

TITLE 11

MUNICIPAL OFFENSES

CHAPTER

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CHAPTER 1

ALCOHOL¹

SECTION

11-101. Drinking beer, etc., on streets, etc.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful to possess open alcoholic beverages in public places and on streets of the City of Medina, Tennessee.

Anyone found guilty of violation of this section shall be punishable by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00), for each such offense. (Ord. #93-04, ____ 1993)

¹Municipal 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

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Anti-noise regulations.

11-202. Exceptions.

11-203. Violations.

11-201. Anti-noise regulations. It is unlawful to create, emit or cause to be emitted any excessive, loud and disturbing noise. The following shall be prima facie evidence of excessive, loud and disturbing noise:

(1) The use of any musical instrument, radio set, television set, phonograph, or other instrument, machine or device for amplifying, producing or reproducing sound, in such manner as to disturb the peace and comfort of the neighboring inhabitants at any time with louder volume than is necessary for convenient hearing of the persons who are in the room, chamber or in the vicinity in which such instrument, machine or device is operated and who are voluntary listeners thereto. The operation of any such instrument, machine or device between the hours of 9:00 P.M. and 6:00 A.M. in such a manner as to be plainly audible at a distance of fifty feet (50') or more from the building or structure in which it is located shall be prima facie a violation of this section.

(2) Any noise created for the entertainment, enjoyment or benefit of the creator or their guests shall be presumed to be excessive, loud and disturbing if any of the following apply:

(a) The noise is clearly audible for a distance of fifty feet (50') or more from the property line from which the noise emanates; or

(b) The noise occurs between the hours of 9:00 P.M. and 6:00 A.M. and can be heard more than fifty feet (50') beyond the property line from which the noise emanates.

(3) Noise created in vehicles, including a radio, tape or disk player or similar device, or by a device or devices on the vehicle or from the vehicle, other than vehicle horns, shall be a violation of this section and presumed excessive, loud and disturbing if the noise is audible at a distance of fifty feet (50') or more from the vehicle.

(4) Vehicle horn blown when the vehicle or operator is not in immediate danger or when not used to warn or signal immediate and/or eminent danger.

(5) Noise made to attract attention to an event or sale which is audible fifty feet (50') or more from the source.

(6) Persistent barking of a dog or other animal sounds which are audible fifty feet (50') or more from the source between 9:00 P.M. and 6:00 A.M. (Ord. #93-05, ___ 1993, as replaced by Ord. #12-06, July 2012, and Ord. #13-12, Nov. 2013)

11-202. Exceptions. The following shall be exempted from the provisions of § 11-201:

(1) Exterior construction using hammers, power tools or motor driven equipment between the hours of 6:00 A.M. and 9:00 P.M.

(2) Lawnmowers, brush clearing equipment, blowers, and other equipment used for cleaning or maintenance shall be exempted if the equipment meets the following provisions:

(a) The equipment is being operated and used for the purpose for which it was intended.

(b) The equipment is being operated with the use of all sound dampening devices which meet or exceed original equipment.

(c) The equipment is being used between the hours of 6:00 A.M. and 9:00 P.M.

(d) The equipment is used for the limited time required to accomplish the particular work or job activity.

(3) Scheduled events. Any organized public programs, activities, events and parades or other public programs, activities, or events shall be exempted from this section.

(4) Fireworks. The use of fireworks on July 1st, 2nd, 3rd and 5th between the hours of 6:00 A.M. and 10:00 P.M., July 4th between the hours of 6:00 A.M. and 12:00 P.M. and from December 31st at 6:00 A.M. until January 1st at 12:30 A.M.

(a) Any vendor selling fireworks in the City of Milan must display dates and hours that fireworks are exempted under this chapter. (as added by Ord. #13-12, Nov. 2013)

11-202. Violations. A violation of this chapter shall be punishable by a fine not to exceed fifty dollars (\$50.00) for each violation. (as added by Ord. #12-06, July 2012, and renumbered and replaced by Ord. #13-12, Nov. 2013)

CHAPTER 3

FIREARMS, WEAPONS AND MISSILES

SECTION

11-301. Weapons and firearms generally.

11-301. Weapons and firearms generally. It shall be unlawful for any person to discharge a firearm within the corporate limits of the City of Medina, Tennessee.

Anyone found guilty of violation of this section shall be punished by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00), for each such offense. (Ord. #93-07, ___ 1993)

CHAPTER 4

MISCELLANEOUS

SECTION

11-401. Litter.

