Sec. 25-32. Resisting stop, frisk, halt, search.

It shall be unlawful for any person in the city to intentionally prevent or obstruct anyone known to the person to be a law enforcement officer, or anyone acting in the 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 defendant by using force against the law enforcement officer or another.
(Ord. No. 9905, § 1, 7-13-93)

Sec. 25-33. Use of false identification.

It shall be unlawful for any person to exhibit false, fake or forged identification or credentials belonging to another, for the purpose of obtaining any goods or services with a value of less than five hundred dollars (\$500.00) which such person would not otherwise be entitled to receive.
(Ord. No. 9907, § 1, 7-13-93)

Sec. 25-34. Criminal impersonation.

It shall be unlawful for any person, with the intent to injure or defraud another person, to assume a false identity, pretend to be a representative of some person or organization, pretend to be an officer or employee of the government, or pretend to have a handicap or disability.
(Ord. No. 9908, § 1, 7-13-93)

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Sec. 25-35. Theft of property.

It shall be unlawful for any person to commit theft of property, for the purposes of this ordinance, if the value of the property is under five hundred and no/100 dollars (\$500.00). A person commits theft of property if, with the intent to deprive the owner of property, the person knowingly obtains or exercises control over the property without the owner's effective consent.

(Ord. No. 9909, § 1, 7-13-93)

Sec. 25-36. Tampering with construction signs and barricades; travel on closed roads.

(a) *Definitions:*

- (1) *"Barricade"* means a barrier for obstructing the passage of motor vehicle traffic.
- (2) *"Detour sign"* means any sign placed across or on a public road of the state, the county or a municipal authority, or by their contractors, indicating that such road is closed or partially closed, which sign also indicates the direction of an alternate route to be followed to give access to certain points.
- (3) *"Fence"* means a barrier to prevent the intrusion of motor vehicle traffic.
- (4) *"Officially closed"* means a highway or road that has been officially closed by a governmental unit, the Department of Transportation, or the city governmental unit, including the county.
- (5) *"Warning sign"* means a sign indicating construction work in the area.

(b) It shall be unlawful for any person in the city to intentionally:

- (1) Destroy, knock down, remove, deface or alter any lighting flasher letter or figures on a detour or warning sign set upon a highway or road in the City of Chattanooga.
- (2) Knock down, remove, rearrange, destroy, deface or alter any letter or figures on a barricade or fence erected on any highway or road located in the city.
- (3) Drive around or through any barricade or fence on any officially closed highway or road located in the city.

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- (4) To drive around such detour sign or barricade or fence or ignore or disregard a warning sign before such road has been officially opened to public traffic by the Tennessee Department of Transportation or by the county or by a municipal officer of the agency, division, department or officer responsible for constructing or maintaining such roads.

(Ord. No. 9910, § 1, 7-13-93)

Sec. 25-37. Disrupting a meeting or procession.

It shall be unlawful for any person to intentionally prevent or disrupt a lawful meeting, procession, or gathering, if the person substantially obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance.

(Ord. No. 9911, § 1, 7-13-93)

Sec. 25-38. Obstructing highways, passageways, sidewalks and other thoroughfares (and places where the public gathers).

(a) It shall be unlawful for any person, without legal authority or privilege, to intentionally, knowingly or recklessly obstruct a highway, street, sidewalk, railway, waterway, elevator, isle 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 from the person's acts and the acts of others.

(b) It shall be unlawful for any person to disobey 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 premises to prevent obstruction of a highway or passageway, maintain public safety by disbursing those gathered in dangerous proximity to a fire, riot or other hazard.

(c) "*Obstruction*" means to render passage unreasonably inconvenient, dangerous, and/or potentially injurious to person or property.

(Ord. No. 9912, § 1, 7-13-93)

Sec. 25-39. Panhandling.

- (a) Definitions.

(1) "*Panhandling*" means any solicitation made in person requesting an immediate donation of money or other thing of value for oneself or another person or entity. Purchase of an item for an amount far exceeding its value, under circumstances in which a reasonable person would understand that the purchase is, in substance, a donation is a donation for the purpose of this section. Panhandling shall not include the act of passively

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standing or sitting, performing music, or singing with a sign or other indication that a donation is being sought but without any vocal request other than a response to an inquiry by another person.

(2) “*Prohibited zone*” means any of the following designated areas or rights-of-way (including sidewalks):

- a. The Walnut Street Bridge;
- b. Miller Park;
- c. Miller Plaza;
- d. The block in which the Tennessee Aquarium is located;
- e. The park at Ross’s Landing;
- f. The Tennessee Riverpark;
- g. The blocks in which the Creative Discovery Museum and the IMAX Theater are located;
- h. The block in which the Chattanooga African American Museum is located.
- i. The alley between 4th Street and 5th Street extending from Broad Street to Market Street (commonly known as "Jacks Alley");
- j. The area on Main Street between Broad Street and Central Avenue.

(3) “*Aggressive panhandling*” means:

- a. To approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:
 1. Imminent bodily injury; or
 2. The commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;
- b. To persist in panhandling after the person solicited has given a negative response;
- c. To block, either individually or as part of a group of persons, the passage of a solicited person;
- d. To touch a solicited person without the person’s consent;
- e. To render any service to a motor vehicle, including but not limited to any cleaning, washing, protecting, guarding or repairing of said vehicle or any portion thereof, without the

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prior consent of the owner, operator or occupant of such vehicle, and thereafter asking, begging or soliciting alms or payment for the performance of such service, regardless of whether such vehicle is stopped, standing or parked on a public street or upon other public or private property; or

- f. To engage in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to make a donation.

(b) It shall be unlawful for any person to engage in an act of panhandling when either the panhandler or the person being solicited is located in, on, or at any of the following locations:

- (1) Any right-of-way, sidewalk or other location within the prohibited zone;
- (2) Any bus stop;
- (3) Any sidewalk café;
- (4) Any area within twenty-five (25) feet (in any direction) of an automatic teller machine or entrance to a bank; or
- (5) Any public or private school.

