

ORDINANCE NO. 71-5

AN ORDINANCE TO ESTABLISH GENERAL PROVISIONS, REGULATIONS AND REQUIREMENTS FOR THE OPERATION AND USE OF MOTOR VEHICLES UPON THE ROADS, STREETS AND HIGHWAYS OF THE CITY OF BELLE MEADE; AND DEFINING CERTAIN TERMS USED HEREIN; AND ESTABLISHING SPEED LIMITS, REGULATION OF TURNING MOVEMENTS, STOPPING AND YIELDING, AND PARKING; AND PROVIDING FOR ENFORCEMENT OF SAME AND PENALTIES FOR VIOLATIONS THEREOF; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY OF BELLE MEADE AS FOLLOWS:

SECTION 1.01 MOTOR VEHICLES REQUIREMENTS. It shall be unlawful for any person to operate any motor vehicle in the corporate limits of the City of Belle Meade unless such vehicle is equipped with properly operating muffler, lights, brakes, horn and such other equipment as is prescribed and required by Chapter 9, Title 59, Tennessee Code Annotated and such amendments thereto as shall hereinafter be enacted.

SECTION 1.02 AUTHORIZED EMERGENCY VEHICLE DEFINED. Authorized emergency vehicles shall be fire fighting vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the Chief of Police of the City of Belle Meade or of the Metropolitan Government of Nashville and Davidson County, or by other competent authority.

SECTION 1.03 OPERATION OF AUTHORIZED EMERGENCY VEHICLES. (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth hereinafter in this Section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this ordinance, proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

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(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one lighted lamp displaying a red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

SECTION 1.04 FOLLOWING EMERGENCY VEHICLES. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

SECTION 1.05 RUNNING OVER FIRE HOSES, ETC. It shall be unlawful for any person to drive over any hose lines or other equipment of any fire department except in obedience to the direction of a fireman or policeman.

SECTION 1.06 DRIVING ON STREETS CLOSED FOR REPAIRS, ETC. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose.

SECTION 1.07 RECKLESS DRIVING. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property.

SECTION 1.08 DRIVING UNDER THE INFLUENCE. No person shall drive or operate any automobile or other motor driven vehicle while under the influence of an intoxicant, or while under the influence of narcotic

drugs, or while under the influence of drugs producing stimulating effects on the central nervous system.

SECTION 1.09 ONE-WAY STREETS. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all interesections offering access thereto, no person shall operate any vehicle except in the indicated direction.

SECTION 1.10 UNLANED STREETS. (1) Upon all unlaned streets of sufficient width a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the municipality for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

SECTION 1.11 LANED STREETS. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary.

SECTION 1.12 YELLOW LINES. On streets with a yellow line placed to the right of any lane line or center line such yellow line shall designate a

no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street.

SECTION 1.13 MISCELLANEOUS TRAFFIC-CONTROL SIGNS, ETC. It shall be unlawful for any pedestrain or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking or device placed or erected by the state or the municipality.

SECTION 1.14 GENERAL REQUIREMENTS FOR TRAFFIC-CONTROL SIGNS, ETC. All traffic-control signs, signals, markings and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U. S. Bureau of Public Roads, and shall, so far as practicable, be uniform as to type and location throughout the municipality.

SECTION 1.15 UNAUTHORIZED TRAFFIC-CONTROL SIGNS, ETC. No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking or device or any railroad sign or signal.

SECTION 1.16 PRESUMPTION WITH RESPECT TO TRAFFIC-CONTROL SIGNS, ETC. When a traffic-control sign, signal, marking or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper municipal authority.

SECTION 1.17 SCHOOL SAFETY PATROLS. All motorists and pedestrians shall obey the directions or signals of school safety patrols, when such patrols are assigned under the authority of the chief of police or other competent authority, and are acting in accordance with instructions; provided, that such persons giving any order, signal or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals.

SECTION 1.18 DRIVING THROUGH FUNERALS AND OTHER PROCESSIONS. Except when otherwise directed by a police officer no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated.

SECTION 1.19 DAMAGING PAVEMENTS. No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street.

SECTION 1.20 CLINGING TO VEHICLES IN MOTION. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley or other public way or place.

SECTION 1.21 RIDING ON OUTSIDE OF VEHICLES. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley or other public way or place to permit any person to ride on any portion of such vehicle not designated or intended for the use of passengers. It shall also be unlawful for the owner or operator of any motor vehicle being operated on a street, alley or other public way or place to permit a greater number persons to ride on or within such vehicles than the seating space provided therein by the manufacturer of such vehicle. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks.

SECTION 1.22 BACKING VEHICLES. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

SECTION 1.23 PROJECTIONS FROM THE REAR OF VEHICLES. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12)

inches square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle.

SECTION 1.24 CAUSING UNNECESSARY NOISE. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle.

