

ORDINANCE NO. 58-1

AN ORDINANCE TO CLASSIFY THE ROADS, STREETS, HIGHWAYS AND PUBLIC WAYS OF THE CITY OF BELLE MEADE IN ACCORDANCE WITH THE DESIGN AND CONSTRUCTION OF SAME; AND TO DESIGNATE BY CLASSIFICATION THE LIMITS OF LOADS THAT MAY BE CARRIED OVER SAME, AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR CARRYING EXCESSIVE LOADS; AND PROVIDING PENALTIES FOR THE VIOLATION OF SAME.

WHEREAS, the City of Belle Meade has developed a character as a residential City; and

WHEREAS, under existing ordinances, no property in the city may be devoted to commercial or industrial uses, and no such property is now so used; and

WHEREAS, the roadways, streets and alleyways of the City have been constructed and maintained in a condition suitable for use in a residential area, and have not generally been so constructed as to bear the weight of heavy traffic; and

WHEREAS, the passage of heavy traffic over lightly constructed roadways, streets and alleys, and over bridges and culverts designed for light loads not only hastens their deterioration, but also causes a safety problem with possible liability to the City; and

WHEREAS, the passage of heavy vehicles and especially of heavy trucks over residential streets of narrow width causes congestion of traffic, as well as a safety problem in the movement of traffic; and

WHEREAS, the City has recognized that it has an obligation to its neighbors and those desiring to pass through the City to provide through or arterial streets and roads which are of heavier type construction than purely residential streets, and able to bear the weight of heavier vehicles; and

WHEREAS, Harding Road, also known as U. S. Highway 70 S, maintained by the State of Tennessee, offers a heavy duty four-to-six lane highway for East-West traffic through the City; and

WHEREAS, it is to the best interest of the City and its residents, and consistent with the City's obligations to the public residing outside its limits, to classify its streets and public ways in a reasonable manner, having regard to the nature of their construction and intended use, and to prescribe limits upon the weights of vehicles using same; and

WHEREAS, the increasing use of such public ways requires that immediate action be taken by the City of Belle Meade to prevent great damage to the public ways and great inconvenience and expense to the City of Belle Meade and to the general public in the maintenance, repair and reconstruction of such public ways;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BELLE MEADE, TENNESSEE:

SECTION 1. Three classifications of streets, roads and alleyways within the City are created as follows:

- A. Class "A" streets shall consist of U. S. Highway 70 S., also known as Harding Road.
- B. Class "B" streets shall consist of Belle Meade Boulevard, Lynnwood Boulevard from its northern terminus to its intersection with Harding Place, Jackson Boulevard, Page Road, Glen Eden Drive, Hobbs Road, Abbott Martin Road, Harding Place, Leake Avenue, Tyne Boulevard and Chickering Road.
- C. Class "C" streets shall consist of all other roads, streets or alleys within the City, not specifically included in Classes "A", or "B".

SECTION 2. It shall be lawful to operate a vehicle of any weight, not otherwise prohibited by law, over Class "A" streets.

SECTION 3. It shall be unlawful to operate a vehicle whose gross weight, including its load, shall exceed 18,000 pounds, over Class "B" streets, unless a permit shall have been applied for and issued pursuant to Section 5, below, and unless such permit shall be in the possession of the driver or operator at the time of such operation over such street. Operation of any truck, tractor or freight vehicle over such streets, bearing private carrier or public carrier licenses of the State of Tennessee or of any other State, issued for any class other than Class 1, 2, or 3, as defined in TCA 59-423, shall constitute a prima facie violation of this ordinance.

SECTION 4. It shall be unlawful to operate a vehicle whose gross weight, including its load, shall exceed 8,000 pounds, over Class "C" streets, unless a permit shall have been applied for and issued pursuant to Section 5, below, and shall be in the possession of the driver or operator at the time of such operation over such street. Operation of any truck, tractor, or freight vehicle, over such streets, bearing private carrier or public carrier licenses of the State of Tennessee, issued for any class other than Class 1, as defined in TCA 59-423, shall constitute a prima facie violation of this ordinance.

SECTION 5. It shall be unlawful to operate any truck or truck tractor over any street in the City of Belle Meade unless the declared maximum gross weight, including motor vehicle and load, shall be painted with durable paint in letters and figures not less than four (4) inches in height on the right side of trucks and truck tractors within five (5) feet of the front wheel.

SECTION 6. Upon the filing of a written application signed by the owner of the vehicle for a permit therefor with the City Manager, and if it be made to appear

to the satisfaction of the City Manager from such application that, either

- (a) the operation of a vehicle in excess of the weight limit over a street or streets of any class is necessary in the furtherance of the construction of any building or structure, including driveways or private roads, within the City of Belle Meade, for which a building permit has already been issued by the City of Belle Meade, or in the maintenance of an existing building; or
- (b) the point of origin, or destination of the vehicle is so located within the City that it cannot be reached without violation of the weight limits stated above and that it is not reasonably possible to divide or transfer the load or cargo of the vehicle so as to place same on vehicles whose gross weight will be in compliance with the weight limits stated above;

then, and in either such case, the City Manager shall issue a permit to such owner to pass over any designated streets, despite the weight limitations set out above, which permit shall specify the date or dates on which it shall be valid, the approximate loaded weight of such vehicle, and the route to be followed by such vehicle. Provided, that if in the judgment of the City Manager the proposed load is of such excessive weight that it is reasonably calculated to damage or injure any culvert or bridge along the proposed route, he may, as a condition of granting the permit, require the applicant to post a bond payable to the City with good and sufficient sureties, in such penal sum as in the judgment of the City Manager will adequately indemnify the City against such possible damage.

SECTION 7. Nothing herein shall apply to vehicles of any person, firm or corporation rendering services to the City by contract or agreement with the City, nor to vehicles of any public utility or public body when the same are en route to or from points within the City in connection with the business of the public utility or other public body.

SECTION 8. Where the word "vehicle" or "truck" is used herein, all combinations of vehicles or trucks using a single motive power is intended, and the word "vehicle" shall be understood as including all forms of movable transportation whether self-propelled or not, including equipment used in road building, or construction or excavation of any kind.

SECTION 9. Any person, firm or corporation who violates, disobeys, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this ordinance shall be fined not less than \$5.00 and not more than \$50.00 for such offense. Each instance upon which a failure to comply or violation is found by an enforcement officer of the City of Belle Meade shall constitute a corporate offense.

[Signature]

MAYOR

[Signature]

VICE MAYOR

[Signature]

COMMISSIONER

[Signature]

RECORDER

Passed on First Reading
August 7, 1958.

Passed on Second Reading
August 15, 1958.

Passed on Third Reading and Adopted
October 27, 1958.