(c) It shall be unlawful to engage in an act of panhandling on any day after sunset or before sunrise.

(d) It shall be unlawful for any person to engage in an act of aggressive panhandling.

(Ord. No. 11352, §1, 11-26-02; Sec. 25-45(e) repealed by Ord. No. 11536, 03-23-04; Ord. No. 11962, §1, 5-8-07)

Secs. 25-40 – 25-45. Reserved.

ARTICLE II. SPECIAL GATHERING PERMIT⁴

Sec. 25-46. Definitions.

- (1) “*Adequate Security*” means the provision of Security Personnel according to a detailed security plan certified in writing by a Tennessee licensed security company in order to ensure safety for a Special Gathering.

⁴ Article II, Beggars’ Permits, Sections 25-46 through 25-50 were repealed by Ord. No. 11536, 03-23-04). Replaced with Special Gather Permit, Sections 25-46 through 25-53 (renumbered to reserve sections for expansion in Article III), by Ordinance No. 12406, § 1, 6-08-10.

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- (2) “*Event Organizer*” means any person or entity that conducts, manages, promotes, organizes, aids, or solicits attendance at a Special Gathering.
- (3) “*Fee*” means anything of value given by person(s) attending the Special Gathering in exchange for any good, service, or privilege associated with the Special Gathering. A Fee includes, but is not limited to, donations resulting in the provision of any good, service, or privilege.
- (4) “*Gathering*” means any group of persons together in one place for a common purpose, including but not limited to any assembly, conference, social group, crowd, audience, or meeting.
- (5) “*Operator*” means any person or entity that operates or manages the factory or Premises the facility or location where a Special Gathering is held. The Owner and the Operator may be the same person or entity.
- (6) “*Owner*” means any person or entity that owns the property or Premises where a Special Gathering is held.
- (7) “*Premises*” means:
 - (a) If the Special Gathering is to be held at a structure: any or all of the property that constitutes the facility where the Special Gathering is to be held, including all decks, parking areas, patios, and other outdoor areas that are contiguous to the exterior of the structure to the boundaries of surrounding parcels of real estate; or
 - (b) If the Special Gathering is to be held outdoors: the location designated in the Special Events Application where the Special Gathering is to be held and contiguous areas to the boundaries of surrounding parcels of real estate.
- (8) “*Security Personnel*” means any sworn, Tennessee accredited police officer or any Tennessee security guard registered pursuant to T.C.A. § 62-35-115 employed by a security company that is charged with responsibility for the orderly conduct of individuals attending gatherings.
- (9) “*Special Gathering*” means a Gathering held for either commercial or noncommercial purposes that does the following: (1) continues after 12:00 midnight, (2) has a Fee collected, (3) has beer or other alcoholic beverages present or consumed on the Premises for which a City beer permit or State liquor license is not held or obtained, and (4) either (a) consists of fifty (50) or more persons, or (b) takes place in a facility with an occupancy capacity of fifty (50) or more persons.

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- (10) “*Special Gathering Permit*” means a permit properly issued under this Article.

(Ord. No. 12406, § 1, 6-8-10; Ord. No. 12762, § 1, 9-3-13)

Sec. 25-47. Permit Required.

No person or entity shall stage, promote, advertise, hold, or rent a facility for any Special Gathering, unless a Special Gathering Permit has been first obtained from the City of Chattanooga Police Department Regulatory Bureau. The Owner, Operator, and Event Organizer shall be jointly responsible for obtaining a Special Gathering Permit.

(Ord. No. 12406, § 2, 6-8-10; Ord. No. 12762, § 1, 9-3-13)

Sec. 25-48. Application for Special Gathering Permit.

Written application for a Special Gathering Permit shall be made to the City of Chattanooga Police Department Regulatory Bureau. The applicant for a permit for a Special Gathering shall pay to the City an application fee of thirty dollars (\$30.00), for each time and location that a Special Gathering Permit is sought. This fee is non-refundable and shall be in addition to any other fees or taxes specified in this Article. The application shall be submitted at least five (5) business days prior to the date upon which the Special Gathering takes place. Such application shall be on forms provided by the City and shall contain the following information:

- (a) The name, address, and phone number of the person applying for the Special Gathering Permit;
- (b) The name, address, and phone number of the location where the Special Gathering is to be held;
- (c) The name, address, and phone number of the Owner and Operator of the location where the Special Gathering is to be held and of their chief officers;
- (d) The name, address, and phone number of the Event Organizer of the Special Gathering and of its chief officer;
- (e) A certification that the Event Organizer, when acting as applicant, has not within the previous one-year period violated this Article, or any provision of a City ordinance or federal or state law regulating the sale, consumption, storage, and/or transportation of beer or other alcoholic beverages;

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- (f) A detailed plan for Adequate Security for the Special Gathering;
- (g) A written statement specifying that the Owner, Operator, and Event Organizer have reviewed and agree to comply with Chattanooga City Code Sections 25-66 through 25-80 as amended regarding noise and that noise resulting from the Gathering shall not be unreasonably audible beyond the Special Gathering's Premises;
- (h) The location, date, and hours during which the Special Gathering is to occur and the expected number of individuals who will be in attendance at the Special Gathering;
- (i) The occupancy limits as established by the Chattanooga Fire Marshall or his or her designee for any building or gathering venue and confirmation that there are procedures in place to ensure that the Special Gathering complies with occupancy limits;
- (j) A certification that there is at the site of the Special Gathering a telephone in compliance with Section 25-53;
- (k) An acknowledgment that all portions of the Premises are available for inspection by any City policeman or inspector; and
- (l) A certification by either the Owner or Operator that the Premises of the Special Gathering has not, within the preceding one-year period, been the site of two or more violations of this Article, or any provision of a City ordinance or federal or state law regulating the sale, consumption, storage, and/or transportation of beer or other alcoholic beverages.

(Ord. No. 12406, § 3, 6-8-10; Ord. No. 12762, § 1, 9-3-13)

Sec. 25-49. Action on Special Gathering Applications.