11-402. Vehicles on walking track.

11-403. Riding bicycles, skateboards etc. on sidewalks in commercially zoned areas and on walking track in North Park prohibited.

11-404. Basketball goals alongside or within public right-of-way.

11-401. Litter. It is the intention of the Mayor and Board of Aldermen of the City of Medina to encourage its citizens and visitors to beautify and keep clean all of the streets and public property of the city.

(1) It shall be unlawful for any person or corporation to litter the streets of the city or to litter any area which is city property, including but not limited to the areas around dumpsters which are provided by the city for city use. It is the intention of this section that anyone leaving bags of trash or any other litter around the dumpsters shall be in violation of this section.

(2) Any person or corporation found guilty of the violation of this section shall be subject to a fine of no less than \$25.00 and no more than \$100.00 for each offense. (Ord. #88-01, March 1988)

11-402. Vehicles on walking track. It shall be unlawful for any person to drive on the park walking track. This includes, but is not limited to: cars, trucks, four wheelers, motorcycles, bicycles, and go-carts.

Anyone found guilty of violation of this section shall be punishable by a fine of not less than fifty (\$50.00) for each offense. (Ord. #02-07, June 2002)

11-403. Riding bicycles, skateboards etc. on sidewalks in commercially zoned areas and on walking track in North Park prohibited. It shall be unlawful for any person to ride, use, or operate a bicycle, roller skates, or roller blades on any sidewalk located within a commercially zoned district in Medina and on the walking track in North Park. Nothing in this section, however, shall be construed to prohibit pedestrians from carrying on walking beside a bicycle, skateboard, roller skates, or roller blades while on sidewalks within said commercially zoned districts or on the walking track in North Park. (Ord. #03-01, Jan. 2003)

11-404. Basketball goals alongside or within public right-of-way.

(1) No portable or fixed basketball goal shall be placed, erected, or maintained on or alongside the right-of-way of any public street within the municipal limits of the City of Medina so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right-of-

way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of fifty dollars per occurrence. (as added by Ord. #04-04, April 2004)

CHAPTER 5

OBSCENITY, MORALS

SECTION

11-501. Pornography.

11-501. Pornography. It shall be unlawful for any person, corporation, partnership or business to sell, lease, rent or in any manner distribute pornography, such as x-rated videos, adult oriented literature, or any other printed matter disseminating pornography within the corporate limits of the City of Medina, Tennessee.

Anyone found guilty of violation of this section shall be punished by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00) for each such offense. (Ord. #93-01, March 1993)

CHAPTER 6

CURFEW FOR MINORS

SECTION

11-601. Purpose.

11-602. Definitions.

11-603. Curfew enacted; exceptions.

11-604. Parental involvement in violation unlawful.

11-605. Involvement by owner or operator of vehicle unlawful.

11-606. Involvement by operator or employee of establishment unlawful.

11-607. Giving false information unlawful.

11-608. Enforcement.

11-609. Violation.

11-601. Purpose. The purpose of this chapter is to: (1) Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the city;

(2) Promote the safety and well-being of minors, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activity, particularly unlawful drug activity, and to being victimized by older criminals; and

(3) Foster and strengthen parental responsibility for children. (as added by Ord. #09-14, Oct. 2009)

11-602. Definitions. As used in this chapter, the following words have the following meanings:

(1) "Curfew hours" means the hours of 11:00 P.M. through 5:00 A.M. each day.

(2) "Emergency" means unforeseen circumstances, and the resulting condition or status, requiring immediate action to safeguard life, limb, or property. The word includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.

(3) "Establishment" means any privately-owned business place within the city operated for a profit and to which the public is invited, including, but not limited to, any place of amusement or entertainment. The word "operator" with respect to an establishment means any person, firm, association, partnership (including its members or partners), and any corporation (including its officers) conducting or managing the establishment.

(4) "Minor" means any person under eighteen (18) years of age who has not been emancipated under Tennessee Code Annotated, § 29-31-101, et seq.

(5) "Parent" means: (a) A person who is a minor's biological or adoptive parent and who has legal custody of the minor, including either parent if custody is shared under a court order or agreement;

(b) A person who is the biological or adoptive parent with whom a minor regularly resides;

(c) A person judicially appointed as the legal guardian of a minor; and/or

(d) A person eighteen (18) years of age or older standing in loco parentis (as indicated by authorization by a parent as defined in this definition for the person to assume the care or physical custody of the minor, or as indicated by any other circumstances).

(6) "Person" means an individual and not a legal entity.

