

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. MISDEMEANORS OF THE STATE ADOPTED.
2. ALCOHOL.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
7. MISCELLANEOUS.

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the common law to be misdemeanors are hereby designated and declared to be offenses against this city also. Any violation of any such law within the corporate limits is also a violation of this section. (1988 Code, § 10-101)

¹Municipal code references

Animals and fowls: title 10.

Building and plumbing: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

CHAPTER 2**ALCOHOL**¹**SECTION**

11-201. Drinking alcoholic beverages in public, etc.

11-201. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1988 Code, § 10-202)

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated § 68-24-203 (Arrest for Public Intoxication), cities may not pass separate legislation).

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-301. 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. (1988 Code, § 10-501)

11-302. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of 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, truck, or 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 person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

(e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

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

(h) Building operations. The 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 of 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) Motor vehicle noises. The following are adopted as standards to be used in the regulation of noises coming from motor vehicles operated within the corporate limits of Dresden, Tennessee, effective October 1, 2020, as follows:

(a) No person may operate either a motor vehicle, or combination of vehicles of a type subject to registration, at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed ninety (90) dBA based on a distance of fifty feet (50') from the center of the lane of travel within the speed limits specified in this subsection:

(b) A person shall not operate a vehicle on a highway or street if the vehicle has a defect in the exhaust system which affects sound reduction, is not equipped with a muffler or other noise dissipative device, or is equipped with a cutout, bypass, amplifier, or a similar device (i.e. a modified exhaust system that amplifies the noise that would ordinarily be emitted from the motor vehicle with its' original manufacturer-equipped muffler and emission system;

(c) A person, either acting for himself or herself or as the agent or employee of another, shall not sell, install, or replace a muffler or exhaust part that causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by this act or a rule promulgated under this chapter;

(d) A person shall not modify, repair, replace, or remove a part of an exhaust system causing the motor vehicle to which the system is attached to produce noise in excess of the levels established by this act, or operate a motor vehicle so altered on a street or highway.

(e) A dealer shall not sell a used or secondhand motor vehicle for use upon a street or highway which is not in compliance with this chapter;

(f) That law enforcement shall be empowered to monitor vehicle noises within the corporate limits of the City of Dresden, Tennessee using commercially available sound monitoring equipment and shall cite persons or entities in violation of this Section into City Court for violation of the provisions of this chapter;

(g) That, upon citation into City Court, the Court shall conduct a hearing into the merits of this case if a cited Defendant does not otherwise plead guilty to this offense, and upon a finding of guilt, the court shall assess a fine up to fifty dollars (\$50.00) per violation, plus court costs, for each cited violation and for each continuing violation;

(h) That the powers conferred through this Section shall be supplemental to all other provisions existing elsewhere in the City of Dresden, Tennessee Municipal Code regarding vehicle noises and to

applicable Tennessee law found at Tennessee Code Annotated Section.
(1988 Code, § 10-502, as amended by Ord. #2021-03, Sept. 2020
Ch2_03-07-22)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL¹**SECTION**

11-401. Escape from custody or confinement.

11-402. Impersonating a government officer or employee.

11-403. False emergency alarms.

11-401. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city 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. (1988 Code, § 10-601)

11-402. Impersonating a government officer or employee. No person other than an official police officer of the city 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. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1988 Code, § 10-602)

11-403. False emergency alarms. It shall be unlawful for any person intentionally to 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 act. (1988 Code, § 10-603)

¹Municipal code reference
Police and arrest: title 6, chapter 1.

CHAPTER 5**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-501. Firearms.

11-502. Air rifles, etc.

11-503. Throwing missiles.

11-501. Firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the municipality. (1988 Code, § 10-701)

11-502. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1988 Code, § 10-702)

11-503. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1988 Code, § 10-703, modified)

CHAPTER 6

**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC****SECTION**

- 11-601. Trespassing.
11-602. Malicious mischief.
11-603. Interference with traffic.

11-601. Trespassing (1) On premises open to the public. (a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.¹ (1988 Code, § 10-801)

11-602. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage,

¹Municipal code reference
Peddlers, solicitors, etc.: title 9.

deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1988 Code, § 10-802)

11-603. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1988 Code, § 10-803)

CHAPTER 7

MISCELLANEOUS

SECTION

- 11-701. Abandoned refrigerators, etc.
- 11-702. Posting notices, etc.
- 11-703. Distributing handbills.
- 11-704. Curfews during civil emergencies.
- 11-705. Tobacco use prohibited.
- 11-706. Ephedrine control.