Upon receipt of a completed application for a Special Gathering Permit, the City of Chattanooga Police Department Regulatory Bureau shall approve or deny the application within three (3) business days and give such applicant written notice of the decision. No permit shall be denied if the application meets the requirements of Section 25-48 unless the following has occurred:

- (1) There has been within the previous one-year period a violation of this Article, or any provision of a City ordinance or federal or state law regulating the sale, consumption, storage, and/or transportation of beer or other alcoholic beverages by the Event Organizer or Operator; or

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- (2) There has been within the preceding one-year period two or more violations of this Article, or any provision of a City ordinance or federal or state law regulating the sale, consumption, storage, and/or transportation of beer or other alcoholic beverages at the Premises where the Special Gathering is to be held.

No Special Gathering Permit may be issued for a Special Gathering involving an Event Organizer subject to subsection (1) above until one (1) year has passed from the date of the last violation. No Special Gathering Permit may be issued for a Special Gathering taking place on a Premises subject to subsection (2) above until one year has passed from the date of the last violation. If denied, the reasons for such denial shall be so stated in writing. In the event that an application for a Special Gathering Permit is denied, the applicant shall be entitled to a hearing before the Beer Board of Chattanooga at the next regularly scheduled meeting to challenge the denial of the application. The decision of the Beer Board is final, and any party aggrieved thereby may appeal the decision in accordance with Tennessee Code Annotated, Title 57, Chapter 5. (Ord. No. 12406, § 4, 6-8-10; Ord. No. 12762, § 1, 9-3-13)

Sec. 25-50. Permit Not Transferable.

No permit issued under the provisions of this chapter shall be transferrable.
(Ord. No. 12406, § 5, 6-8-10; Ord. No. 12762, § 1, 9-3-13)

Sec. 25-51. Hours Regulated.

A Special Gathering Permit expires at 3:00 a.m. The Owner, Operator, and Event Organizer shall provide for the prompt orderly dispersal of those in attendance at the Special Gathering by that time. Any Special Gathering that continues to allow attendance of patrons after 3:00 a.m. shall be subject to immediate closure and dispersal by sworn police officers who respond to any calls to a Special Gathering Premises in the same manner as authorized by Section 25-54. Failure to ensure adherence to this Section 25-51 shall subject the Owner, Operator, and Event Organizer to a violation of this Article.
(Ord. No. 12762, § 1, 9-3-13)

Sec. 25-52. Minors.

No beer or other alcoholic beverage may be given away to, consumed by, or possessed by any person under the age of twenty-one (21) years on the Special Gathering Premises.
(Ord. No. 12762, § 1, 9-3-13)

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Sec. 25-53. Telephone and Reports of Disorders.

- (a) Owner, Operator, and Event Organizer must ensure that the location where the Special Gathering is held maintains a telephone in good working order that provides direct access to the City's emergency communication telephone line, or 9-1-1, and provides the street address for the Special Gathering location. A cellular or wireless telephone or other communication medium shall not be used as the primary telephone service at the Special Gathering location unless it provides direct access to 9-1-1.
- (b) The Owner, Operator, and Event Organizer are required to report all fights and other public disorders occurring at the Premises immediately to the Chattanooga Police Department, whether or not participants in any such disorder have left the Premises.

(Ord. No. 12762, § 1, 9-3-13)

Sec. 25-54. Failure to Obtain Permit.

The occurrence of any Special Gathering held without a permit as required by this Chapter is a violation of the Chapter by the Owner, Operator, and Event Organizer and shall be grounds for any sworn law enforcement officer of the City of Chattanooga to immediately terminate the Special Gathering. The Owner, Operator, and Event Organizer shall provide for the orderly dispersal of those in attendance. In the event that a Special Gathering is terminated because of the failure to obtain a permit as required by this Article, the Owner, Operator, and/or Event Organizer shall be entitled to a hearing before the Beer Board of Chattanooga at the next regularly scheduled meeting to challenge the denial of the application. The decision of the Beer Board is final and any party aggrieved thereby may appeal the decision in accordance with Tennessee Code Annotated, Title 57, Chapter 5.

(Ord. No. 12762, § 1, 9-3-13)

Sec. 25-55. Revocation of Permit.

Any violation of one or more of the requirements of this Article, Chapter 5 of this Code or any violation of one or more terms, conditions, or requirements of the Special Gathering Permit issued hereunder shall be grounds for immediate revocation of the Special Gathering Permit by any sworn law enforcement officer of the City of Chattanooga. Upon revocation of the Special Gathering Permit by any law enforcement officer of the City of Chattanooga, the Owner, Operator, and Event Organizer shall immediately terminate the event and provide for orderly dispersal of those in attendance. Following the revocation of the Special Gathering Permit by a law enforcement officer, the Owner, Operator, and Event Organizer shall be entitled to a hearing before the Beer Board of Chattanooga at the next regularly scheduled meeting to challenge the revocation of the Special Gathering Permit. In the event that the revocation is affirmed by the Beer Board, any party aggrieved thereby may

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appeal the decision in accordance with Tennessee Code Annotated, Title 57, Chapter 5.
(Ord. No. 12406, § 6, 6-8-10; (Ord. No. 12762, § 1, 9-3-13)

Sec. 25-56. Additional Violations and Grounds for Revocation of Permit.

It is a violation of this Article and additional grounds for the revocation of a Special Gathering Permit when the Owner, Operator, or Event Organizer:

- (a) Operates a disorderly place; or
- (b) Allows gambling on the Premises; or
- (c) Allows fighting or boisterous or disorderly conduct on the Premises; or
- (d) Allows minors to congregate about the Premises; or
- (e) Furnishes, dispenses, or allows to be used or consumed, any beer or other alcoholic beverages to any person under the age of twenty one (21) years; or
- (f) Denies access to any portion of the Special Gathering Premises to any policeman or inspector;
- (g) Allows any violations of the rules and regulations of the health department;
- (h) Allows litter or debris to accumulate in or around the Special Gathering Premises, including the sidewalks and streets adjacent thereto; and or fails to provide and maintain adequate solid waste containers;
- (i) Allows anyone to leave the Premises with an open container (as defined in Section 5-87(a) of this Code) of beer or other alcoholic beverage;
- (j) Consumes or permits an employee to consume any beer or any other alcoholic beverage while on the Premises, or to be intoxicated while on the Premises;
- (k) Allows any violation of any provision of this Article to occur on the Premises; or
- (l) Does not ensure that the Owner, Operator, or Event Organizer is on the Premises during the duration of the Special Gathering.

