

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. UNSAFE BUILDINGS.
3. MAINTENANCE CODE.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Adulterated food, drugs, and cosmetics.
- 13-103. Communicable diseases.
- 13-104. Smoke, soot, cinders, etc.
- 13-105. Stagnant water.
- 13-106. Weeds, trees, trash, etc.
- 13-107. House trailers.
- 13-108. Burning leaves, trash, etc.
- 13-109. Fire pits, outdoor fireplaces; grills.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the city manager shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1987 Code, § 8-101)

13-102. Adulterated food, drugs, and cosmetics. It shall be unlawful and a violation of this section for any person to violate within the city any provisions of the state food, drug, and cosmetic laws. (1987 Code, § 8-102)

13-103. Communicable diseases. When there exists or is suspected to exist in any household a communicable disease other than a venereal disease or a common childhood disease, it shall be the duty of any attending physician and the head or other responsible person in such household possessing knowledge of the facts to notify immediately the health officer. The health officer shall thereupon make such investigation and issue such quarantine

¹Municipal code references
 Animal control: title 10.
 Littering streets, etc.: § 16-107.

orders as may reasonably be necessary to protect the public health. It shall be unlawful for any person to violate any such orders of the health officer. (1987 Code, § 8-103)

13-104. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1987 Code, § 8-105)

13-105. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1987 Code, § 8-106)

13-106. Weeds, trees, trash, etc. (1) The following actions or inactions by any person within the City of Belle Meade are hereby declared to be unlawful and nuisances:

(a) For any person to permit or suffer weeds, trees, and/or other vegetation to grow or to allow trash to accumulate on his properties to such an extent that such growth or accumulation is injurious to or likely to imperil the health, safety, and welfare of the residents of the City of Belle Meade and the general public.

(b) For any person to permit or suffer any substance, animal, or thing to accumulate on his property, which substance is or is likely to become a public nuisance, or which is likely to imperil the life, health, or safety of any persons, or which, through the giving off of odors or noises is or is likely to become offensive or injurious to the comfort or safety of the residents and the general public.

(c) For any person to permit the residence or any other buildings or structures on his property to become so dilapidated, or neglected in appearance, as to become offensive or injurious to the senses, comfort, or safety of the residents and the general public.

(2) The city manager of the City of Belle Meade is hereby directed to make regular inspections of all property within the City of Belle Meade, to determine if a violation of subsection (1) exists. In the event he shall find any such violation, he shall cause notice to be forwarded to the last known address of all owners of such property as are shown upon the tax books of the city, which notice shall be forwarded by registered or certified mail, return receipt requested, to such owners, and such notice shall advise the owners of the existence of the condition that is in violation of subsection (1) hereof, and shall further advise that, in the event compliance is not effected within fifteen (15) calendar days from the date of mailing such notice, the City of Belle Meade will

cause such cutting and/or removal to be accomplished, and the expense thereof charged to the property and the owners thereof as shown by said tax books.

(3) The city manager is authorized and directed to prepare and send all such notices as are provided for in subsection (2) hereinabove, and, in the event the cutting and/or removal required by this section shall not have been accomplished in the time allowed in such notice, then the city manager is further authorized and directed to cause such cutting and/or removal to be done at the expense of the City of Belle Meade and to cause an account therefor to be made for each tract or parcel of property upon which such cutting and/or removal is done. The city manager shall then notify the owners of the property of the amount of such expense, in the same manner as provided in subsection (2), and shall further notify such owners that the reimbursement of such expense is required within thirty days from the date of such notice.