(7) "Public place" means any place to which the public or a substantial portion of the public has access, including, but not limited to: streets, sidewalks, alleys, parks, and the common areas of schools, hospitals, apartment houses or buildings, office buildings, transportation facilities, and shops.

(8) "Remain" means: (a) To linger or stay at or upon a place; or

(b) To fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator, or other person in control of that place.

(9) "Temporary care facility" means a non-locked, non-restrictive shelter at which a minor may wait, under visual supervision, to be retrieved by a parent. A minor waiting in a temporary care facility may not be handcuffed or secured by handcuffs or otherwise to any stationary object. (as added by Ord. #09-14, Oct. 2009)

11-603. Curfew enacted; exceptions. It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the city, to remain in any motor vehicle operating or parked on any public place within the city, or to remain in or upon the premises of any establishment within the city, unless:

(1) The minor is accompanied by a parent; or

(2) The minor is involved in an emergency; or

(3) The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop; or

(4) The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or

(5) The minor is attending an activity supervised by adults and sponsored by a school, religious, or civic organization, by a public organization or agency, or by a similar organization, or the minor is going to or returning from such an activity without detour or stop; or

(6) The minor is on a errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the name, signature, address, and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's

destination(s) and the hours the minor is authorized to be engaged in the errand; or

(7) The minor is involved in interstate travel through, or beginning or terminating in, the City of Medina; or

(8) The minor is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and freedom of assembly. (as added by Ord. #09-14, Oct. 2009)

11-604. Parental involvement in violation unlawful. It is unlawful for a minor's parent knowingly to permit, allow, or encourage a violation of § 11-603 of this chapter. (as added by Ord. #09-14, Oct. 2009)

11-605. Involvement by owner or operator of vehicle unlawful. It is unlawful for a person who is the owner or operator of a motor vehicle knowingly to permit, allow, or encourage a violation of § 11-603 of this chapter using the motor vehicle. (as added by Ord. #09-14, Oct. 2009)

11-606. Involvement by operator or employee of establishment unlawful. It is unlawful for the operator or any employee of an establishment knowingly to permit, allow, or encourage a minor to remain on the premises of the establishment during curfew hours. It is a defense to prosecution under this section that the operator or employee promptly notified law enforcement officials that a minor was present during curfew hours and refused to leave. (as added by Ord. #09-14, Oct. 2009)

11-607. Giving false information unlawful. It is unlawful for any person, including a minor, knowingly to give a false name, address, or telephone number to any law enforcement officer investigating a possible violation of § 11-603 of this chapter. Each violation of this section is punishable by a maximum fine of fifty dollars (\$50.00). (as added by Ord. #09-14, Oct. 2009)

11-608. Enforcement. (1) Minors. Before taking any enforcement action, a law enforcement officer who is notified of a possible violation of § 11-603 shall make an immediate investigation to determine whether or not the presence of the minor in a public place, motor vehicle, or establishment during curfew hours is a violation of that section. If the investigation reveals a violation and the minor has not previously been issued a warning, the officer shall issue a verbal warning to the minor to be followed by a written warning mailed by the police department to the minor and his/her parent(s). If the minor has previously been issued a warning for a violation, the officer shall charge the minor with a violation of § 11-603 and shall issue a citation requiring the minor to appear in court. In either case, the officer shall, as soon as practicable, release the minor to his/her parent(s) or place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours so the parent(s) may

retrieve the minor. If a minor refuses to give an officer his/her name and address or the name and address of his/her parent(s), or if no parent can be located before the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a crisis center or juvenile shelter and/or may be taken to a judge or juvenile intake officer of the juvenile court to be dealt with as required by law.

(2) Others. If an officer's investigation reveals that a person has violated §§ 11-603, 11-604, 11-605, or 11-606 of this chapter and the person has not been issued a warning with respect to a violation, the officer shall issue a verbal warning to the person to be followed by a written warning mailed by the police department to the person. If there has been a previous warning to the person, the officer shall charge the person with a violation and issue a citation directing the person to appear in court. (as added by Ord. #09-14, Oct. 2009)

11-609. Violation. Violation of §§ 11-603, 11-604, 11-605, or 11-606 subsequent to previous warning punishable by fine. A violation of §§ 11-603, 11-604, 11-605, or 11-606 subsequent to receiving a verbal warning as provided in § 11-608 is punishable by a maximum fine of fifty dollars (\$50.00) for each violation. (as added by Ord. #09-14, Oct. 2009)