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(Ord. No. 12762, § 1, 9-3-13)

Sec. 25-57. Parties in Violation.

Any violation of this Article shall result in a citation against the Owner, Operator, and Event Organizer associated with the Special Gathering and/or the Premises for the violation.
(Ord. No. 12762, § 1, 9-3-13)

Sec. 25-58. Beer Board Hearing.

The Owner, Operator, and Event Organizer who have been cited for the violation of this Article shall be entitled to a hearing before the Beer Board of Chattanooga at the next regularly scheduled meeting to challenge said violation. In the event that the violation is affirmed by the Beer Board, any party aggrieved thereby may appeal the decision in accordance with Tennessee Code Annotated, Title 57, Chapter 5.
(Ord. No. 12762, § 1, 9-3-13)

Sec. 25-59. Penalty.

Any violation of this Article shall be punishable by a fine of not less than twenty five dollars (\$25.00) nor more than fifty dollars (\$50.00).
(Ord. No. 12762, § 1, 9-3-13)

Sec. 25-60. Display of Permit.

The Special Gathering Permit shall be available for inspection during the Special Gathering upon request by any customer, any member of the Chattanooga Police Department, or any person designated by the Mayor or the City Council.
(Ord. No. 12406, § 7, 6-8-10; Ord. No. 12762, § 1, 9-3-13)

Sec. 25-61. Invalidity of Part.

Should any court of competent jurisdiction declare any section, clause, or provision of this Article to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this Article.
(Ord. No. 12406, § 8, 6-8-10; Ord. No. 12762, § 1, 9-3-13)

Sec. 25-62 -- 25-65. Reserved.

(Ord. No. 11536, 03-23-04; Ord. No. 12406, 6-8-10; Ord. No. 12762, § 1, 9-3-13)

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ARTICLE III. NOISES

Sec. 25-66. Generally.

The creation of any unreasonably loud, disturbing or unnecessary noise in the city or noise of such kind, intensity or duration as to be detrimental to the life or health of any individual or disturb the public peace or welfare of the city shall be unlawful.
(Code 1986, § 25-66)

Sec. 25-67. Definitions and noise measurement procedures.

(a) All terms used in this Article shall, for the purpose of this Article, have the meanings hereinafter ascribed to them.

“Ambient Noise” shall mean background noise.

“A’ Weighted Sound Level” is the electronic filtering in sound level meters that models human hearing frequency sensitivity and shall mean the sound pressure level as measured with the sound level meter using the “A” weighing network. The standard unit notation is dB(A).

“C’ Weighted Sound Level” is the electronic filtering in sound level meters that minimally attenuates very low frequencies and shall mean the sound pressure level as measured with the sound level meter using the “C” weighing network. The standard unit notation is dB(C).

“dB(A)” shall mean the composite abbreviation for A-weighted sound level in decibels.

“dB(C)” shall mean the composite abbreviation for C- weighted sound level in decibels.

“Decibel” shall mean a logarithmic unit of measure of ten used in measuring magnitudes of sound. The symbol is dB.

“Downtown Amplified Music District” or “AMD” shall mean the following geographic areas:

- (1) Main Street beginning at the intersection of West Main Street and Broad Street and continuing to the railroad tracks west of Adams Street.

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- (2) Martin Luther King Boulevard beginning at the intersection of West Martin Luther King Boulevard and Broad Street and continuing to the intersection of East Martin Luther King Boulevard and University Street.
- (3) Market Street beginning at the intersection of Market Street and West Main Street and continuing to the intersection of Market Street and West 7th Street.
- (4) Broad Street beginning at the intersection of Broad Street and West Main Street and continuing to the intersection of Broad Street and West 7th Street.
- (5) Georgia Avenue from the intersection of Georgia Avenue and East Martin Luther King Boulevard and continuing to the intersection of Georgia Avenue and Patten Parkway, Patten Parkway, Lindsay Street beginning at the intersection of Lindsay Street and Patten Parkway and continuing to the intersection of Lindsay Street and East Martin Luther King Boulevard.

“Downtown Amplified Music District Permit” or “AMD Permit” means a permit granted by the Land Development Officer pursuant to Code Sec. 25-75 or, after an appeal, by the Board of Downtown Amplified Music District Permit Appeals. The AMD Permit shall be issued for a one (1) year term and shall be renewed yearly before the anniversary date of the initial issuance.

“Motorcycle” shall mean any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, but excluding a tractor.

“Motor Driven Cycle” shall mean every motorcycle and every motor scooter with a motor which does not exceed five brake horsepower, including every bicycle with a motor attached.

“Motor Vehicle” shall mean any self-propelled vehicle.

“Muffler” shall mean an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

“Noise” shall mean any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

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“Public Premise” shall also mean any private property generally available for public use including private streets, drives and parking lots or parking spaces provided for any public use at any individual, commercial, institutional or multi-family residential or other property use where parking spaces are required.

“Residential Property” shall mean any premise where single or multiple dwelling units exist and shall include schools, churches, hospitals, nursing homes and similar institutional facilities.

“Sound Amplification Device” shall mean any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of sound.

“Sound Level” shall mean a measure of the level of a sound with a weighing network in the measurement chain.

“Sound Level Meter” shall mean an apparatus or instrument including a microphone, amplifier, attenuator, output meter and frequency weighing networks for the measurement of sound levels.

