

## TITLE 11

### MUNICIPAL OFFENSES<sup>1</sup>

#### CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
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.
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#### CHAPTER 1

#### ALCOHOL<sup>2</sup>

#### SECTION

11-101. Drinking alcoholic beverages in public, etc.

11-102. Minors in beer places.

**11-101. Drinking alcoholic beverages in public, etc.** It shall be unlawful for any person to drink or 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)

**11-102. Minors in beer places.** No person under the age of twenty one (21) shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1988 Code, § 10-203)

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<sup>1</sup>Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

**CHAPTER 2**

**FORTUNE TELLING, ETC.**

**SECTION**

11-201. Fortune telling, etc.

**11-201. Fortune telling, etc.** It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1988 Code, § 10-303)

## CHAPTER 3

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-303. Violation and penalty.

**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, etc. Yelling, shouting, 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, tire squealing, 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) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) City vehicles. Any vehicle of the city while engaged upon necessary public business.

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1988 Code, § 10-502, modified)

**11-303. Violation and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty of up to fifty dollars (\$50) for each offense.

**CHAPTER 4**

**INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL**

**SECTION**

11-401. Impersonating a government officer or employee.

11-402. False emergency alarms.

11-403. Off-street parking regulations.

11-404. Off-street loading and unloading space requirements.

**11-401. 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)

**11-402. 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)

**11-403. Off-street parking regulations.** (1) Number of parking spaces required. In all districts, except the C-2 Central Business District, there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned in this section, the off-street parking requirements shall be determined by the board of zoning appeals.

(a) Automobile/truck repair shop. One (1) space per two-hundred and fifty (250) square feet of gross floor area.

(b) Boarding and rooming houses. One (1) space per each one (1) room occupied by boarders or roomers.

(c) Churches. One (1) space per four (4) seats.

(d) Commercial/general retail/shopping centers. One (1) space per two-hundred and fifty (250) square feet of gross floor area.

(e) Dwellings, single and two-family. Two (2) spaces per dwelling unit.

(f) Dwellings, multi-family. One and one-half (1 1/2) spaces per dwelling unit.

(g) Funeral home/mortuaries. One (1) space per four (4) seats.

(h) Gasoline/mini-mart station. One (1) space at each gas pump plus one (1) space per two-hundred and fifty (250) square feet of gross floor area.

(i) Handicapped/accessible parking spaces. The number of handicapped/accessible parking spaces shall be provided as per ANSI A117.1, Standard for Accessible and Usable Buildings and Facilities [American National Standards Institute].

(j) Home occupations. Each home occupation shall be reviewed by the board of zoning appeals to determine the minimum number of parking spaces needed for the particular use.

(k) Hospitals/convalescent homes/nursing homes. One (1) space per three (3) patient beds.

(l) Hotels/motels/tourist courts. One (1) space per one (1) room or suite.

(m) Manufacturing or other industrial use. One (1) space for each three (3) persons employed or intended to be employed on a single shift, with a minimum of five (5) spaces.

(n) Offices - business, dental, general, government, medical, professional. One (1) space per three hundred (300) square feet of gross floor area.

(o) Private clubs or lodges. One (1) space per three (3) members based on design capacity of facility.

(p) Restaurants. One (1) space per one hundred (100) square feet of gross floor area.

(2) Minimum parking lot site design. To provide for orderly, safe, and systematic circulation within parking areas, off-street parking areas shall meet the following general requirements:

(a) Except for parcels of land devoted to one (1) and two (2) family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

(b) All parking lots shall be designed so as to eliminate surface water ponding and shall be drained without contributing to drainage problems on adjoining property.

(c) Parking spaces. Each parking space shall be a minimum of ten feet (10') in width and nineteen feet (19') in length.

Each handicapped/accessible parking space shall be a minimum of eight feet (8') in width and nineteen feet (19') in length. Such spaces shall have an adjacent access aisle, which shall be a minimum of five feet (5') in width and extend the full length of the parking spaces they serve. For every six (6) handicapped/accessible parking spaces, at least one (1) shall be a van-accessible parking space. Such van-accessible parking space shall have an adjacent access aisle of eight feet (8') in width.

Handicapped/accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance(s).

(d) Minimum width of aisle and back-up areas minimum width of parking lot aisles shall be as follows:

- (i) Ninety degree (90°) parking - twenty-five feet (25')
- (ii) Sixty degree (60°) parking - eighteen feet (18') (twenty-five feet (25') for two (2) way aisle)
- (iii) Forty-five degree (45°) degree parking - (thirteen feet (13') (twenty-five feet (25') for two (2) way aisle)
- (iv) Thirty degree (30°) degree parking - Twelve feet (12') (twenty-five feet (25') for two (2) way aisle)

Back-up or turn-around areas located at the end of dead-end parking aisles shall be a minimum of ten feet (10') in length.