SECTION 1.25 VEHICLES AND OPERATORS TO BE LICENSED. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law."

SECTION 1.26 PASSING. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the stree until safely clear of the overtaken vehicle. The driver of the overtaken vehicle sahall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made safely.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety.

BE IT FURTHER ORDAINED AS FOLLOWS:

SPEED LIMITS

SECTION 2.01 IN GENERAL. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway, street or public way in the City of Belle Meade at a rate of speed in excess of thirty (30) miles per hour except where official signs, authorized by resolution adopted by the Board of Commissioners, have been posted indicating other speed limits, in which cases the posted speed limit shall apply.

SECTION 2.02 AT INTERSECTIONS. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets.

SECTION 2.03 IN SCHOOL ZONES AND NEAR PLAYGROUNDS. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or school crossing zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the Board of Commissioners. This section shall not apply at times when children are not in the vicinity of a school or school crossing zone, and when such posted signs have been covered, or rendered inoperative by direction of the chief of police.

SECTION 2.04 IN CONGESTED AREAS. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit and such area have been duly posted by authority of the Board of Commissioners.

TURNING MOVEMENTS

SECTION 3.01 SIGNALS. No person operating a motor vehicle shall make any turning movement which might affect the operation of any other vehicle without first signaling his intention so to do in accordance with the requirements of the state law.

SECTION 3.02 RIGHT TURNS. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.

SECTION 3.03 LEFT TURNS ON TWO-WAY ROADWAYS. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways.

SECTION 3.04 LEFT TURNS ON OTHER THAN TWO-WAY ROADWAYS. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

SECTION 3.05 U-TURNS. U-turns are prohibited.

STOPPING AND YIELDING

SECTION 4.01 UPON APPROACH OF AUTHORIZED EMERGENCY VEHICLES. Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

SECTION 4.02 WHEN EMERGING FROM ALLEYS, ETC. The drivers of all vehicles emerging from alleys, parking lots, driveways or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles.

SECTION 4.03 TO PREVENT OBSTRUCTING AN INTERSECTION. No driver shall enter any intersection or marked cross walk unless there is sufficient space on the other side of such intersection or cross walk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or cross walk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed.

SECTION 4.04 AT RAILROAD CROSSINGS. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

SECTION 4.05 AT "STOP" SIGNS. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the cross walk on the near side of the intersection or, if there is no cross walk, then immediately before entering the intersection and shall remain standing until he can proceed through the intersection in safety.

SECTION 4.06 AT "YIELD" SIGNS. The driver of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted.

SECTION 4.07 AT TRAFFIC-CONTROL SIGNALS GENERALLY. Traffic-control signals exhibiting the words "go", "Caution" or "Stop", or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent cross walk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked cross walk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the cross walk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a cross walk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by

their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made one vehicle-length short of the signal.

SECTION 4.08 AT FLASHING TRAFFIC-CONTROL SIGNALS. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected by the City of Belle Meade it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest cross walk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in Section 4.04 of this Ordinance.

SECTION 4.09 AT PEDESTRIAN-CONTROL SIGNALS. Wherever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the City of Belle Meade, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing.

SECTION 4.10 STOPS TO BE SIGNALLED. No persons operating a motor vehicle shall stop such vehicle whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law, except in an emergency.

PARKING

SECTION 5.01 GENERALLY. Except as hereinafter provided, every vehicle parked upon a street within this City of Belle Meade shall be so parked that its right wheels are parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the City of Belle Meade has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 a. m. and 5:00 a. m. or on any other public street or alley for more than forty-eight (48) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street.

SECTION 5.02 ANGLE PARKING. On those streets which have been signed or marked by the City of Belle Meade for angle parking no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet.

SECTION 5.03 OCCUPANCY OF MORE THAN ONE SPACE. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space.

SECTION 5.04 WHERE PARKING PROHIBITED. No person shall park a vehicle in violation of any sign placed or erected by the municipality, nor:

- (1) On a sidewalk,
- (2) In front of a public or private driveway,
- (3) Within an intersection or within fifteen (15) feet thereof,
- (4) Within fifteen (15) feet of a fire hydrant,
- (5) Within a pedestrian or school children's crosswalk,
- (6) Within fifty (50) feet of a railroad crossing,
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of such entrance.
- (8) Along side or opposite any street excavation or obstruction when other traffic would be obstructed,
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street,
- (10) Upon any bridge,
- (11) Along side any curb painted yellow or red by the municipality.

SECTION 5.05 PRESUMPTION WITH RESPECT TO ILLEGAL PARKING. When any unoccupied vehicle is found parked in violation of any provision of this ordinance there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking.