(4) All owners of property shall be liable, jointly and severally, for the expense of such cutting and/or removal accomplished by the city upon their property, and the property itself shall be subject to suit or lien for reimbursement of such expenses. In the event the expenses of such cutting and/or removal shall not have been paid within the thirty day period allowed following the notice as hereinabove provided, then the expenses shall be entered upon the tax books of the city as a charge against each such parcel of property whereon such expense was incurred. In the event such expense shall not have been reimbursed by December 1 of the year in which same was incurred, then the city manager shall notify the city attorney of all such amounts so expended, and the city attorney is authorized and directed to institute suits in the name of the City of Belle Meade to recover all sums expended by the city pursuant to the provisions of this section. (Ord. 76-3, §§ 2 - 5. 1987 Code, § 8-108, as amended by ord. 89-8)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the city and unless a permit therefor shall have been first duly issued by the building official. (1987 Code, § 8-104)

13-108. Burning leaves, trash, etc. The burning or setting fire to grassy, or wooded areas, or to accumulations of dead leaves, tree limbs, grass clippings, trash, waste, construction debris, or refuse of any kind, is hereby prohibited. Burning of construction debris in metal drums is not permitted. (Ord. 61-1, § 2. 1987 Code, § 8-109, as replaced by Ord. #2015-2, May 2015)

13-109. Fire pits, outdoor fireplaces; grills. Subject to the provisions of the zoning code and such restrictions as might be imposed by the board of zoning appeals:

(1) Burning is permitted of wood only when contained in outdoor fireplaces, firepits, portable firepits or fire rings that are protected by a minimum three foot (3') diameter of noncombustible material on the ground surrounding the structure containing the fire.

(2) Fires are permitted for outdoor cooking where done with equipment or fireplace designed for such purposes and in a manner not offensive to persons in the vicinity.

(3) All fires allowed under this section can only be conducted under the following circumstances:

(a) The area of the fire must be clear of overhead vegetation;

(b) The owner of the property and the person responsible for the fire shall have a readily available and approved method to control and immediately extinguish the fire;

(c) Open fires cannot be conducted in winds greater than fifteen (15) mph. (as added by Ord. #2015-2, May 2015)

CHAPTER 2

UNSAFE BUILDINGS

SECTION

- 13-201. Unsafe buildings defined, declared nuisance.
- 13-202. Notice to abate; abatement by city.
- 13-203. Occupancy of unsafe buildings; notice of prohibited occupancy.
- 13-204. Appeal and hearing.
- 13-205. Failure of owner, etc., to repair.
- 13-206. Imminent danger situations.
- 13-207. Expenses to be lien.

13-201. Unsafe buildings defined, declared nuisance. All buildings or structures which are unsafe, unsanitary, not provided with adequate egress, which constitute a fire hazard, are otherwise dangerous to human life and property, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment are severally in contemplation of this chapter, unsafe buildings. All such unsafe buildings or structures are hereby declared to be unlawful and constituting a nuisance and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure outlined in this chapter. (1987 Code, § 4-201, as added by ord. 88-2)

13-202. Notice to abate; abatement by city. Whenever the city manager finds any building or structure or portion thereof to be unsafe, as defined in this chapter, he shall cause notice to be forwarded to the last known address of all owners, agents, or other person or persons in control of such building or structure, stating the defects thereof. Said notice shall be forwarded by registered or certified mail, return receipt requested, to such owners, agents, or persons in control, and shall further advise that, in the event abatement of the condition is not effected within thirty (30) calendar days from the date of mailing such notice, the City of Belle Meade will cause the specified repairs or improvements to be accomplished, or the building or structure or portion thereof to be demolished and removed, and the expenses thereof charged to the property and the owners thereof as shown by the tax books of the city. (1987 Code, § 4-202, as added by ord. 88-2)

13-203. Occupancy of unsafe buildings; notice of prohibited occupancy. If necessary, such notice shall also require the building or structure or portion thereof to be vacated forthwith and not re-occupied until the specific repairs and improvements have been completed and a valid certificate of occupancy has been issued. The city manager shall cause to be posted at each entrance to such building or structure a notice stating: "This building is unsafe

and its use or occupancy has been prohibited by the City Manager of the City of Belle Meade." Such notice shall remain posted until the required repairs are made or until demolition is completed. It shall be unlawful for any person, firm, or corporation, their agents or representatives, to remove such notice without written permission of the city manager, or for any person to enter such building or structure except for the purpose of making the required repairs of or demolishing the same. (1987 Code, § 4-203, as added by ord. 88-2)