(A) The storage lane for a drive-thru window shall be of adequate length to accommodate the storage of a minimum of eight (8) cars from the ordering station.

(B) Parking lots shall be set back a minimum of five feet (5') from all front, side, and rear property lines. Such areas shall be retained as permanent green space.

(C) A landscaped island a minimum of five feet (5') in width shall be provided at the ends of each parking row. Such islands shall extend the full length of the parking space(s).

(1) Combination of required parking spaces. The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use, except that the parking spaces required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

(2) Remote parking spaces. If the off-street parking space cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred feet (400') of the main entrance to such principal use, provided such land is in the same ownership as the principal use.

(3) Certification of minimum parking requirements. Each application for a building permit for single and two (2) family dwelling shall include information as to the location and dimensions of off-street parking. This information shall be in sufficient detail to enable the building inspector to determine whether or not the



requirements of this section are met. (as added by Ord. #15-229-O, Aug. 2018)

**11-404. Off-street loading and unloading space requirements.** To insure adequate service access for the loading and unloading of delivery vehicles, every building or structure constructed and used for industry or commercial shall provide space for the loading and unloading of such vehicles off the street or public alley. Such space shall be shown on the site plan. (as added by Ord. #15-229-O, Aug. 2018)

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

11-501. Air rifles, etc.

11-502. Throwing missiles.

11-503. Discharge of firearms.

**11-501. 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 bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1988 Code, § 10-701)

**11-502. Throwing missiles.** It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1988 Code, § 10-702)

**11-503. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the municipality. A violation of this section shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. (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.  
11-604. Skateboarding, etc.

**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. (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, 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)

**11-604. Skateboarding, etc.** (1) No person shall use a skateboard, rollerblades or scooters upon any street, sidewalk, right-of-way, public property, or upon any city-owned, operated or controlled parking lots or other city-owned property and facilities, unless the property or area has been designated by the city and posted as a place permitting such activity. For purposes of this section, "skateboard" shall mean a wheeled, self-propelled board of any material designed to transport a rider in a standing position, which board is not otherwise secured to the rider's feet or shoes and to which board there is not affixed any device or mechanism to turn or control the wheels.

(2) No person shall at any time use any bench, table, garbage can or other property belonging to the city as a ramp or jump for skateboarding, rollerblades or scooters at any location within the city.

(3) No person shall use skateboards, rollerblades or scooters upon any private property where such property has been posted as prohibiting such activity.

**CHAPTER 7**

**MISCELLANEOUS**

**SECTION**

11-701. Abandoned refrigerators, etc.

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

11-703. Posting notices, etc.

11-704. Synthetic drugs prohibited.

**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 or otherwise sealing the door in such a manner that it cannot be opened by any child. A violation of this section shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense.

**11-702. Caves, wells, cisterns, etc.** It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. A violation of this section shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense.

**11-703. Posting notices, etc.** No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. A violation of this section shall subject the offender to a penalty of up to fifty dollars (\$50) for each offense. Each posting of such unauthorized notice shall constitute a separate offense.

**11-704. Synthetic drugs prohibited.** (1) Definitions:

(a) "Synthetic drug" as used in this section shall mean:

(i) Any substance, however denominated, and no matter the common street, brand or trade name of such substance, containing one (1) or more of the following chemicals:

(A) Salvia divinorum or salvinorum A: all parts of the plant presently classified botanically as salvia dininorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture, or preparation of such plant, its seeds, or extracts;

(B) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3(2methyloctan-2yl)-6a, 7, 10, 10a-

tetrahydrobenzo[c]chromen-1-ol (some trade or other names being: HU-210);

(C) 1-Pentyl-3-(1-naphthoyl) indole (some trade or other names being: JWH-018);

(D) 1-Butyl-3-(1-naphthoyl) indole (some trade or other names being: JWH-073);

(E) 1-(3(trifluoromethylphenyl)) piperazine (some trade or other names being: TFMPP);

(F) 3, 4-methylenedioxypropylone (MDPV), some trade or other names being: MDPK)

(G) 4-methylmethcathinone (Mephedrone);

(H) 3,4 -- methylenedioxypropylone (Methylone);

(I) 3, - methoxymethcathinone;

(J) 4 - methoxymethcathinone;

(K) 3 - fluoromethcathinone;

(L) 4 - fluoromethcathinone;

(i) Any other substance which mimics the effects of any controlled substance (to include, but not limited to, any opiates, opium derivatives, hallucinogenic substances, methamphetamine, MOMA, cocaine, PCP, marijuana, cannabis, cannabinoids, cannabicyclohexanol, and tetrahydrocannabinol), to include, but not limited to, "bath salts," "plant food," "incense," or "insect repellent," but excluding legitimate bath salts containing as the main ingredient the chemicals sodium chloride (sea salt) and/or magnesium sulfate (Epsom salt), or legitimate plant foods or insect repellent not intended for human consumption, or legitimate incense used as an odor elimination product.