ENFORCEMENT

SECTION 6.01 IMPOUNDMENT OF VEHICLES. The patrolman and other members of the Police Department of the City of Belle Meade are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove, or cause to be removed from the streets and to impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than forty-eight (48) consecutive hours without permission from the Chief of Police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. In the event a vehicle shall be impounded, same shall be stored until the owner shall claim it, with satisfactory evidence of ownership, and pay all applicable fines and costs, including the actual cost of storage. The fee for impounding a vehicle shall be Ten (\$10.00) Dollars and a storage cost of Two (\$2.00)

Dollars per day shall also be charged.

SECTION 6.02 ISSUANCE OF TRAFFIC CITATIONS. When a patrolman or police officer of the City shall halt a traffic violator, other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the person charged with such violation to answer as specified in the citation shall release such person from custody.

SECTION 6.03 FAILURE TO OBEY CITATION. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued.

SECTION 6.04 ILLEGAL PARKING. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions proposed by this ordinance, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. In the event the owner shall appear and waive his right to a judicial hearing after ten (10) days from the date of violation but before a warrant for his arrest is issued his fine shall be Five (\$5.00) Dollars; if such appearance shall be made after issuance of warrant but before service of same the fine shall include the cost of issuing the warrant.

SECTION 6.05 DISPOSITION OF ABANDONED MOTOR VEHICLES. (a) The Police Department may take into custody any motor vehicle found abandoned on public or private property. In carrying out this activity, the department may employ its own personnel, equipment and facilities or hire

persons, equipment and facilities for the purpose of removing, preserving and storing abandoned motor vehicles.

(b) In the event the Police Department shall take into custody an abandoned motor vehicle, it shall, within fifteen (15) days thereof notify, by registered mail, return receipt requested, the last known registered owner of the motor vehicle and all lien holders of record that said vehicle has been taken into custody. Such notice shall describe the year, make, model and serial number of the abandoned motor vehicle; set forth the location of the facility where the motor vehicle is being held; inform the owner and all lien holders of their right to reclaim the motor vehicle within three (3) weeks after the date of the notice, upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody; and state that the failure of the owner or lien holders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lien holders of all right, title and interest in the vehicle and consent to the sale of the abandoned motor vehicle at a public auction.

(c) If the identity of the last registered owner cannot be determined, if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lien holders, notice by one (1) publication in one (1) newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this ordinance and the laws of Tennessee. Such notice by publication may contain multiple listings of abandoned vehicles. Any such notice shall be within the time requirements prescribed for notice by registered mail, and shall have the same contents required for a notice by registered mail.

(d) The consequences and the effect of a failure to reclaim an abandoned motor vehicle shall be as set forth in a valid notice given pursuant to Tennessee law and the requirements of this ordinance.

(e) If an abandoned motor vehicle has not been reclaimed as provided for hereinabove, the Police Department shall sell the abandoned motor vehicle at a public auction. The purchaser of the motor vehicle

shall take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the Police Department, and upon presentation of such sales receipt the State Department of Revenue shall issue a certificate of title to the purchaser. The sales receipt only shall be sufficient title for purposes of transferring the vehicle to a demolisher for demolition, wrecking or dismantling, and in such case no further titling of the vehicle shall be necessary. The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the costs of towing, preserving and storing the abandoned motor vehicle, and all notice and publication costs incurred pursuant to the requirements of the law and this ordinance. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for ninety (90) days, and shall then be deposited in a special fund which shall remain available for the payment of auction, towing, preserving, storage and all notice and publication costs which result from placing other abandoned vehicles in custody, whenever the proceeds from a sale of such other abandoned motor vehicles are insufficient to meet these expenses and costs. Whenever the City Treasurer of Belle Meade shall find that monies in the special fund are in excess of reserves likely to be needed for the purposes thereof, he may transfer the excess to the general fund, but in such event claims against the special fund, if the special fund shall be temporarily exhausted, shall be met from the general fund to the limit of any transfers previously made thereto pursuant to the provisions of this ordinance.

SECTION 7.01 Any person who shall violate any provision of the foregoing ordinance shall be fined not less than Two (\$2.00) Dollars nor more than Fifty (\$50.00) Dollars for each such violation by the City Court of the City of Belle Meade.

REPEAL OF ALL CONFLICTING ORDINANCES

SECTION 8.01 All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 9.01 The provisions of the foregoing ordinance are hereby declared to be severable, and in the event any portion, section or subsection hereof shall be found invalid by any court having jurisdiction to make such determination, then such invalid portion shall be stricken and the remainder of this ordinance shall remain in effect, it being the intention of the Board of Commissioners to have enacted herein only such portions of this ordinance as shall be deemed valid and constitutional.

Passed First Reading at Meeting of Board of Commissioners the 21 day of July, 1971.

Passed Second Reading at Meeting of Board of Commissioners the 9th day of August, 1971.

Passed Third Reading and Adopted at Meeting of the Board of Commissioners the 1st day of February, 1972.

Bill Bell

Joe Terry

Wain D. Smith

Chas. E. Jew