“Vehicle” shall mean any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) For the purpose of determining dB(A)'s and dB(C)'s as referred to in this article, the noise shall be measured on the A-weighting scale and C-weighting scale set to slow meter response on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

(c) Measurement procedure. The sound level meter shall be operated in accordance with the instrument manufacturer's instructions as follows:

- (1) Microphone Orientation. The microphone shall be pointed towards the allegedly offensive noise source, unless the instrument manufacturer's instructions specifically indicate otherwise.
- (2) Calibration. The meter shall be calibrated in accordance with manufacturer's instructions.
- (3) Meter Readings. The recorded reading shall be the highest sound level obtained with the allegedly offensive noise source in operation, disregarding unrelated peaks due to extraneous ambient noises.

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- (4) Ambient Conditions. Measurements shall be made only when the A-weighted ambient sound level, including wind effects and all sources other than the noise source being measured, is at least 10 dB(A) lower than the sound level of the of the noise source being measured.

(Ord. No. 11273, 05-07-02; Ord. No. 12850, § 1, 8-26-14)

Sec. 25-68. Enumeration of prohibited acts.

(a) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but this enumeration shall not be deemed to be exclusive:

- (1) *Horns or other signal devices on vehicles.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or while 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 such signal device of any unreasonably loud or harsh sound, and the sounding of such device for any unnecessary and unreasonable period of time.
- (2) *Musical instruments.* The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort or repose of persons in any hospital or in any dwelling, hotel or other type of residence or of any persons in the vicinity.
- (3) *Yelling, hawking, etc., in streets.* Yelling, hawking, shouting, hooting, whistling or singing on the streets or sidewalks or in public places, particularly between the hours of 11:00 p.m. and 7:00 a.m., in a manner which disturbs the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence. (Ord. No. 11273, 05-07-02)
- (4) *Dogs.* The keeping of any dog(s) which, by causing frequent or long, continued noise, disturbs the comfort or repose of any person in a residence, hotel, motel or hospital. For the purposes of this subsection, "frequent or long, continued noise" shall include, but shall not be limited to, barking at an average rate of ten (10) or more barks per minute over a period of five (5) minutes which can be heard from a distance of one hundred (100) feet or more, but shall not include the barking of any dog(s) responding to an emergency or to a trespasser on the property of the owner of such dog(s). (Ord. No. 11273, 05-07-02)

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- (5) *Operation of vehicles.* The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (6) *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. (Ord. No. 11273, 05-07-02)
- (7) *Exhausts without mufflers.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (8) *Construction work.* The erection (including excavation), demolition, alteration or repair of any building in any residential district or section, and the excavation of streets in any residential district or section, other than between the hours of 7:00 a.m. and 8:00 p.m., except in cases of urgent necessity in the interest of the public health and safety, and then only with a permit from the building inspector, which may be granted for a period not to exceed thirty (30) days while such emergency continues. If the building inspector determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of a street within the hours of 8:00 p.m. and 7:00 a.m., and further determines that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done within the hours of 8:00 p.m. and 7:00 a.m. upon application made at the time the permit for such work is awarded or during the progress of the work. (Ord. No. 11273, 05-07-02; Ord. No. 11752, § 1, 10-11-05)
- (9) *Noise near schools, courts, churches or hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same is in session, or adjacent to any hospital, which unreasonably interferes with the working or sessions thereof.
- (10) *Loading and unloading; opening bales, etc.* The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening bales, boxes, crates and containers.
- (11) *Refuse collection.* Operate a mechanical loader for refuse collection between the hours of 9:00 p.m. and 7:00 a.m. within or adjacent to any residential zone. (Ord. No. 11273, 05-07-02)
- (12) *Lawnmowers, leaf blowers, weed-eaters, chain saws, etc.* Operate lawn mowers, leaf blowers, weed-eaters, chain saws or other domestic tools out-of-

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doors between the hours of 9:00 p.m. and 7:00 a.m. (Ord. No. 11273, 05-07-02)

- (13) *Fireworks.* It shall be unlawful to set off fireworks after the hour of 11:30 p.m., except on New Year's Eve when the hours prohibited shall be 12:30 a.m. until 800 a.m. (Ordinance No. 11163, §1, 07-31-01; Ord. No. 11273, 05-07-02)
- (14) No person shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound so that the sound is plainly audible at a distance of one hundred (100) or more feet and on someone else's property located in a Residential Zone. This section shall not apply to events attended by more than one thousand (1,000) people, athletic events, nor to sound emanating from a C-3 Zone. (Ord. No. 11693, § 1, 06-07-05)

(b) The provisions of this section shall not apply to any vehicle of the city or other governmental entity while engaged upon necessary public business, to excavations or repairs of bridges or streets by or on behalf of the city during the night hours, where the public welfare and convenience renders it necessary to perform the work at night. (Code 1986, § 25-67; Ord. No. 10157, §§ 1-2, 1-10-95; Ord. No. 10273, § 1, 8-8-95; Ord. No. 11273, 05-07-02; Ord. No. 11693, § 1, 06-07-05)

Cross references--Amusements, Ch. 6; animals and fowl, Ch. 7; building regulations, Ch. 10; businesses, trades and occupations, Ch. 11; motor vehicles and traffic, Ch. 24.

Sec. 25-69. Loudspeakers, amplifiers and sound-amplifying devices.

(a) Except for entities possessing a Downtown Amplified Music District Permit in the designated Downtown Amplified Music District, it shall be unlawful to:

- (1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) dB(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) dB(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, hospital, school in session or nursing home, except in accordance with a permit obtained from the chief building official.
- (2) As to multifamily structures including apartments, condominiums or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) dB(A) between 9:00 a.m. and 9:00 p.m. or fifty (50)

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dB(A) between 9:00 p.m. and 9:00 a.m., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the chief building official.

- (3) As to places of public entertainment having a capacity of one thousand (1,000) or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than sixty-five (65) dB(A) between 9:00 a.m. and 9:00 p.m., or fifty (50) dB(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the chief building official.
- (4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than sixty (60) dB(A) at or on the boundary of the nearest public right-of-way or park.
- (5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than sixty (60) dB(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 a.m. and 9:00 p.m., or fifty (50) dB(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.