11-701. 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. (1988 Code, § 10-901)

11-702. Posting notices, etc. No person shall fasten in any way, any showcard, poster, or other advertising device upon public or private property including any lamp post, telephone, telegraph, electric, or other utility pole. Any devices so placed may be removed by the appropriate city employees and officials. (1988 Code, § 10-903)

11-703. Distributing handbills. It shall be unlawful for any person, firm, or corporation to scatter or distribute on or along any public street or to distribute or place or cause to be distributed or placed in or on any motor vehicle on any public street or parking lot within the corporate limits any commercial literature, advertising material, commercial handbills, or other advertising material; provided, however, that nothing shall legally prevent a police officer from attaching a violation notice on any such motor vehicle; provided, further, that the provisions of this section shall not apply to the advertising material of religious, fraternal, or charitable organizations, or persons engaged in passing out noncommercial literature expressing their beliefs and opinions to persons willing to receive the same, nor shall it be applicable to labor unions or their representatives who are engaged in union activities or union organization efforts in passing out leaflets or other union information to persons willing to receive the same. (1988 Code, § 10-904)

11-704. Curfews during civil emergencies. (1) "Civil emergency" and "curfew" defined. (a) "Civil emergency" is hereby defined as:

- (i) A riot or unlawful assembly characterized by the use of actual force or violence or a threat to use force if accompanied by

the immediate power to execute by three (3) or more persons acting together without authority of law.

(ii) Any natural disaster or man-made calamity including but not limited to flood, conflagration, cyclone, tornado, earthquake, or explosion within the geographic limits of the city resulting in the death or injury of persons, or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

(iii) The destruction of property, or the death or injury of persons brought about by the deliberate acts of one or more persons acting either alone or in concert with others when such acts are a threat to the peace of the general public or any segment thereof.

(b) "Curfew" is hereby defined as a prohibition against any person or persons walking, running, loitering, standing, or motoring upon any alley, street, highway, public property, or vacant premises within the corporate limits of the city except persons officially designated to duty with reference to said civil emergency or those lawfully on the streets as defined hereinafter.

(2) Proclamation of civil emergency. When in the judgment of the mayor a civil emergency as defined herein is determined to exist, he shall forthwith proclaim in writing the existence of same, a copy of which proclamation will be filed with the recorder.

(3) Curfew authorized. After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographical areas of the city or to the city as a whole as he deems advisable, and applicable during those hours of the day or night he deems necessary in the interest of the public safety and welfare. Said proclamation and general curfew shall have the force and effect of law and shall continue in effect until rescinded in writing by the mayor, but not to exceed fifteen (15) days.

(4) Authority to issue other orders. After proclamation of a civil emergency, the mayor may at his discretion, in the interest of public safety and welfare:

- (a) Order the closing of all retail liquor stores.
- (b) Order the closing of all establishments wherein beer or alcoholic beverages are served.
- (c) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted.
- (d) Order the discontinuance of the sale of beer.
- (e) Order the discontinuance of selling, distribution, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(f) Order the closing of gasoline stations and other establishments the chief activity of which is the sale, distribution, or dispensing, of liquid flammable or combustible products.

(g) Order the discontinuance of selling, distributing, dispensing, or giving away of firearms and/or ammunition.

(h) Order the closing of any or all establishments or portions thereof the chief activity of which is the sale, distribution, dispensing, or giving away of firearms and/or ammunition.

(i) Issue such other orders as are necessary for the protection of life and property.

(5) Exceptions to curfews. Any curfew as defined hereby shall not apply to persons lawfully on the streets and public places during a civil emergency who have obtained permission of the chief of police or other law enforcement officer then in charge of municipal law enforcement, which permission shall be granted on good cause shown. This curfew shall not apply to medical personnel or to members of legitimate media organizations engaged in news gathering for dissemination to the public.

(6) Violation of orders. Any person violating the provisions of orders issued by the mayor pursuant to the authorization of Tennessee Code Annotated, chapter 9 of title 38, and this section during a proclaimed civil emergency, shall be guilty of a misdemeanor and may be punished under the general penalty clause of this code. (1988 Code, § 10-905, modified)

11-705. Tobacco use prohibited.¹ The use of tobacco products in any city owned facilities, city vehicles, and city equipment is prohibited. Tobacco shall include any smokeless tobacco in any form, and shall include tobacco used in cigars, cigarettes, pipes, or other tobacco products. (Ord. #2002-02, March 2002, as amended by Ord. #2002-04, July 2002, and replaced by Ord. #2007-11, Aug. 2007)

11-706. Ephedrine control. (1) Definitions. As used in this section, the following words and/or phrases shall have the following meanings as set forth herein:

(a) "Ephedrine." All forms of ephedrine, pseudoephedrine, ephedrine hydrochloride, pseudoephedrine hydrochloride, phenylpropanolamine and all other combinations of these chemicals.