13-204. Appeal or hearing. The owner, agent, or person in control of a building or structure shall have the right, except in cases of emergency, to appeal from the decision of the city manager, as hereinafter provided, and to appeal before the board of commissioners at a specified time and place to show cause why he should not comply with said notice. All owners of property contiguous to or affected by the unsafe building or structure shall be afforded notice of said hearing in the manner prescribed herein. (1987 Code, § 4-204, as added by ord. 88-2)

13-205. Failure of owner, etc., to repair. In the event that the owner, agent, or person in control of such building or structure cannot be found by the city manager in the exercise of reasonable diligence or if such owner, agent, or person in control shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove such building or structure or portion thereof, the city manager, after having ascertained the cost, shall cause such building or structure or portion thereof to be demolished, secured, or required to remain vacant. (1987 Code, § 4-205, as added by ord. 88-2)

13-206. Imminent danger situations. The decision of the city manager shall be final in cases of emergency, without notice of the owner, which in the city manager's opinion involve imminent danger to human life or health. The city manager shall immediately cause such building, structure, or portion thereof to be made safe or removed. For this purpose the city manager may enter at once such building or structure or premises upon which the same is located, or abutting land or structures, with such assistance and at such costs as he may deem necessary. The city manager may vacate adjacent structures and protect the public by appropriate barricades or other such means as may be necessary, and for this purpose may close a public or private street, alley, or means of access. (1987 Code, § 4-206, as added by ord. 88-2)

13-207. Expenses to be lien. Any and all expense incurred under the requirements of this chapter shall be charged to the owner of the premises involved as shown by the tax books of the city and shall be a lien against the real property upon which such costs were incurred, until paid. (1987 Code, § 4-207, as added by ord. 88-2)

CHAPTER 3**MAINTENANCE CODE****SECTION**

- 13-301. Preamble.
- 13-302. Unlawful acts.
- 13-303. General standard of care.
- 13-304. Vacant dwellings and structures.
- 13-305. Maintenance of the premises.
- 13-306. Maintenance of the exterior of a structure.
- 13-307. Rodent and insect harborage.
- 13-308. Notice of violation.
- 13-309. Hearing before board of building code appeals.
- 13-310. Remedies for violation.
- 13-311. Demolition.
- 13-312. Limitation of liability.

13-301. Preamble. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of their lot, dwelling,¹ other structures and equipment on their lot, collectively referred to herein as the "premises." (as added by Ord. #2011-10, Oct. 2011)

13-302. Unlawful acts. The following actions or inactions by any person within the City of Belle Meade are declared to be unlawful:

(1) It shall be unlawful for a person to be in conflict with or in violation of any of the provisions of title 13, chapter 3 of this code.

(2) Any person failing to comply with a notice served in accordance with § 13-308 shall be deemed guilty of a misdemeanor. If the notice is not complied with, the city shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the premises in violation of the provisions of the Belle Meade Maintenance Code or of the order or direction made pursuant thereto.

(3) No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. (as added by Ord. #2011-10, Oct. 2011)

¹"Lot" is defined at § 14-201(a)(2)(m) of the Belle Meade Municipal Code and "dwelling" is defined at § 14-201(a)(2)(e) of the Belle Meade Municipal Code.

13-303. General standard of care. The owner of the premises shall maintain it in compliance with these requirements, except as otherwise provided for in this code.

(1) A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Both owner and occupants of the premises are responsible for keeping the premises in a clean, sanitary and safe condition.

Premises and/or structures that do not comply with § 13-201, et seq. of the Code of the City of Belle Meade are not in a safe condition and do not comply with the requirements of this chapter.

(2) This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare of persons occupying premises insofar as they are affected by the continued occupancy and maintenance of structures and premises.