(b) (1) For entities possessing a Downtown Amplified Music District Permit in the designated Downtown Amplified Music District, it shall be unlawful to emit sound in excess of the following limits as measured at the property line of the business producing the sound averaged over one (1) minute:

Time (Monday –Thursday)	Sound Level Limit dB(A)	Sound Level Limit dB(C)
3:00 a.m. – 11:00 a.m.	55	70
11:00 a.m. – 11:00 p.m.	80	90
11:00 p.m. – 3:00 a.m.	65	80

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Time (Friday – Sunday)	Sound Level Limit dB(A)	Sound Level Limit dB(C)
3:00 a.m. – 11:00 a.m.	55	70
11:00 a.m. – 12:00 a.m.	80	90
12:00 a.m. – 3:00 a.m.	65	80

(2) For entities possessing a AMD Permit in the designated Downtown Amplified Music District, it shall be unlawful to violate any terms, conditions, and requirements of the AMD Permit.

(c) No person operating or occupying a motor vehicle on any street, highway, alley, parking lot or driveway, either public or private property, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle or, in the case of a motor vehicle on private property, beyond the property line. For the purpose of this section, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet, however, words or phrases need not be discernible and such sound shall include bass reverberation.

(d) The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens or other emergency warning devices actually being used in emergency circumstances.
(Ord. No. 10157, § 3, 1-10-95; Ord. No. 11273, 05-07-02; Ord. No. 11613, 09-07-04; Ord. No. 12850, § 2, 08-26-14)

Sec. 25-70. Warnings prior to citation.

(a) If conduct that would otherwise violate this article consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political or religious questions, the person must be ordered to move, disperse or otherwise remedy the violation prior to his or her citation or arrest.

(b) The order required by section may be given by a peace officer, a person with authority to control the use of the premises, or any person directly affected by the violation.

(c) It is a defense to an offense under the article that:

(1) in circumstances in which this section requires an order, no order was given;

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- (2) an order, if given, was manifestly unreasonable in scope;
- (3) an order, if given, was promptly obeyed;
- (4) the device was operated within an enclosed motor vehicle and was not audible outside the vehicle in which it was operated;
- (5) the device is one required by any law, ordinance or regulation of the state, federal or municipal government and operated in accordance with applicable law; or
- (6) the device is operated as a part of any parade or other activity for which a permit (other than a business permit) has been obtained from any governmental entity.

(Ord. No. 10157, § 3, 1-10-95; Ord. No. 11273, 05-07-02)

Sec. 25-71. Permits for additional amplification.

(a) *Application.* The application for a permit for additional amplification under section 25-69 shall be submitted to the chief building official at least fifteen (15) working days in advance of the planned use except in case of emergency. The application shall designate an individual person or persons who shall be in control of the sound amplification equipment and assure that its use complies with the terms of the permit.

(b) *Notice of tentative approval.* Upon tentative approval, the applicant for a permit shall be responsible for mailing or otherwise delivering to the occupants of each property within a one thousand foot (1,000') radius of the facility for which the permit has been granted, as shown on the tax maps of the county, a notice stating the date and hours of the event. The notice shall be delivered at least seventy-two (72) hours in advance of the event. The permit shall not be actually granted and issued until the applicant submits an affidavit to the chief building official that such notices have been actually mailed or otherwise delivered.

(c) *Number of hours.* No permits shall be issued which shall have the effect of allowing more than twenty (20) hours of excess amplification per year at any place of public entertainment having a capacity of one thousand (1,000) or more persons or ten (10) hours of excess amplification at any other location. Permits shall be tentatively approved and subsequently granted by the chief building official in the order of receipt unless permits for twenty (20) or more hours have previously been issued for the same or other locations within a one thousand foot (1,000') radius of the facility in the same calendar year, in which event the applicant shall elect whether to limit his request so as to keep the year's accumulated hours of excess amplification in that location below twenty (20) hours or select another location.

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(d) *Not permitted in residentially occupied boundaries.* In no event shall a permit be granted which allows the creation of sounds registering more than seventy (70) db(A) anywhere within the boundary line of the nearest residentially occupied property.

(e) *Denial; exceptional permit.* If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the mayor. The mayor shall have the discretion to grant an exceptional permit waiving locational, time and/or db(A) requirements, upon his determination that the applicant has made a substantial showing of legal entitlement. Any such exceptional permit shall be promptly reported to city council.
(Ord. 11273, 05-07-02)

Sec. 25-72. Motor vehicles.

Sound Levels by Vehicle Type. No person shall operate a motor vehicle upon any public premise, or be permitted to operate a motor vehicle upon any public premise at any time or under any conditions of roadway grade, load, acceleration or deceleration in such a manner as to generate a sound level in excess of the following limit for the category of motor vehicle and applicable speed under measurement procedures established herein.

Speed Limit Zone 35 mph or Less:

- (a) Motorcycles and motor driven cycles: 82 dB(A)
- (b) Vehicles with gross weight over 10,000 lbs. or over: 86 dB(A)
- (c) Vehicles with gross weight under 10,000 lbs.: 80 dB(A)

Speed Limit Zone Over 35 mph:

- (a) Motorcycles and motor driven cycles: 86 dB(A)
- (b) Vehicles with gross weight over 10,000 lbs. or over: 90 dB(A)
- (c) Vehicles with gross weight under 10,000 lbs.: 84 dB(A)

Standing Motor Vehicles. No person shall operate or permit the operation of any motor vehicle with a gross weight rating (GVWR) in excess of (10,000) pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than 10 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, within 150 feet (46 meters) of a residential area, between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(Ord. No. 11273, 05-07-02)

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Sec. 25-73. Enforcement and penalties.

(a) Where there is a violation of any provision of this article, the city court, in its discretion, may take one (1) or more of the following actions.