(b) "Ephedrine product." Any product that contains ephedrine, its salts, isomers, or salts of isomers, as its sole active ingredient or in combination with less than therapeutically significant qualities of other active ingredients.

¹State law reference

Tennessee Code Annotated, title 39, chapter 17.

(c) "Person." Any individual, corporation, partnership, trust, limited liability company, firm, association or other entity selling an ephedrine product to customers.

(d) "Sell." To knowingly furnish, give away, exchange, transfer, deliver, surrender or supply, whether for monetary gain or not.

(e) "Package." Any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.

(2) Restrictions on public access to ephedrine products. It shall be illegal to sell, deliver, or distribute ephedrine, pseudoephedrine, their salts, their optical isomers or salts of their optical isomers, without a valid prescription from a physician or other healthcare professional licensed by the State of Tennessee to write prescriptions and filled by a Tennessee licensed pharmacist.

(3) Exception. The prohibition contained in subsection (2) shall not apply to the sale of animal feed containing ephedrine or dietary supplemental products containing nature occurring or herbal ephedra and extract of ephedra.

(4) Reporting theft of ephedrine products (a) Any person who sells ephedrine products and who discovers a theft, disappearance or other loss of an ephedrine product shall report the theft, disappearance, or loss in writing to the Dresden Police Department within twenty-four (24) hours of such a discovery.

(b) Any person who sells ephedrine products shall report to the Dresden Police Department any difference between the quantities of ephedrine products shipped and the quantity of ephedrine products received within twenty-four hours (24) hours of discovery.

(5) Penalty and injunctive relief. (a) Each violation of this section shall be considered a separate offense.

(b) The city recorder may institute an action for injunctive relief to enforce the provisions of this section.

(c) Every act or omission constituting a violation of any of the provisions of this section by any agent or employee of any person shall be deemed and held to be the act of such person, and said person shall be punishable in the same manner as if said act or omission had been done or omitted by him/her or it personally, provided such an act or omission was within the scope of employment or the scope of authority of such agent or employee.

(6) If any term, condition, or provision of this section shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the board of mayor and aldermen that it would have enacted this section without invalid or unenforceable provisions. In the event of a subsequent change in the applicable law so that the provision which had been held invalid is no longer invalid, said provision shall

thereupon return to full force and effect without further action by the city and shall thereafter be binding.

(7) Civil penalty. Any City of Dresden sworn law enforcement officer is hereby empowered to issue a citation to any person for any violation of the provisions of this section. Citations so issued may be delivered in person to the violator or they may be delivered by registered mail to the person so charged if the person cannot be readily found. Any citation so delivered or mailed shall direct the alleged violator to appear in city court on a specific day and at a specific hour stated upon the citation; and the time so specified shall not be less than seventy-two (72) hours after its delivery in person to the alleged violator, or less than ten (10) days of mailing of same. Citations issued for a violation of any of the provisions of this section shall be tried in the city court. The city court judge shall determine whether a defendant has committed a violation of this section. The city shall bear the burden of proof by a preponderance of the evidence. If a defendant pleads guilty or "no contest" to the alleged violation, or is found guilty by the city court judge, the city court judge shall assess a civil monetary fine as a penalty against any person found to have violated any of the provisions of this section, said fine to be in an amount of fifty dollars (\$50.00) for each violation. Each day of violation shall be deemed a separate violation. Each separate package containing any substance containing any ephedrine as defined herein shall be deemed a separate violation. In addition to the civil monetary fine, any defendant who pleads guilty or "no contest" to the alleged violation, or who is found guilty by the city court judge, shall be assess court costs as provided by law, and in addition shall be ordered to pay an administrative fee to the city in an amount to recoup the cost incurred by the city law enforcement agency for any chemical test conducted by or at the request of the law enforcement agency that is used to determine the chemical content of any substance collected from the defendant which formed the basis for any citation charge. Appeal may be had as provided by law. (as added by Ord. #2014-02, Sept. 2013)