(ii) Any similar substances to the above which when inhaled, or otherwise ingested, may produce intoxication, stupefaction, giddiness, paralysis, irrational behavior, or in any manner, changes, distorts, or disturbs the auditory, visual, or mental process, and the product or substance has no other apparent legitimate purpose for consumers.

(b) "Deliver" or "delivery" as used in this section shall mean the actual, constructive, or attempted transfer from one person to another of a synthetic drug as defined herein, with or without any consideration, and whether or not there is an agency relationship.

(c) "Manufacture" as used in this section shall mean the production, preparation, propagation, compounding, conversion, or processing of any synthetic drug as defined herein, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its

container, except that the term "manufacture" shall not include the preparation, compounding, packaging, or labeling of any synthetic drug as defined herein by:

(i) A practitioner as an incident to administering or dispensing any synthetic drug as defined herein in the course of professional practice; and

(ii) A practitioner, or an authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

(d) "Administer" as used in this section shall mean the direct application of synthetic drug as defined herein, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(i) A practitioner or by the practitioner's authorized agent in the practitioner's presence; or

(ii) The patient or research subject at the direction and in the presence of the practitioner.

(e) "Agent" as used in this section shall mean an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. "Agent" does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(f) "Dispense" as used in this section shall mean to deliver a synthetic drug as defined herein to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(g) "Distribute" as used in this section shall mean to deliver other than by administering or dispensing a synthetic drug as defined herein.

(h) "Practitioner" as used in this section shall mean:

(i) A physician, dentist, optometrist, veterinarian, pharmacist, scientific investigator or other person who is licensed, registered, or otherwise lawfully permitted to distribute, dispense, conduct research with respect to, or to administer a synthetic drug as defined herein in the course of professional practice or research in the State of Tennessee; or

(ii) A pharmacy, hospital or other institution licensed, registered, or otherwise lawfully permitted to distribute, dispense, conduct research with respect to, or to administer a synthetic drug as defined herein in the course of professional practice or research in the State of Tennessee.

(i) "Person" as used in this section shall mean any individual, corporation, partnership, trust, estate, association, organization, business, or any other legal entity.

(j) "Sell" or "sale" as used in this section shall mean a bargained-for or agreed upon offer and acceptance and an actual or constructive transfer or delivery of a synthetic drug as defined herein.

(k) "Production" as used in this section shall mean the planting, cultivating, tending, growing, or harvesting of a synthetic drug as defined in this section.

(l) "Possess" or "possession" as used in this section shall mean either actual possession or constructive possession.

(i) "Actual possession" as used in this section shall mean the exercise of direct physical control or dominion over an object.

(ii) "Constructive possession" as used in this section shall mean the power and intent to exercise control over an object although not in actual physical possession of an object. Possession may be sole or joint and may be inferred from all relevant facts surrounding the circumstances.

(2) Prohibited conduct. (a) It shall be unlawful for any person to use, possess, sell, deliver, distribute, transport, transfer, trade, barter, exchange or purchase any synthetic drug as defined herein, or to attempt to use, possess, sell, deliver, distribute, transport, transfer, trade, barter, exchange or purchase any synthetic drug as defined herein, within the city corporate limits.

(b) It shall be unlawful for any person to publicly display for sale any synthetic drug as defined herein, within the city corporate limits.

(3) Exception. An act otherwise prohibited and unlawful under this section shall not be unlawful if done by or under the direction of a "practitioner" as defined herein, provided such act is otherwise permitted by general law, or to otherwise prohibit substances regulated as controlled substances by the United States Food and Drug Administration or the Drug Enforcement Administration, and is not intended to and shall not be construed to supersede any other federal or state law pertaining to synthetic drugs now or hereafter in effect, but to supplement any such laws in so far as lawfully permitted.

(4) Civil penalty. Any City of Madisonville 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 he 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 synthetic drug 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 assessed 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. #12-188-0, May 2012)