- (1) A citation fine of fifty dollars (\$50.00) for each violation.
- (2) A civil penalty not to exceed five hundred dollars (\$500.00) for each violation of this article may be adjudged to recover administrative expenses incurred in enforcing this article. A detailed and individualized statement of administration costs incurred by the city shall be submitted to the court for consideration if a civil penalty is sought.
- (3) A conditional civil penalty not to exceed five hundred dollars (\$500.00) for each separate violation of this article may be assessed by the city judge in the event of an intentional violation of this article conditioned upon the violator purging himself or herself of the civil penalty by not committing another violation of this article for one (1) year following imposition of the conditional civil penalty.

Provided that no combination of fines and civil penalties may exceed five hundred dollars (\$500.00) for each violation

(b) In addition to any fine or penalty assessed by city court, violators of this Article will be referred to the appropriate city regulatory board. The board may assess additional penalties, including, but not limited to, suspension or revocation of permits administered by the board. In the case of an entity holding an AMD Permit, more than three (3) violations of this Article in a ninety (90) day period shall result in either the suspension or revocation of the AMD Permit by the Land Development Officer. The action of the Land Development Officer shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

(c) In the event that a citation is issued because of a venue's violation of any provision of this article and the venue fails to reduce the sound levels to a level not in violation of this article, the venue shall be closed until the next usual opening time for the venue.

(Ord. 11273, 05-07-02; Ord. No. 12850, § 3, 08-26-14)

Sec. 25-74. Regulation of crowds and noise on business lots.

(a) It be and is hereby declared to be a nuisance, punishable by a fine of fifty dollars (\$50.00) for an owner of commercial property to permit said property to be used in such a way that it is permitted that more than thirty (30) people are gathered on said property

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outside of any building between the hours of 12:00 a.m. and 5:00 a.m. within two hundred feet (200') of any residence if no owner, employer, or representative of the owner is present to control the adverse effects of the gathering.

(b) It shall be illegal to be a member of a crowd of thirty (30) or more people on an unsupervised business property located within two hundred feet (200') of a residence during the hours of 12:00 a.m. to 5:00 am.

(c) It shall be a complete defense for a business owner that the property is posted with "no loitering" and "no cruising" signs.
(Ord. No. 11761, § 1, 10-25-05)

Sec. 25-75. Downtown Amplified Music District Permit application process.

(a) The Land Development Officer may issue AMD Permits to a person who submits an application meeting the requirements of the provisions of this section. The Land Development Officer may adopt rules to implement the requirements of this Article.

(b) Persons desiring a Downtown Amplified Music District Permit shall apply to the Land Development Office and shall supply such information as the Land Development Office may require to identify the land and to determine whether the permit should be granted.

(c) The application shall set forth all actions taken to comply with the noise level limits set forth in Code Sec. 25-69(a), the reasons why compliance cannot be feasibly achieved, the reasons for such determination, the actions that have been taken to comply with the noise level limits set forth in Code Sec. 25-69(a), a proposed method for complying as nearly as is feasible, and a proposed time schedule for its accomplishment. The application shall be accompanied by a fee in payment of the costs of staff time to process the applications, the costs of staff and outside acoustical consultant time to review the application, and the costs of mailing notices. A separate application shall be filed for each noise source.

(d) A notice of the filing of an application shall be sent by regular U.S. mail to each of the property owners within a minimum of 300 feet of each property for which an entertainments are permit has been requested. The notice shall state that a copy of the application is available for review at the prior to any action on the application by the Land Development Officer. Said notice will be mailed at least fourteen (14) days prior to any action on the application by the Land Development Officer. The most recently updated tax rolls for the City of Chattanooga will be the source of ownership information for notice purposes. A notice shall also be published in a daily paper at least fourteen (14) days prior to any action on the application by the Land Development Officer.

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(e) Persons objecting to the relief sought by the applicant or interested in the review or determination made by the Land Development Officer may likewise set forth their views and actual evidence in writing, signed by the objectors, and filed with the Land Development Office. The application and objections shall be considered by the Land Development Officer in the review of the application.

(f) In reviewing an application, the Land Development Officer Land Development Officer will consider the following criteria:

- (i) proximity of the venue emitting the sound to existing land uses;
- (ii) the size and capacity of the venue emitting the sound;
- (iii) sound mitigation actions that have been taken to comply with the noise level limits set forth in Code Sec. 25-69(a), including, but limited to, building design, landscaping, and buffering;
- (iv) the history of noise complaints or violations by either the applicant or the venue emitting the sound, of this Article as verified by the Chattanooga Police Department.

(g) The Land Development Officer may grant a Downtown Amplified Music District Permit if the Land Development Officer finds, after full consideration of all of the facts and the criteria set forth Code Sec. 25-75(f) that strict compliance with the noise level limits set forth in Code Sec. 25-69(a) will cause practical difficulties for the applicant.

A Downtown Amplified Music District Permit may be subject to any terms, conditions, and requirements as the Land Development Officer deems reasonable to achieve maximum compliance with the provisions of this Article. The terms, conditions and requirements may include, but shall not be limited to, limitations on noise levels and operating hours.

(h) Each Downtown Amplified Music District Permit shall set forth the approved method of achieving maximum compliance and a time schedule for its accomplishment. The Land Development Officer shall consider the magnitude of nuisance caused by the offensive noise, the uses of property within the area of impingement by the noise, the time factors related to study, design, financing and construction of remedial work, the economic factors related to age and useful life of equipment and the general public interest and welfare.

(i) Applications for an annual renewal of a Downtown Amplified Music District Permit shall be granted upon the finding that the applicant has complied with this Article, complied with the time schedule for complying with this Article as nearly as is feasible as set forth in the initial application, and has complied with any terms, conditions, and requirements as the Land Development Officer and/or the Board of Downtown Amplified Music District

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Permit Appeals deemed reasonable to achieve maximum compliance with the provisions of this Article.

(j) Decisions of the Land Development Officer may be appealed within ten (10) days to the Board of Downtown Amplified Music District Permit Appeals by filing a notice of appeal with the Land Development Office.