(3) Existing premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. (as added by Ord. #2011-10, Oct. 2011)

13-304. Vacant dwellings and structures. All premises, and all vacant land, dwellings and structures, shall be maintained in a clean, safe, secure and sanitary condition as provided herein and to assure the public health or safety. (as added by Ord. #2011-10, Oct. 2011)

13-305. Maintenance of the premises. (1) The premises and all exterior property shall be maintained in a clean, safe and sanitary condition.

(2) All lots shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, and shall comply with all other provisions of this code.

(3) All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(4) All premises shall be maintained free from overgrown landscaping, weeds or plant growth in excess of twelve inches (12").

(a) All noxious weeds shall be prohibited.

(b) Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

(5) Swimming pools, hot tubs and spas, including all fences, covers or other safety features required in connection with swimming pools, hot tubs or spas, shall be maintained in a clean and sanitary condition, and in good repair.

(6) All improvements required by the board of zoning appeals as a condition to the grant of a building permit shall be maintained in good condition and in good repair.

(a) Insofar as landscaping was required by the board of zoning appeals, it shall be installed, maintained and, when necessary, replaced.

(b) The premises shall be maintained in accordance with the applicable building code.

(7) All lots shall be free from any accumulation of rubbish or garbage. As is further described in title 17 of the Code of the City of Belle Meade, every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(a) "Rubbish" is defined as follows: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

(b) Every occupant of the lots shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers in accordance with regulations issued by the City of Belle Meade. (as added by Ord. #2011-10, Oct. 2011)

13-306. Maintenance of the exterior of a structure. (1) The exterior of the premises and the exterior of any structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(2) All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(3) All exterior walls shall be free from holes, breaks, and loose or rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration.

(4) The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(5) All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(6) Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(7) All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(8) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(9) Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(10) All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. (as added by Ord. #2011-10, Oct. 2011)

13-307. Rodent and insect harborage. All premises and exterior property shall be kept free from rodent and insect harborage and infestation. Where rodents or insects are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate harborage and prevent re-infestation. (as added by Ord. #2011-10, Oct. 2011)

13-308. Notice of violation. (1) The City Manager of the City of Belle Meade is hereby directed to cause to be made regular inspections of all premises in the City of Belle Meade to determine if any violation of the Belle Meade Maintenance Code exists.

(2) In the event that the city manager determines that there exists a potential violation of the Belle Meade Maintenance Code, the city manager shall prepare a draft notice of violation ("notice"), prepared in accordance with subsection (3) herein, setting forth the code section of the Belle Meade Maintenance Code that is under review, describing the nature of the violation and appending to the draft notice photographs or other documentation of the violation and, if appropriate, the cost to correct such violation.

(3) Any notice, including the draft notice referenced above, shall be prepared as follows:

(a) Be in writing.

(b) Include a description of the premises and the owner of the premises; additionally, insofar as it is appropriate to the notice, the notice shall identify occupants of the premises.

(c) Include a statement of the violation or violations and why the notice is being issued.

(d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the premises or structure into compliance with the provisions of this code.

(e) Inform the owner of the right to hearing before the board of building code appeals on a date set forth in the notice.

(f) Include a statement directing the owner to the range of remedies available to the city in accordance with § 13-309.

(4) The draft notice prepared in accordance with subsection (3) herein shall be presented to the board of building code appeals for review along with all supporting information, after which the board of building code appeals shall make a determination how to proceed.

(a) The board of building code appeals may direct any additional investigation that it determines necessary to its decision.

(b) If the board of building code appeals determines that a notice should issue, then it shall finalize the notice.

(c) The final notice as approved by the board of building code appeals prepared in accordance with subsection (3) above shall set a date on which a hearing will be held to ascertain whether there has been compliance with the notice.

(d) Insofar as the board of building code appeals determines that there is a violation of the Belle Meade Maintenance Code that presents an immediate risk of harm to the city or its residents:

(i) The board of building code appeals may direct that the city file suit in either the City Court of the City of Belle Meade or the Courts of Davidson County to enforce the Belle Meade Maintenance Code; and/or

(ii) The board of building code appeals may order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the city manager deems necessary to meet such emergency; and direct that city manager employ the necessary labor and materials to perform the required work, including demolition, as expeditiously as possible.

