



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

Non-Compliance with Governor Lee's Executive Order No. 17, 21, and 22

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While we anticipate the vast majority of businesses in our State and within your communities will abide by Governor Lee's Executive Orders Nos. 17, 21, and 22, we have been asked by a number of cities for a recommended course of action for business owners who may refuse to adhere to the regulations and guidelines provided in these three executive orders.

We recommend having printed copies of these three executive orders available for your officers to provide to businesses ordered by the Executive Order to close or otherwise alter current business practices. We anticipate that when law enforcement officers provide copies of the Governor's orders to those business owners not in compliance with these executive orders, they will be persuaded to comply.

For businesses still refusing to comply, we recommend advising the non-compliant business owner of the authority of the city to enforce the Executive Orders and the penalty provision for violating executive orders issued pursuant to the governor's authority under Tennessee Code Annotated title 58, chapter 2. Tennessee Code Annotated § 58-2-120 provides that a person in violation of executive orders such as Executive Order No. 17 commits a Class A misdemeanor. In addition, Tennessee Code Annotated § 68-1-203 provides that "[a]ny person who . . . violates any rule or regulation made in attempting to prevent the spread of any epidemic disease, commits a Class B misdemeanor."

If a business is still refusing to comply, we advise the city to work with the district attorney and initiate charges against the business owner. In addition, or as an alternative, the city may ask the city attorney to prepare written notices to such business owners, warning them that suit will be filed in state court to obtain an order of closure if they do not comply. After service of the letter, if the business is still not in compliance, the city may seek an injunction asking the court to enforce compliance with these executive orders.