(Ord. No. 12850, § 4, 08-26-14; Ord. No. 12864, § 1, 10-14-14)

Sec. 25-76. Board of Downtown Amplified Music District Permit Appeals.

(a) There is hereby established a board of three (3) members, to be known as the “Board of Downtown Amplified Music District Appeals.”

(b) One member of the board shall reside in City Council District 7, one member of the board shall reside in City Council District 8, and one member shall reside in the City at-large. The Chairperson of the City Council shall appoint the City-at-large board member; the Council Member representing City Council District 7 shall appoint the District 7 board member; and, the Council Member representing City Council District 8 shall appoint the District 8 board member.

(c) The term of all member of the board shall be for one (1) year. Members shall continue to serve until their successors are appointed.

(d) The board shall select its own chairman.

(e) The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet within thirty (30) calendar days after notice of appeal has been received on a date to be determined by the chairman.

(f) The board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. The board shall consider the factors set forth in Sec. 25-75 and the written submissions to the Land Development Officer. The board may affirm, reverse or modify the decision of Land Development Officer. Every decision shall be promptly filed in writing in the Land Development Office. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

(Ord. No. 12850, § 5, 08-26-14)

Sec. 25-77. One Year Review.

The Land Development Office is directed to monitor the impact of this ordinance on the quiet enjoyment of residents located within the AMD. Such review shall also include an assessment of the permitting process and shall include, review times, cost of public notice, and any complaints received from business operators and residents. The Land Development Officer shall report to City Council on the impact of this ordinance approximately one year

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after the effective date of the ordinance.
(Ord. No. 12850, § 6, 08-26-14)

Secs. 25-78 - 25-80. Reserved.⁵
(Ord. 11273, 05-07-02; Ord. No. 11761, § 1, 10-25-05)

ARTICLE IV. OFFENSES AGAINST MORALS⁶

DIVISION 1. GENERALLY

Sec. 25-81. Reserved.

Sec. 25-82. Unlawful sale or storage of alcoholic beverages.

(a) It shall be unlawful for any person to sell wine, beer, ale or any other alcoholic beverage or mixed drink containing alcohol in any establishment unless the establishment is operating in compliance with all laws governing the sale of alcoholic beverages in such establishments.

(b) It shall be unlawful for any person in the city to possess or transport, with the intent to re-distribute or re-sell any alcoholic or intoxicating liquor which does not have a proper State of Tennessee revenue stamp affixed thereto.

(c) It shall be unlawful for any person in the city, unless authorized by law to do so, to have or keep in stock, in any warehouse or place of business or other place, any alcoholic or intoxicating liquors, including wine, ale or beer, intended for present or future sale of the beverage, either wholesale or retail, and whether intended to be sold for delivery at the place of sale or to be shipped or otherwise transported for delivery at another place.

(Ord. No. 9914, § 1, 7-13-93)

Secs. 25-83 -- 25-95. Reserved.

⁵ **Editor's Note:** Sections formerly reserved as Sec. 25-72 -- 25-80 were repealed by implementation of Ordinance No. 11273, adopted 05-07-02 and former Secs. 25-82 through 25-85 were repealed to comply with the *Municipal Court Reform Act of 2004*, T.C.A. §§ 16-18-301 - 312 by Ordinance No. 12056, adopted on 12-18-07 and the remaining section in Division 1 was renumbered.

⁶ **Cross references--**Alcoholic beverage offenses involving minors, loitering and gambling, § 5-48; immoral acts prohibited at alcoholic beverage premises, § 5-54; immoral acts prohibited at brown bagging clubs, § 5-167; gambling prohibited on playing of billiards or pool, § 6-48; dangerous dogs; § 7-81 et seq.

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DIVISION 2. PROSTITUTION AND RELATED OFFENSES⁷

Sec. 25-96. Definitions.

As used in this division, the following words and terms shall have the following meanings:

Assignment shall be construed to include the making of any appointment or engagement for prostitution or for the purpose of fellatio or cunnilingus, or any act in furtherance of such appointment or engagement.

Patronizing shall be construed to include the solicitation or hiring of another person with the intent that the other person engage in prostitution, entering or remaining in a house of prostitution for the purpose of engaging in sexual activity.

Promoting prostitution shall be construed to include:

- (1) owning, controlling, managing, supervising or in anyway keeping, alone or in association with others, a business for the purpose of engaging in prostitution, or a house of prostitution;
- (2) encouraging, inducing, or otherwise purposely causing another to become a prostitute;
- (3) soliciting a person to patronize a prostitute;
- (4) procuring a prostitute for a patron; and/or
- (5) paying, receiving, or agreeing to receive any benefit for engaging in any of the activities defined as the unlawful act of promoting prostitution.

Prostitution shall be construed to include the giving or receiving of the body for sexual intercourse for hire (or for licentious sexual intercourse without hire).
(Code 1986, § 25-96; Ord. No. 9915, § 1, 7-13-93)

Cross reference--Definitions and rules of construction generally, § 1-2.

Sec. 25-97. Prohibited acts.

No person in the city shall:

- (1) Engage in prostitution.

⁷ **Cross references**--Using hotel for purposes of prostitution prohibited, § 11-195; massage technicians and parlors, § 11-306 et seq.

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- (2) Aid or abet prostitution.
 - (3) Procure or solicit for purposes of prostitution.
 - (4) Keep or set up a house of ill fame, brothel or bawdy house.
 - (5) Receive any person for purposes of assignation or prostitution into any vehicle, conveyance, place, structure or building.
 - (6) Permit any person to remain for the purpose of assignation or prostitution in any vehicle, conveyance, place, structure or building.
 - (7) Lease or rent, or contract to lease or rent, any vehicle, conveyance, place, structure or building or part thereof, knowing or with good reason to know that it is intended to be used for any of the purposes herein prohibited.
 - (8) Attempt to do any of the acts prohibited by this section.
- (Code 1986, § 25-97)
State law reference--Prostitution, T.C.A., §§ 39-13-512 -- 9-13-516.