(A) The costs incurred in the performance of emergency work shall be paid by the City of Belle Meade.

(B) The city attorney shall institute appropriate action against the owner and/or occupant of the premises for the recovery of such costs. (as added by Ord. #2011-10, Oct. 2011)

13-309. Hearing before board of building code appeals. At the hearing scheduled in accordance with § 13-308(4)(c) above, the board of building code appeals may take any of the following actions:

(1) Upon advice by the city manager of compliance with the notice, no further action will be required and any fines that could have been assessed shall be automatically waived;

(2) Upon advice by either the city manager or the owner of a dispute regarding compliance with the notice, a hearing upon whether there has been compliance with the notice, and a judgment that:

(a) There has been compliance with the notice, the city shall waive its right to a fine (as might be assessed in accordance with § 13-310(1) below) and no additional action is required;

(b) There has not been compliance with the notice and that the matter should be referred to the city for prosecution along with a recommendation of the board of building code appeals of the sanction that should be sought by the city; and

(c) If necessary, that the city institute an action in the Courts of Davidson County to order compliance with the actions required by the notice; or

(d) That additional action is required, in which event an amended notice shall issue and a new hearing date scheduled for a hearing on the new notice. (as added by Ord. #2011-10, Oct. 2011)

13-310. Remedies for violation. (1) Upon determination of the board of building code appeals as set forth in § 13-309(2)(b) above, any person who fails to comply with the notice, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws.

(a) Each day that a violation continues after notice has been served shall be deemed a separate offense and subject to a fine.

(b) The fine for each offense may be in an amount up to fifty dollars (\$50.00) a day.

(2) The imposition of the remedies herein prescribed shall not preclude the city from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of the premises, or to stop an illegal act, conduct, business or utilization of the premises.

(3) It shall be unlawful for the owner of any dwelling premises who has received a notice to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the notice have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the notice and shall furnish to the city manager a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice and fully accepting the responsibility without condition for making the corrections or repairs required by such notice.

(4) If the board of building code appeals determines that the owner of the premises fails to comply with the notice, the city shall cause a lien to be placed upon the real estate for all costs incurred by the city in connection with the notice, and the actions required by the notice. (as added by Ord. #2011-10, Oct. 2011)

13-311. Demolition. After notice in accordance with § 13-308 above and hearing in accordance with § 13-309 above, a structure may be ordered demolished and removed subject to the following terms and conditions:

(1) Any premises that is:

(a) So old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy; and

(b) Cannot be reasonably repaired shall be ordered demolished and removed by the board of building code appeals.

(2) Any structure on which there has been a cessation of normal construction for a period of more than two (2) years shall be ordered demolished and removed by the board of building code appeals.

(3) Provided, however, if, after hearing in accordance with § 13-309 above, the board of zoning appeals finds that such structure is capable of being made safe by repairs, then the owner, at the owner's option, may elect to demolish and remove the structure, or to repair and make safe and sanitary the structure, on such terms and conditions as may be imposed by the board of building code appeals in its sole discretion.

(4) Any costs incurred by the City of Belle Meade in the enforcement of this provision shall be borne by the owner.

(a) If the owner fails to comply with an order issued in accordance with this provision, then the City of Belle Meade may enforce the order and incur costs that shall be paid by the City of Belle Meade.

(b) The city attorney shall institute appropriate action against the owner and/or occupant of the premises for the recovery of such costs. (as added by Ord. #2011-10, Oct. 2011)

13-312. Limitation of liability. (1) The city manager, members of the board of building code appeals, building inspector or employee charged with the enforcement of this code, while acting for the City of Belle Meade, shall not thereby be rendered liable personally, and are hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

(2) Any suit instituted against any officer, employee or board member because of an act performed by that officer, employee or board member in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the City of Belle Meade until the final termination of the proceedings.

(3) The city manager, employee, officer or board member, or any subordinate, shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code, when acting in good faith and without malice, and shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. (as added by Ord. #2011-10, Oct. 2011)